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## **IRF's Exempt from 3-Hour Rule During COVID-19 Pandemic**

The Centers for Medicare and Medicaid Services (CMS) issued new [guidance](#) that waives the Intensity of Therapy Requirement (also known as the “3-Hour Rule”) for inpatient rehabilitation facilities (IRFs) in accordance with the Coronavirus Aid, Relief, and Economic Security (CARES) Act that passed as a result of the COVID-19 public health emergency. This blanket waiver exempts IRFs from the requirement at 42 C.F.R. § 412.622(a)(3)(ii), which states that an IRF patient must receive 3 hours of therapy a day, or 15 hours per week.

This new blanket waiver suspends the changes that were made previously in an interim final rule that was issued prior to the passage of the CARES Act. This interim final rule was issued on March 30, 2020 and stated IRFs would not be obligated to meet the requirements at § 412.622(a)(3)(ii) *if* its therapy services were disrupted due to circumstances pertaining to COVID-19.

CMS previously stated that its COVID-19 blanket waivers are available to all providers, and that providers do not need to request permission or notify CMS of their use of those waivers. A list of the flexibilities CMS has issued to date is found on this CMS [webpage](#). CMS also updated its list of [waivers](#) granted to providers organized by setting.