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# CMS Provides COVID-19 Guidance to Programs of All-Inclusive Care for the Elderly (PACE) Organizations

## SUMMARY

**On March 17, 2020, CMS issued guidance to all Programs of All-Inclusive Care for the Elderly (PACE) organizations in response to the 2019 Novel Coronavirus (COVID-19) pandemic. The guidance, which is part of the White House Coronavirus Task Force efforts, provides information to PACE organizations regarding accepted policies and standard procedures for infection control, and provides flexibility in regards to the standard organizational requirements.**

PACE is a Medicare and Medicaid program that assists people in meeting their health care needs in the comfort of their home instead of going to a nursing home or other care facility. The PACE program provides comprehensive, community-based geriatric care to Medicare and Medicaid beneficiaries. Although there are state-specific requirements, generally to be eligible for PACE a patient must be enrolled in Medicare or Medicaid, be fifty-five (55) or older, live in the service area of a PACE organization, require a nursing home level of care, and be able to live safely in the community with the assistance of the PACE organization. PACE organizations enhance the quality of life and autonomy of the patient by enabling the patient to live in the community as long as possible, and preserving the support of the patient's family unit.

CMS's COVID-19 guidance stated that CMS recognizes PACE organizations may need to implement infection control strategies to mitigate the spread of COVID-19, even if those strategies are not in full compliance with CMS requirements. CMS will use discretion and take these circumstances into consideration when conducting monitoring and oversight activities of PACE organizations. This easing of regulation will allow PACE organizations to use telehealth to provide patient assessments that would typically be conducted in-person.

In addition, CMS is waiving prior authorization requirements for Medicare Part D prescriptions and providing flexibility on "refill-too-soon" edits, allowing PACE organizations to obtain a maximum extended day supply of those prescriptions. PACE participants can also obtain Medicare Part D prescriptions via home or mail delivery.

Saul Ewing Arnstein & Lehr's lawyers can assist health care organizations in complying with the PACE program and its related regulations. For questions about how this guidance affects your practice or company, please reach out to the authors of this article.

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