

February 29, 2024

The Honorable Xavier Becerra
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, DC 20201

RE: Ongoing Change Healthcare Outage's Effects on LTC/PAC Providers

Secretary Becerra:

The American Health Care Association and National Center for Assisted Living (AHCA/NCAL) represent over 14,000 long-term and post-acute care providers across the United States and aim to improve lives by delivering solutions for quality care. As an Association, and on behalf of our membership and those entrusted to their care, we are grateful for your leadership while coordinating response activities related to the recent cyberattack affecting Change Healthcare. The nation's nursing homes are experiencing significant challenges with claims submissions, timely payment for services provided, and reconciling remittances within standard workflows while Change Healthcare's services remain offline. **Timely payments are essential for facilities to maintain daily operations and to keep their doors open for residents and patients, and we request your support for providers to access accelerated payments.** We look forward to ongoing collaboration with the Department of Health and Human Services (HHS) and the Centers for Medicare and Medicaid Services (CMS) and ask for your support for long-term and post-acute care providers until the ongoing outage is resolved.

While skilled nursing facility (SNF) providers conduct multiple clinical and operational activities that utilize impacted technologies, we are most concerned about their ability to obtain timely payments. For those providers experiencing difficulty submitting claims or receiving payments due to this ongoing issue, the currently available Medicare accelerated payment policies described in the Medicare Financial Management Manual, [Chapter 3, Section 150](#), are an appropriate and immediate option for impacted providers to preserve cash-flow as the issue awaits resolution. Accelerated payments have been an extremely useful life preserver for many providers in times of financial difficulties, including during the recent COVID-19 public health emergency.

AHCA/NCAL is providing information and education to our members on utilizing their rights to request an accelerated payment from their Medicare Administrative Contractor (MAC.) However, we believe it would be especially helpful for HHS and CMS to educate impacted providers about this relief option as soon as possible, as most SNF providers will begin submitting claims for February dates of service during the first week of March.

Specifically, we request that HHS and CMS:

1. Announce that providers are eligible for advanced payments. The current HHS criteria allows for this as *“in highly exceptional situations where CMS deems an accelerated payment is appropriate.”*

2. Instruct the MACs to notify providers that if their claims processing capabilities have been impacted, they have the right to request an accelerated payment, and to provide instructions on how the request should be submitted to the MAC.
3. Encourage Medicare Advantage plans to provide some form of advance payment option for providers whose claims processing is impacted by the Change Healthcare issue until this is resolved.
4. Maintain efforts to support transparency and clear communication from Change Healthcare with providers.
5. Advise State Health Departments and Survey Agencies of the operational and financial challenges associated with this event to contextualize grievances from residents or family members and reduce unnecessary citations or complaint surveys related to factors outside of the direct control of facilities.
6. Assess whether this event is reasonably expected to adversely impact value-based care programs and reimbursement structures to minimize adverse impacts to participating providers.

In addition to these direct communications with providers, MACs, Medicare Advantage plans, and State Medicaid Agencies, we appreciate your support throughout the general navigation of this evolving situation and its pervasive, multi-sector impacts. We are grateful for your partnership and ready to collaborate to deliver solutions. If AHCA/NCAL may be of any assistance, please feel free to have a member of your team advise, and we will be glad to engage.

Respectfully submitted,

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Mark Parkinson
President and Chief Executive Officer
American Health Care Association/National Center for Assisted Living

CC: The Honorable Chiquita Brooks-LaSure, Administrator
Centers for Medicare & Medicaid Services