

# MMHPI COVID-19 Regulatory & Reimbursement Newsletter

## *Letter to Providers #11: State and Federal Updates – June 5, 2020*

With federal and state health care policies changing rapidly in response to COVID-19, the Meadows Mental Health Policy Institute (MMHPI) is issuing *COVID-19 Regulatory & Reimbursement Newsletters* to support providers as they navigate this new terrain. In this newsletter, we highlight several recent changes to regulatory and reimbursement rules. We will be distributing these newsletters on a regular basis during the pandemic to provide information on federal, state, and local regulatory and reimbursement changes.

These newsletters, along with additional information on mental health resources during a pandemic, are posted here: <https://www.texasstateofmind.org/covid-19/>. If you would like to have additional organizations added to our distribution list or have follow up questions on the content, please email Catie Hilbelink at [chilbelink@mmhpi.org](mailto:chilbelink@mmhpi.org).

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## Texas Updates

### COVID-19 Flexibilities Extended through June 30, 2020

#### Multiple Medicaid Extensions

<b>Date</b>	May 29, 2020
<b>Summary</b>	<p>As part of its continued response to COVID-19, the Texas Health and Human Services Commission (HHSC) has extended multiple Medicaid COVID-19 flexibilities through June 30, 2020. Impacted policies are included in the following provider notifications:</p> <ul style="list-style-type: none"> <li>• <a href="#"><u>Update to COVID-19 Guidance for FFS Service Coordinators and Case Managers</u></a></li> <li>• <a href="#"><u>Correction to ‘COVID-19 Guidance: Targeted Case Management Through Remote Delivery’</u></a></li> <li>• <a href="#"><u>Update to ‘Prior Authorization Requests Extended Due to COVID-19 Public Health Emergency’</u></a></li> <li>• <a href="#"><u>Waiver Extension for DME Certification and Receipt Form</u></a></li> <li>• <a href="#"><u>Claims for Telephone (Audio-Only) Behavioral Health Services</u></a></li> <li>• <a href="#"><u>Claims for Telephone (Audio-Only) Medical Services</u></a></li> <li>• <a href="#"><u>FQHC Reimbursement for Telemedicine (Physician-Delivered) and Telehealth (Non-Physician-Delivered) Services</u></a></li> <li>• <a href="#"><u>RHC Reimbursement for Telemedicine and Telehealth Services</u></a></li> <li>• <a href="#"><u>SHARS Services Provided Through Telemedicine or Telehealth</u></a></li> <li>• <a href="#"><u>Claims for Telehealth Service for Occupational, Physical, and Speech Therapy</u></a></li> <li>• <a href="#"><u>Claims for Telephone (Audio-Only) Early Childhood Intervention Specialized Skills Training</u></a></li> <li>• <a href="#"><u>Claims for Telephone (Audio-Only) Nutritional Counseling Services</u></a></li> </ul>
<b>Link</b>	<p><a href="http://www.tmhp.com/News_Items/2020/05-May/05-29-20%20Multiple%20Medicaid%20COVID-19%20Flexibilities%20Extended%20through%20June%2030,%202020.pdf"><u>http://www.tmhp.com/News_Items/2020/05-May/05-29-20%20Multiple%20Medicaid%20COVID-19%20Flexibilities%20Extended%20through%20June%2030,%202020.pdf</u></a></p>

