



# SENATE BILL 445: Reg. Relief for Hospitals in Disaster Zones.

2025-2026 General Assembly

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<b>Committee:</b> Senate Rules and Operations of the Senate	<b>Date:</b> April 29, 2025
<b>Introduced by:</b> Sen. Jarvis	<b>Prepared by:</b> Jason Moran-Bates
<b>Analysis of:</b> Second Edition	Staff Attorney

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**OVERVIEW:** *Senate Bill 445 would, if the U.S. Secretary of Health and Human Services issues a temporary waiver or modification of requirements for Medicare, Medicaid, and Children’s Health Insurance Program (CHIP), or extended care services in an emergency area, automatically waive or modify rules pertaining to hospitals to the extent necessary to be consistent with the federal waiver or modification.*

**BACKGROUND:** Section 1135 of the Social Security Act (42 U.S.C. § 1320b-5) allows the U.S. Secretary of Health and Human Services (Secretary) to temporarily waive or modify certain Medicare, Medicaid, and Children’s Health Insurance Program (CHIP) requirements in emergency areas to ensure that (i) sufficient health care items and services are available to meet the needs of individuals enrolled in Social Security Act programs in the emergency area and time periods, and (ii) providers who give such services in good faith can be reimbursed and exempted from sanctions (absent any determination of fraud or abuse). Examples of waivers or modifications under this section include:

- Suspending certain preapproval requirements to expedite treatment.
- Allowing providers with out-of-State licenses to practice in emergency areas.
- Allowing hospitals to provide screening/triage of patients at a location offsite from the hospital’s campus.
- Allowing hospitals to house patients in units not otherwise appropriate under the Medicare Conditions of Participation or for a duration that exceeds regulatory requirements.
- Allowing temporary increases in certified bed capacity for hospitals and nursing homes.

Section 1812(f) of the Social Security Act (42 U.S.C. § 1395d) allows the Secretary to waive the Medicare skilled nursing facility (SNF) three-day inpatient hospital stay requirement in an emergency area. This allows Medicare recipients to qualify for SNF care without first staying in a hospital for three consecutive days.

**CURRENT LAW:** G.S. 131E-84(a1) allows the Division of Health Service Regulation of the Department of Health and Human Services (Division) to waive rules of the Commission for Public Health (Commission) pertaining to hospitals or allow a hospital to temporarily increase its bed capacity in the event of any of the following:

- Declaration of a state of emergency by the Governor, declaration of a national emergency by the President of the United States, or declaration of a public health emergency by the Secretary.

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- Issuance of a temporary waiver or modification under 1135 or 1812(f) of the Social Security Act by the Secretary or the Centers for Medicare and Medicaid Services. In this case, the Division may only waive Commission rules pertaining to hospitals or increase bed capacity to the extent necessary to be consistent with the federal waiver.
- Determination by the Division of the existence of an emergency that poses a risk to the health or safety of patients.

**BILL ANALYSIS:** Senate Bill 445 would, if the Secretary or the Centers for Medicare and Medicaid Services issue a temporary waiver or modification under Section 1135 or 1812(f) of the Social Security Act, automatically waive or modify Commission rules pertaining to hospitals to the extent necessary to be consistent with the federal waiver or modification. The waiver or modification would last at least until the federal waiver or modification expires. The Division would be allowed to further waive or modify any rules of the Commission if the waiver or modification reduces regulatory requirements on hospitals in a manner consistent with federal law.

**EFFECTIVE DATE:** This act would be effective when it becomes law.

*\*\*\*Chris Saunders of the Legislative Analysis Division substantially contributed to this summary.*