

MMHPI COVID-19 Regulatory & Reimbursement Newsletter

Letter to Providers #22: State and Federal Updates – August 21, 2020

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With federal and state health care policies changing in response to COVID-19, the Meadows Mental Health Policy Institute (MMHPI) is issuing *COVID-19 Regulatory & Reimbursement Newsletters* to support providers. In these newsletters, we highlight recent changes and extensions to regulatory and reimbursement rules, as well as newly published or updated guidance and answers to frequently asked questions.

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.

Texas Updates

DSRIP Flexibility Requests Approved

Date	August 13, 2020
Summary	Due to COVID-19's impact on providers, the Texas Health and Human Services Commission (HHSC) requested and received approval from the Centers for Medicare & Medicaid Services (CMS) for Delivery System Reform and Incentive Payment (DSRIP) measurement flexibilities for calendar year 2020. Information has been shared with the regional anchors and posted on the DSRIP Waiver Renewal page, under DY9-10 COVID 19 Protocol Changes.
Links	https://hhs.texas.gov/laws-regulations/policies-rules/waivers/waiver-renewal https://hhs.texas.gov/sites/default/files/documents/services/health/coronavirus-covid-19/mcs-covid-19-info-handout-aug-13-2020.pdf

Chemical Dependency Treatment Facilities: HHSC Extensions and Updated Guidance

Date	August 17, 2020
Summary	HHSC published an amended guidance letter, GL 20-3005-A . The guidance letter replaces GL 20-3005, issued on April 20, 2020, to notify providers that on August 17, 2020, HHSC extended rules §500.41, related to chemical dependency treatment facilities (CDTF) Telemedicine or Telehealth in Response to COVID-19, and §500.42, related to CDTF Maximum Caseloads in Response to COVID-19, for an additional 60 days. The emergency rule extension is effective until October 16, 2020 and can be viewed in the Texas Register under docket number 202001539.

HHSC adopted these emergency rules in response to the state of disaster declared in Texas and the United States relating to COVID-19. CDTFs are now temporarily permitted to provide certain treatment services via telehealth, telemedicine, or electronic means and to increase the number of clients per counselor in intensive residential programs.

HHSC also published [GL 20-3001-A](#), related to infection control and emergency preparedness in CDTFs. This amended letter provides licensed CDTFs with recommendations and guidance to ensure the health and safety of clients and staff during the COVID-19 pandemic. This letter also includes reporting instructions should CDTFs close or experience a temporary suspension of services.

Links

<https://hhs.texas.gov/sites/default/files/documents/doing-business-with-hhs/provider-portal/facilities-regulation/memos/GL-20-3005.pdf>

<https://hhs.texas.gov/about-hhs/communications-events/news/2020/08/gl-20-3001-a-covid-19-infection-control-emergency-preparedness-chemical-dependency-treatment>

Intermediate Care Facilities: Updated FAQs

Date	August 10, 2020
Summary	<p>HHSC posted COVID-19 updates and questions answered by the Long-Term Care Regulation Division and the Department of State Health Services (DSHS) for Intermediate Care Facilities for Individuals with an Intellectual Disability or Related Conditions (ICF/IID) providers. Questions answered include:</p> <ul style="list-style-type: none"> • The Centers for Disease Control and Prevention (CDC) released new guidance saying that testing was NOT the recommended strategy for clearing health care personnel to work. Is HHSC going to update their guidance? • Can you please clarify the Non-Test Based strategies (aka Symptom-based strategy) for Staff to Return to Work?
Link	<p>http://www.tmhp.com/News_Items/2020/08-August/Recording%20of%20August%2010%20ICF%20COVID-19%20Q%20A%20Provider%20Webinar%20Available.pdf</p>