**Extensions for Children with Special Health Care Needs Services Program**

<b>Date</b>	May 29, 2020
<b>Summary</b>	<p>The Texas Medicaid &amp; Healthcare Partnership (TMHP) posted extension updates to the following Children with Special Health Care Needs Services (CSHCN) Program articles:</p> <ul style="list-style-type: none"> <li>• <a href="#"><i><u>Date-of-Service Extension for Telemedicine (Physician-Delivered) and Telehealth (Non-Physician-Delivered) Services</u></i></a>. The CSHCN Services Program reimbursement for previously identified telemedicine and telehealth services has been extended through June 30, 2020 dates of service.</li> <li>• <a href="#"><i><u>Prior Authorization Requests Extended Due to COVID-19 Public Health Emergency</u></i></a>. The CSHCN Services Program extension of existing prior authorizations (PAs) that require recertification has been extended through June 30, 2020.</li> <li>• <a href="#"><i><u>Waiver Extension for the CSHCN Services Program Documentation of Receipt Form</u></i></a>. The CSHCN Services Program signature requirement waiver for the CSHCN Services Program documentation of receipt form is extended through June 30, 2020.</li> </ul>
<b>Links</b>	<p>Date of service: <a href="http://www.tmhp.com/News_Items/2020/05-May/05-29-20%20Update%20to%20DoService%20Extension-Telemedicine%20Physician-Delivered-Telehealth%20Non-PhysCSHCN.pdf">http://www.tmhp.com/News_Items/2020/05-May/05-29-20%20Update%20to%20DoService%20Extension-Telemedicine%20Physician-Delivered-Telehealth%20Non-PhysCSHCN.pdf</a></p> <p>PAs: <a href="http://www.tmhp.com/News_Items/2020/05-May/05-29-20%20Update%20to%20Prior%20Authorization%20Requests%20Extended%20Due%20to%20COVID-19%20Pub.pdf">http://www.tmhp.com/News_Items/2020/05-May/05-29-20%20Update%20to%20Prior%20Authorization%20Requests%20Extended%20Due%20to%20COVID-19%20Pub.pdf</a></p> <p>Receipt form: <a href="http://www.tmhp.com/News_Items/2020/05-May/05-29-20%20Update%20to%20Waiver%20Extension%20for%20the%20CSHCN%20Services%20Program%20Documentation%20of%20Recei.pdf">http://www.tmhp.com/News_Items/2020/05-May/05-29-20%20Update%20to%20Waiver%20Extension%20for%20the%20CSHCN%20Services%20Program%20Documentation%20of%20Recei.pdf</a></p>

**Extension for Healthy Texas Women and Family Planning Program**

<b>Date</b>	May 29, 2020
<b>Summary</b>	<p>TMPH posted an update to their article, <a href="#"><i><u>Date-of-Service Extension for Telemedicine (Physician-Delivered) and Telehealth (Non-Physician-Delivered) Services</u></i></a>, which was originally posted on April 30, 2020. HHSC has extended the reimbursement for previously identified telemedicine and telehealth services for the Healthy Texas Women (HTW) and Family Planning Program (FPP) through June 30, 2020.</p>

**Link** | [http://www.tmhp.com/News\\_Items/2020/05-May/05-29-20%20Further%20Updates%20to%20Date-of-Service%20Extension%20for%20Telemedicine%20Physician-Delivere.pdf](http://www.tmhp.com/News_Items/2020/05-May/05-29-20%20Further%20Updates%20to%20Date-of-Service%20Extension%20for%20Telemedicine%20Physician-Delivere.pdf)

### Extension of Eligibility and Individual Plan of Care Revisions for Individuals in Community Living Assistance and Support Services and the Deaf Blind with Multiple Disabilities Program

<b>Date</b>	March 28, 2020
<b>Summary</b>	<p>HHSC extended intellectual disability/related condition (ID/RC) assessments and individual plans of care (IPC) through June 30, 2020 for individuals enrolled in the Community Living Assistance and Support Services (CLASS) program and the Deaf Blind with Multiple Disabilities (DBMD) program. If an individual's ID/RC assessment or IPC expires in March, April, May, or June 2020, HHSC will automatically renew the ID/RC assessment or IPC for one year from the expiration date.</p> <p>In addition, for an IPC being revised during March, April, May, or June 2020, HHSC is not requiring a CLASS case management agency (CMA), CLASS direct services agency (DSA), or DBMD case manager to conduct a face-to-face meeting with the person nor obtain signatures on the IPC before the revision is effective.</p>
<b>Link</b>	<a href="https://apps.hhs.texas.gov/providers/communications/2020/letters/IL2020-12.pdf">https://apps.hhs.texas.gov/providers/communications/2020/letters/IL2020-12.pdf</a>

