ARE YOU READY TO WEATHER THE STORM: AFTERMATH OF HURRICANES HARVEY AND IRMA

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Hurricane Harvey hits Houston
Hurricane Harvey- Cat 4

August 12-31, 2017

- Dropped a record 61 inches of rain near Houston
- 108 Deaths
- Estimated $125B in economic loss
  - In Texas 48,700 homes were affected
  - 31,000 people left homeless

Specific Impact- McKesson Specialty Health:

- McKesson Specialty Health (MSH) is:
  - Distributor of specialty drugs, including cancer therapies
  - Management company for over 1800 cancer physicians at 425 practice sites (many in Texas and Florida)
  - Specialty Pharmacy for cancer therapies
- During the hurricanes
  - Set up mobile clinics/ treatment centers to continue cancer treatments for 1400 patients
  - Specifically drove medications to patients in need when Fedex and UPS suspended delivery into Houston area
  - Opened up our warehouses to become command centers for American Red Cross
Hurricane Irma Strikes South Florida

Hurricane Irma- Cat 4
August 30-Sept. 16, 2017

- 146 Deaths
- Estimated $54B in economic loss
  - In Florida, 65,000 structures damaged
- 6.5M people ordered to evacuate
  - 191,764 people evacuated to 700 emergency shelters
Irma’s Impact

- 435 healthcare centers evacuated ahead of Irma.
  — Including 61 nursing homes and 280 ALFs

- 35 Florida hospitals closed as Irma approached.

- By the morning of September 12th, 54 Florida hospitals were operating on backup generators.

Specific Impact – Jackson Health System:

- Provided shelter for family members of patients;
- Provided shelter for expectant mothers who met certain criteria + 1 guest (no children or pets);
- Housed more than 3800 nurses, doctors, and healthcare workers who “moved in” during the storm and stayed for longer than 48 hours;
- Over 2 days, food services teams prepared more than 20,000 meals and ER saw more than 800 patients/day (300 above average);
- OB/GYN resident and a fire rescue dispatcher talked 23-year-old patient and her boyfriend through delivery of their baby and tying off the placenta.
Financial Impact on Jackson Health System
From Hurricanes:

1. Irma
2. Maria

**APPROXIMATELY $10 MILLION!**

- Almost entirely labor expenses
- Approximately $1 million reimbursable under FEMA

So… what do hurricanes have anything to do with Health Care Compliance?
CMS Emergency Preparedness Rule


Purpose: Establish national emergency preparedness requirements to ensure adequate planning for both natural and man-made disasters, and coordination with federal, state, tribal, regional and local emergency preparedness systems.

- Requirements apply to all 17 provider and supplier types.

- Each provider and supplier has its own set of Emergency Preparedness regulations incorporated into its set of conditions or requirements for certification.

- Must be in compliance with Emergency Preparedness regulations in order to participate in the Medicare or Medicaid program.
## CMS Emergency Preparedness Rule

### Providers/Suppliers

Facilities Impacted by the Emergency Preparedness Rule

1. Hospitals
2. Religious Nonmedical Health Care Institutions (RNHCIs)
3. Ambulatory Surgical Centers (ASCs)
4. Hospices
5. Psychiatric Residential Treatment Facilities (PRTFs)
6. All-Inclusive Care for the Elderly (PACE)
7. Transplant Centers
8. Long-Term Care (LTC) Facilities
9. Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IID)
10. Home Health Agencies (HHAs)
11. Comprehensive Outpatient Rehabilitation Facilities (CORFs)
12. Critical Access Hospitals (CAHs)
13. Clinics, Rehabilitation Agencies, and Public Health Agencies as Providers of Outpatient Physical Therapy and Speech-Language Pathology Services
14. Community Mental Health Centers (CMHCs)
15. Organ Procurement Organizations (OPOs)
16. Rural Health Clinics (RHCs) and Federally Qualified Health Centers (FQHCs)
17. End-Stage Renal Disease (ESRD) Facilities

### Compliance Deadline: November 15, 2017

1. Four core elements:
   - Risk Assessment and Emergency Planning
   - Policies and Procedures
   - Communication Plan
   - Training and Testing
2. Facility Transfer Agreements in place
3. CMS Online Training for Emergency Preparedness
CMS Emergency Preparedness Rule

Risk Assessment and Emergency Planning

- Develop an emergency plan based on a risk assessment.
- Perform risk assessment using an “all-hazards” approach, focusing on capacities and capabilities.
- Update emergency plan at least annually.

CMS Emergency Preparedness Rule

Policies and Procedures

- Develop and implement policies and procedures based on the emergency plan and risk assessment.
- Policies and procedures must address a range of issues including subsistence needs, evacuation plans, procedures for sheltering in place, tracking patients and staff during an emergency.
- Review and update policies and procedures at least annually.
**CMS Emergency Preparedness Rule**

**Communication Plan**

- Develop a communication plan that complies with both Federal and State laws.
- Coordinate patient care within the facility, across health care providers, and with state and local public health departments and emergency management systems.
- Review and update plan annually.