Intermediate Care Facilities: HHSC Issues COVID-19 Emergency Rules

Date	August 17, 2020
Summary	<p>HHSC issued enhanced COVID-19 emergency rules requiring additional actions by intermediate care facilities for individuals with an intellectual disability (ICF/IID) to mitigate the spread of COVID-19.</p> <p>Additionally, HHSC issued ICF/IID COVID-19 Phase 1 visitation emergency rules. These rules describe the requirements related to limited indoor and outdoor visitation in an ICF/IID.</p>
Links	<p>http://www.tmhp.com/News_Items/2020/08-August/HHSC%20Issues%20ICF%20COVID-19%20Mitigation%20and%20Response%20Emergency%20Rules.pdf</p> <p>http://www.tmhp.com/News_Items/2020/08-August/HHSC%20Issues%20ICF%20COVID-19%20Phase%201%20Visitation%20Emergency%20Rules.pdf</p>

HHSC Publishes Revised COVID-19 Visitation Requirements

Date	August 17, 2020
Summary	<p>HHSC published a revised version of Provider Letter 20-24, Phase 1 COVID-19 Visitation Requirements, for assisted living facility (ALF), ICF/IID, and nursing facility (NF) providers. The revision updates the attestation form 2192 to indicate if a facility is requesting indoor visitation and clarifies that the facility should submit the form to the Long-Term Care Regulation regional director in the region where the facility is located.</p>
Link	<p>http://www.tmhp.com/News_Items/2020/08-August/HHSC%20Publishes%20Revised%20PL%2020-24%20Phase%201%20COVID-19%20Visitation%20Requirements%20for%20ALF,%20ICF,%20and%20NF%20Providers.pdf</p>

Four Testing Sites in Harris County Extended

Date	August 12, 2020				
Summary	<p>Governor Abbott announced that the U.S. Department of Health and Human Services (HHS) has extended operations for four temporary COVID-19 surge testing sites in Harris County. Originally announced on August 7, 2020, these testing sites will remain open through August 29, 2020. Testing locations include:</p> <table border="0"> <tr> <td>Ken Pridgeon Stadium 11355 Falcon Road Houston, TX 77065</td> <td>Darrell Tully Stadium 1050 Dairy Ashford Houston, TX 77079</td> </tr> <tr> <td>San Jacinto College 8060 Spencer Hwy Pasadena, TX 77505</td> <td>Kingwood Park Community Center 4102 Rustic Woods Drive Kingwood, TX 77345</td> </tr> </table> <p>For hours of operation and registration details, visit www.doineedacovid19test.com. Registration is available on-site.</p>	Ken Pridgeon Stadium 11355 Falcon Road Houston, TX 77065	Darrell Tully Stadium 1050 Dairy Ashford Houston, TX 77079	San Jacinto College 8060 Spencer Hwy Pasadena, TX 77505	Kingwood Park Community Center 4102 Rustic Woods Drive Kingwood, TX 77345
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Link	https://gov.texas.gov/news/post/governor-abbott-secures-extension-of-federally-funded-covid-19-testing-sites-in-harris-county				

Federal Updates

CMS Announces Resumption of Routine Inspections

Date	August 17, 2020
Summary	<p>CMS announced it will resume routine inspections of all Medicare and Medicaid certified providers and suppliers to improve the safety and quality of life of patients and residents. CMS had previously suspended certain routine inspections as part of its response to the COVID-19 pandemic to prioritize infection control and immediate jeopardy situations and to give health care providers and suppliers time needed to respond to the spread of COVID-19.</p> <p>CMS also issued updated guidance for the re-prioritization of routine state survey agency activities on Clinical Laboratory Improvement Amendments. This updated guidance will provide flexibility and discretion to state survey agencies, so they can resume their survey activities based on the status of COVID-19 infections in their states.</p>
Link	https://www.cms.gov/newsroom/press-releases/cms-announces-resumption-routine-inspections-all-provider-and-suppliers-issues-updated-enforcement