### Extension for In-Home Day Habilitation Program Providers

<b>Date</b>	May 27, 2020
<b>Summary</b>	<p>HHSC has extended their temporary guidance waiving certain requirements in Sections 4320 and 3710 of the Home and Community-based Services (HCS) billing guidelines and the Texas Home Living (TxHmL) billing guidelines. Previously issued on April 30, 2020, the temporary guidance is extended through June 30, 2020. The extension applies to the following program providers:</p> <ul style="list-style-type: none"> <li>• HCS</li> <li>• TxHmL</li> <li>• Local Intellectual and Developmental Disability Authorities</li> <li>• Financial management services agencies</li> </ul>
<b>Link</b>	<a href="https://hhs.texas.gov/about-hhs/communications-events/news/2020/05/il20-19-covid-19-home-day-habilitation-information-program-providers-revised">https://hhs.texas.gov/about-hhs/communications-events/news/2020/05/il20-19-covid-19-home-day-habilitation-information-program-providers-revised</a>

### Extension in Home and Community-based Services and Texas Home Living Policy for Service Providers of Respite and Community First Choice Personal Attendant Services and Habilitation

<b>Date</b>	May 29, 2020
<b>Summary</b>	HHSC is lifting the prohibition on service providers of respite and Community First Choice (CFC) Personal Attendant Services and Habilitation (PAS/HAB) from living in the same home as the person receiving HCS and TxHmL program services. This is to provide access to needed services for people living in their own home or family's home. A person's spouse or a minor child's parent is still prohibited from being a paid service provider of these services. This temporary policy change is effective March 27, 2020 through June 30, 2020.
<b>Link</b>	<a href="https://hhs.texas.gov/about-hhs/communications-events/news/2020/05/revised-covid-19-update-temporary-change-hcs-txhml-policy-service-providers-respite-cfc-pashab">https://hhs.texas.gov/about-hhs/communications-events/news/2020/05/revised-covid-19-update-temporary-change-hcs-txhml-policy-service-providers-respite-cfc-pashab</a>

### Extension of the Suspension of Face-to-face Consumer Directed Services Orientations

<b>Date</b>	May 29, 2020
<b>Summary</b>	HHSC revised <a href="#">IL 2020-08, COVID-19 Guidance for FMSAs and CDS Employers</a> , extending the suspension of face-to-face Consumer Directed Services (CDS) orientations through June 30, 2020.
<b>Link</b>	<a href="https://hhs.texas.gov/about-hhs/communications-events/news/2020/05/revised-il-2020-08-suspension-face-face-cds-orientations-extended-through-june-30">https://hhs.texas.gov/about-hhs/communications-events/news/2020/05/revised-il-2020-08-suspension-face-face-cds-orientations-extended-through-june-30</a>

### HHSC COVID-19 Related FAQs

#### Behavioral Health Services Providers

<b>Date</b>	May 29, 2020
<b>Summary</b>	<p>HHSC updated their COVID-19 frequently asked questions (FAQ)s for behavioral health service providers. Updated FAQs include:</p> <p>Q: Regarding substance use disorder billing, progress notes have been placed in draft status pending changes to CMBHS. Can we go back and indicate telehealth as the mode of delivery with a note stating that the service was provided by telephone?</p> <p>A: For all current and previous draft progress notes for telephone-delivered services, the following steps should be completed in CMBHS for billing purposes:</p>

Select “Telehealth” as the contact type, and document in the body of the progress note that services were provided via telephone and marked as telehealth due to billing limitations and COVID-19. Several programs are actively addressing the billing issue associated with progress notes that have the contact type “Telephone,” and providers will receive updates via multiple communication platforms. To ensure you are receiving the most up-to-date information, review the weekly FAQ, available here, and the COVID-19 Provider Resources SharePoint site, available here. To request access, email behavioralhealth\_covid19@hhsc.state.tx.us (you will receive an email invitation within two business days).