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**CMS Emergency Preparedness Rule**

**Training and Testing**

- Develop and maintain training and testing programs, including initial training on policies and procedures.
- Demonstrate knowledge of emergency procedures and provide training at least annually.
- Conduct drills and exercises to test the emergency plan.
CMS Emergency Preparedness Rule

Facilities are expected to meet all Training and Testing Requirements by the implementation date (11/15/17).

Participation in a full-scale exercise that is community-based or when a community-based exercise is not accessible, an individual, facility-based exercise.

Conduct an additional exercise that may include, but is not limited to the following:

A second full-scale exercise that is individual, facility-based.

A tabletop exercise that includes a group discussion led by a facilitator, using a narrated, clinically-relevant emergency scenario, and a set of problem statements, directed messages, or prepared questions designed to challenge an emergency plan.

Waivers

When the President declares an emergency or disaster and the Secretary of HHS declares a public health emergency, the Secretary may temporarily waive or modify certain Medicare, Medicaid, and other Federal health care program requirements to ensure that sufficient health care items and services are available to meet the needs of beneficiaries in the emergency area, such that providers can be reimbursed and exempted from sanctions (absent any determination of fraud or abuse).
Waivers

Examples:

- Hospitals: Housing acute care patients in excluded distinct part units; Relocating psych/inpatient rehab unit patients to an acute care bed/unit; EMTALA waivers
- Critical Access Hospitals: limits on number of beds (25) and length of stay (96 hours)
- SNF: 3-day prior hospitalization for coverage
- Home Health: timeframes related to OASIS
- Replacement Prescription Refills

Hurricanes and HIPAA

Emergency Situations: Preparedness, Planning, and Response

- Interactive decision tool to help users appropriately obtain health information for their public safety activities (i.e., how to gain access to and use health information about persons with disabilities)
- Designed for covered entities as well as emergency preparedness and recovery planners
- Process flow AT-A-GLANCE

www.hhs.gov/hipaa/for-professionals/special-topics/emergency-preparedness
Hurricanes and HIPAA

WAIVERS

— If the President declares an emergency or disaster and the Secretary of HHS declares a public health emergency, the Secretary may waive sanctions and penalties against a covered hospital that does not comply with certain provisions of the Privacy Rule. **The Privacy Rule remains in effect.** The waivers are limited and apply only for limited periods of time.

www.hhs.gov/hipaa/for-professionals

Hurricanes and HIPAA

— Hurricane Harvey & HIPAA Bulletin
— Limited Waiver of HIPAA Sanctions and Penalties During a Declared Emergency
— More on HIPAA Privacy and Disclosures in Emergency Situations
— FAQs: HIPAA waiver during a national or public health emergency
What Jackson did to be “hurricane prepared”

- Annual mandatory on-line education modules included hurricane readiness.
- June 27, 2017 – “Jackson In Action” – A Message from the Corporate Director, Division of Public Safety
  - Informed all employees of the 2017 Jackson Hurricane Response Plan (and included a link to the document)
  - Advised of the emergency management notification system that was launched in 2016
    - Employees receive real-time texts and email messages

Some were not adequately prepared…
14 Hollywood Nursing Home Patients Die

The Rehabilitation Center at Hollywood Hills

- Irma wiped out A/C – Power was lost on September 10th
- Staff “monitored” 150 patients September 10th-12th
- Staff began to call 911 on September 12th
- Sept 13th – Patients evacuated to hospital across the street
- Shortly after evacuation, FPL crew arrived and restored A/C’s power within 20 minutes
- Deaths were ruled homicides
- 242 other Florida nursing homes lost power

Back-up Power Sources Are Now Required

- February/March 2018 – FL legislature approved rule requiring backup power sources in all 577 Florida nursing homes and in all assisted living facilities.
- Each facility must have a generator capable of keeping the facility at 81 degrees or lower for at least 4 days.
- And, must have 72 hours of fuel on site (48 hours if ALF <17 beds).
- Rule originally proposed last September by Gov. Rick Scott and the Agency for Health Care Administration (AHCA)
  - Below 80 degrees / 96 hours of fuel on site / by November 1, 2017
- Must be in compliance by July 1, 2018
  - AHCA can grant extension until January 1, 2019
Florida Health Care Association
Florida’s Advocate for Long Term Care Providers and the Elders They Serve

- Emergency Management Guide for Nursing Homes
- Disaster Preparedness Guide for Assisted Living Facilities
- Emergency Preparedness Training and Exercise Guide for Nursing Homes
- The Nursing Home Incident Command System
- National Criteria for Evacuation Decision-Making in Nursing Homes
- Defining Emergency Operations Basic Plan Elements
- CMS Emergency Preparedness Checklist

Questions???