

February 10, 2021

Senator Mia Costello
Chair, Senate Labor & Commerce Committee
State Capitol Room 119
Juneau AK, 99801

Re: Alaska Regional Hospital Supports SB 56

Dear Senator Costello:

As Interim CEO of Alaska Regional Hospital, I am writing in strong support of Senate Bill 56, the extension of Alaska's Public Health Disaster Emergency Declaration in response to COVID-19 (Declaration).

On March 11, 2020, a patient presented to the emergency department at Alaska Regional Hospital with symptoms of the coronavirus. This patient was Alaska's first COVID-19 positive patient. Our team of frontline health care workers were ready then, and we are ready now to care for COVID-19 patients. The Declaration and corresponding access to waivers offered by Centers for Medicare & Medicaid Services (CMS), are vital to patient care and employee safety during the pandemic.

During emergencies such as the pandemic, the Centers for Medicare & Medicaid Services (CMS) is authorized to issue waivers from Medicare, Medicaid, or CHIP requirements to help beneficiaries maintain access to care. "Blanket Waivers" are issued for an emergency area when CMS makes the determination that providers would be better able to provide residents needed health care with flexibilities and/or waiver of requirements.

In response to the COVID-19 pandemic, CMS issued approximately 125 "Blanket Waivers" to better position providers to respond to the needs of patients. In this package, 20 specific waiver flexibilities may only be implemented if "... *not inconsistent with a state's emergency preparedness or pandemic plan.*"¹ If the declaration expires we are concerned health care providers in Alaska may no longer be able to access these flexibilities. Without a disaster declaration, there is no emergency plan in place by which to measure consistent with the CMS blanket waivers.

Alaska Regional Hospital is consulting with our legal team to understand how our patients, staff, and services would be impacted if the Declaration expires. Our initial findings conclude the following:

- Closure of our COVID Unit. The build-out of our COVID Unit was completed on an expedited timeframe to meet the health care needs of Alaskans who contracted COVID-19 while reducing exposure risks for front line health workers. Some elements of the COVID Unit may not meet code for the physical environment of care.

¹ <https://www.cms.gov/files/document/summary-covid-19-emergency-declaration-waivers.pdf>

- Loss of the waiver which allows hospitals to partner on off-site COVID-19 testing and alternative care sites, such as the Alaska Airlines Center.
- No waiver of provisions of the federal Emergency Medical Treatment & Labor Act (EMTALA) that allowed Alaska Regional Hospital to set up a isolated triage area for patients presenting to the Emergency Department with COVID-19 symptoms.
- Waiver of requirements under 24 CFR §482 to allow use of practitioners to the fullest extent possible, placing limitations on practitioners and the health care workforce
- Ends the expedited professional licensure and renewal process

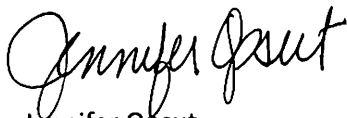
SB 56 contains key provisions that provide flexibilities for professional and occupational licensing (Section 5), telemedicine and telehealth (Section 6), and fingerprinting (Section 7). These state flexibilities are key for Alaska Regional Hospital to respond to staffing needs. Without these flexibilities, state processes will delay our ability to increase staffing levels and bring on new provider types quickly if we experience a patient surge or to respond to staff burnout due to the ongoing pandemic.

If the Committee considers vehicles other than extension of the Public Health Disaster Emergency Declaration to provide relief from state processes, we encourage careful consideration of the time needed for enabling legislation and/or regulations to take effect in relation to the expiration date of the current Declaration. We also encourage the State of Alaska request written confirmation from CMS on the ability for health care facilities in Alaska to access the flexibilities offered under the blanket waivers without a Declaration. Ensuring we are operating within the scope of our license is critical. We need clarification from CMS in order to continue some of the services and programs we have instituted in response to the pandemic.

The number of COVID-19 cases reported each day has been going down and Alaska's vaccine distribution rate is one of the best in the country. We are making progress! It is not the time to drop our guard. We need to have all tools available to continue our progress. Ensuring residents, business owners, and local jurisdictions are eligible for federal programs designed to keep people working and businesses open is crucial for Alaska's short- and long-term economic recovery. We simply do not know what's next with the virus or in terms of help from the federal government. Alaska's economy has been hit hard. We need to make sure local businesses have access to all possible programs and resources so they can stay open.

Senate Bill 56 is critical for Alaska's health care system. It has been a long battle for nurses, food services workers, respiratory therapists, social workers, CNA's, facilities crews, doctors, radiology techs, phlebotomists, and other front-line health care workers. While we are making progress in Alaska, we are still battling a global pandemic. We need every tool and flexibility to continue safely caring for patients and protecting the health and wellbeing of our staff and physicians. Thank you for your careful consideration of this legislation.

Sincerely,



Jennifer Opsut
Interim CEO