**Link** <https://hhs.texas.gov/sites/default/files/documents/services/health/behavioral-health-services-covid-faq.pdf>

### Texas Health Steps Telemedicine Guidance

<b>Date</b>	May 29, 2020
<b>Summary</b>	HHSC has issued a new FAQs document on telemedicine and Texas Health Steps. The document answers commonly asked questions from providers related to COVID-19 and telehealth.
<b>Link</b>	<a href="https://hhs.texas.gov/sites/default/files/documents/services/health/coronavirus-covid-19/thsteps-telemedicine-guidance-providers.pdf">https://hhs.texas.gov/sites/default/files/documents/services/health/coronavirus-covid-19/thsteps-telemedicine-guidance-providers.pdf</a>

### Emergency Rules Concerning Certificate of Public Advantage for Qualifying Hospitals

<b>Date</b>	June 2, 2020
<b>Summary</b>	HHSC adopted emergency rules in response to the state of disaster declared in Texas and the U.S. relating to COVID-19. These rules implement Chapter 314A, Health and Safety Code, authorizing certain hospitals to apply for a Certificate of Public Advantage (COPA), which grants merging hospitals immunity from federal and state antitrust laws and provides an opportunity for hospitals in rural counties to remain open to treat patients during the COVID-19 pandemic.
<b>Link</b>	<a href="https://hhs.texas.gov/sites/default/files/documents/doing-business-with-hhs/provider-portal/facilities-regulation/memos/gl-20-1000.pdf">https://hhs.texas.gov/sites/default/files/documents/doing-business-with-hhs/provider-portal/facilities-regulation/memos/gl-20-1000.pdf</a>

## Department of State Health Services Data Dashboards

### Summary

The Department of State Health Services (DSHS) now offers multiple dashboards to provide daily COVID-19 statistics. Daily testing information and statewide and regional hospital data, including COVID-19 hospitalizations as well as bed and ventilator availability, can be found from the [tests and hospitals dashboard](#). New daily confirmed cases by county are available from the [county trends dashboard](#). Daily case counts are available from the [original dashboard](#).

## CEU: Expanding the Role of Promotores / Community Health Workers in Psychological First Aid – Addressing COVID

### Summary

Dia de La Mujer Latina, Inc. (DML) and the Intercultural Center for Health, Research, and Wellness are offering a two-hour psychological first aid continuing education unit (CEU) training program for promotores and community health workers (CHWs).

**Training Program:** DML and the Intercultural Center for Health, Research, and Wellness.

**Course Title:** Expanding the role of Promotores/Community Health Workers in Psychological First Aid – Addressing COVID

**Date:** June 10, 2020

**Time:** 12:00 PM CST

**Cost:** Free

**Number of Hours:** 2 DSHS-certified CEUs for CHWs (Knowledge Base – 1 hour and Service Coordination – 1 hour)

**Language:** The webinar is presented in English.

**Registration Information:** Register in advance on the [event website](#).

**DSHS-Certified Instructors:** Venus Ginés, CHWI, and Curtis Barnes

**Certificates:** 2-hour CEU Certificates for both Promotores and CHWs only will be e-mailed upon completion of the post-survey from [chwcovid@gmail.com](mailto:chwcovid@gmail.com).

### Link

<https://zoom.us/join/zoom/register/tJYlcuiqrD0vGNT1FbjNr5dOiYpMp-Br7gOL>

## Federal Updates

### Paycheck Protection Program Loan Forgiveness Requirements

<b>Date</b>	May 28, 2020
<b>Summary</b>	The Small Business Administration (SBA) released two interim final rules to clarify Paycheck Protection Program (PPP) loan forgiveness requirements and the SBA's process for reviewing PPP loan applications and loan forgiveness applications. The rules will be published in the June 1 Federal Register with comments accepted for 30 days.
<b>Links</b>	<p><a href="https://www.federalregister.gov/documents/2020/06/01/2020-11536/business-loan-program-temporary-changes-paycheck-protection-program-requirements-loan-forgiveness">https://www.federalregister.gov/documents/2020/06/01/2020-11536/business-loan-program-temporary-changes-paycheck-protection-program-requirements-loan-forgiveness</a></p> <p><a href="https://www.federalregister.gov/documents/2020/06/01/2020-11533/business-loan-program-temporary-changes-paycheck-protection-program-sba-loan-review-procedures-and">https://www.federalregister.gov/documents/2020/06/01/2020-11533/business-loan-program-temporary-changes-paycheck-protection-program-sba-loan-review-procedures-and</a></p>

