

## Discretionary Enforcement of Certain Local and National Coverage Determinations During the PHE

CMS is loosening some policies and regulations for National Coverage Determinations (NCDs) and Local Coverage Determinations (LCDs) as part of the sweeping, temporary changes that are taking place to avoid exposure risks to health care providers, patients, and the community during the pandemic.

On an interim basis, CMS is finalizing that to the extent an NCD or LCD, and its related article, would otherwise require a face-to-face or in-person encounter for evaluations, assessments, certifications or other implied face-to-face services, those requirements would not apply during the pandemic. It should be noted that this does not confer changes to the clinical indications of coverage for any LCD or NCD unless specifically indicated below.

Also, in order to provide maximum flexibility to practitioners in caring for their patients, clinical indications for certain respiratory, home anticoagulation management, and infusion pump policies will not be enforced during the pandemic.

Policies affected include, but are not limited to:

- [NCD 240.2](#) Home Oxygen
- [NCD 240.4](#) Continuous Positive Airway Pressure for Obstructive Sleep Apnea
- [LCD L33800](#) Respiratory Assist Devices (ventilators for home use)
- [NCD 240.5](#) Intrapulmonary Percussive Ventilator
- [LCD L33797](#) Oxygen and Oxygen Equipment (for home use)
- [NCD 190.11](#) Home Prothrombin Time/International Normalized Ratio (PT/INR) Monitoring for Anticoagulation Management
- [NCD 280.14](#) Infusion Pumps
- [LCD L33794](#) External Infusion Pumps

Once the PHE is over, enforcement of clinical indications for coverage will resume.

Lastly, where NCDs and LCDs require specific practitioner type of specialty to furnish or supervise a service, for the duration of the COVID-19 crisis, CMS will allow the chief medical officer or equivalent to authorize another physician specialty to meet those requirements.

Additional information on this topic may be referenced in the:

- CMS document entitled “Physicians and Other Clinicians: CMS Flexibilities to Fight COVID-19” dated 3/30/2020  
<https://www.cms.gov/files/document/covid-19-physicians-and-practitioners.pdf>
- Interim Final Rule appearing in the Federal Register on April 6, 2020  
<https://www.federalregister.gov/documents/2020/04/06/2020-06990/medicare-and-medicaid-programs-policy-and-regulatory-revisions-in-response-to-the-covid-19-public>