### Coronavirus Relief Fund FAQs Updated

<b>Date</b>	May 28, 2020
<b>Summary</b>	The Department of Treasury (DOT) posted updated FAQs to supplement the DOT's Coronavirus Relief Fund guidance from April 22, 2020.
<b>Link</b>	<a href="https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Frequently-Asked-Questions.pdf">https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Frequently-Asked-Questions.pdf</a>

### Provider Relief Fund Attestations

<b>Summary</b>	<p>Providers must sign an attestation confirming receipt of Provider Relief Funds from the General Distribution and agree to the <a href="#">Terms and Conditions</a> within 90 days of payment or 90 days of check payment issuance. Should a provider choose to reject the funds, the provider must also complete the attestation to indicate this.</p> <p>If a provider is not ready to attest to a payment, but wants to be considered for a complete General Distribution payment, the provider may reject the payment, initiate the return of the payment, and submit the requested revenue documents necessary to facilitate Health and Human Services calculation of the total final payment through the <a href="#">General Distribution Portal</a> by June 3, 2020. Rejection of an initial payment will not preclude a provider from receiving their total general distribution amount that is approximately 2% of revenues.</p>
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	If a provider affirmatively attests to a General Distribution payment already received and later wishes to reject those funds and retract the attestation, a provider may do so by calling the provider support line at (866) 569-3522; for TTY dial 711.
<b>Links</b>	<a href="https://covid19.linkhealth.com/#/step/1">https://covid19.linkhealth.com/#/step/1</a>  <a href="https://www.hhs.gov/coronavirus/cares-act-provider-relief-fund/providers/index.html">https://www.hhs.gov/coronavirus/cares-act-provider-relief-fund/providers/index.html</a>

### CMS Released a Final Rule on Medicare Advantage Use of Telehealth

<b>Date</b>	May 22, 2020
<b>Summary</b>	The Centers for Medicare and Medicaid Services (CMS) issued a final rule that will increase access to telehealth for seniors in Medicare Advantage (MA) plans, expand the types of supplemental benefits available for beneficiaries with an MA plan who have chronic diseases, provide support for more MA options for beneficiaries in rural communities, and expand access to MA for patients with End Stage Renal Disease (ESRD). CMS is giving MA plans more flexibility to count telehealth providers in certain specialty areas (such as dermatology, psychiatry, cardiology, ophthalmology, nephrology, primary care, gynecology, endocrinology, and infectious diseases) towards meeting CMS network adequacy standards.
<b>Link</b>	<a href="https://www.cms.gov/newsroom/press-releases/trump-administration-announces-changes-medicare-advantage-and-part-d-provide-better-coverage-and">https://www.cms.gov/newsroom/press-releases/trump-administration-announces-changes-medicare-advantage-and-part-d-provide-better-coverage-and</a>

### FDA Issues Emergency Use Authorization for Gowns and Other Apparel

<b>Date</b>	May 22, 2020
<b>Summary</b>	The U.S. Food and Drug Administration (FDA) authorized emergency use of certain personal protective equipment (PPE) to help address insufficient supply due to the COVID-19 pandemic. The authorization is related to the following otherwise-unapproved items, provided there is “no adequate, approved, and available alternative” during the COVID-19 public health emergency: conductive shoes and shoe covers, operating-room shoes, surgical apparel accessories, non-surgical isolation gowns, operating-room shoe covers, surgical helmets and surgical caps. Additional FDA guidance related to PPE can be found <a href="#">here</a> .
<b>Link</b>	<a href="https://www.fda.gov/media/138326/download">https://www.fda.gov/media/138326/download</a>