National Case Definition of COVID-19

Date	August 5, 2020
Summary	The Council of State Territorial Epidemiologists (CSTE) adjusted the national case definitions for COVID-19. DSHS has not yet made changes to its existing materials but anticipates imminent changes to align with national guidance. According to DSHS/CSTE, confirmed cases must have confirmed laboratory molecular (not antigen) test results. One of the more significant changes relates to “probable” cases. Probable case evidence can now include antigen test results (note it does not include antibody test results). The changes also add a new case category for “suspect” cases, which include people who have positive serology or antibody tests; these are not reported to the CDC. CSTE’s updated outbreak definitions for various settings are available here .
Link	https://cdn.ymaws.com/www.cste.org/resource/resmgr/ps/positionstatement2020/Interim-20-ID-02_COVID-19.pdf

Provider Relief Funding for Free-Standing Children’s Hospitals

Date	August 14, 2020
Summary	HHS announced it will distribute \$1.4 billion from the Provider Relief Fund to almost 80 free-standing children’s hospitals nationwide. Nine Texas hospitals are expected to receive a total of \$147 million. Eligible hospitals are expected to receive 2.5% of their net revenue from patient care.
Link	https://www.hhs.gov/about/news/2020/08/14/trump-administration-to-begin-distributing-1.4-billion-in-relief-funds-to-childrens-hospitals.html

Spoofed SBA Site

Date	August 12, 2020
Summary	The Cybersecurity and Infrastructure Security Agency has issued a cybersecurity alert related to spoofing of the Small Business Administration (SBA) COVID-19 loan relief webpage via phishing emails. Sent to various government recipients, the emails include a malicious link to the spoofed SBA website that the cyber actor is using for malicious re-directs and credential stealing.
Link	https://us-cert.cisa.gov/ncas/alerts/aa20-225a

CDC Updated Guidance and Reports

Mental Health, Substance Use, and Suicidal Ideation During the COVID-19 Pandemic

Date	August 14, 2020
Summary	<p>New research released from the CDC indicates that one in four young adults age 18 - 24 say they have considered suicide in the past month because of the pandemic. The data also highlights a surge of anxiety and substance abuse, with more than 40% of those surveyed saying they experienced a mental or behavioral health condition connected to the pandemic. Younger adults, racial/ethnic minorities, essential workers, and unpaid adult caregivers reported having experienced disproportionately worse mental health outcomes, increased substance use, and elevated suicidal ideation.</p> <p>As a reminder, frontline workers can access free mental health support through HHSC's mental health hotline and/or its virtual support group tailored specifically for frontline workers. Frontline workers should call 1-833-986-1919 to be referred to the virtual support group.</p>
Link	https://www.cdc.gov/mmwr/volumes/69/wr/mm6932a1.htm

Disparities in Incidence of COVID-19 Among Underrepresented Racial/Ethnic Groups in Counties Identified as Hotspots

Date	August 14, 2020
Summary	<p>CDC issued a report on disparities in the incidence of COVID-19 among underrepresented racial/ethnic groups. The report looked at counties that were hotspots in June and found that COVID-19 disproportionately impacted underrepresented racial/ethnic groups in those counties for the majority of the pandemic. Identifying health disparities in COVID-19 hotspot counties can inform testing and prevention efforts.</p>
Link	https://www.cdc.gov/mmwr/volumes/69/wr/mm6933e1.htm?s_cid=mm6933e1_w

Trends in Number and Distribution of COVID-19 Hotspot Counties

Date	August 14, 2020
Summary	CDC issued a report on trends in the number and distribution of COVID-19 cases in hotspot counties. From March to July, 26% of U.S. counties were considered hotspots, and 80% of the U.S. population inhabited those counties. Identifying hotspots allows for an approach to assess localized outbreaks and implement a targeted response.
Link	https://www.cdc.gov/mmwr/volumes/69/wr/mm6933e2.htm?s_cid=mm6933e2_w

FDA Updates

PPE Shortage List

Date	August 14, 2020
Summary	The Food & Drug Administration (FDA) listed personal protective equipment (PPE), testing supplies, and other medical devices in shortage or discontinued. The CARES Act requires manufacturers to notify FDA when a manufacturing discontinuance or interruption is likely to disrupt the U.S. supply of certain devices during a public health emergency. FDA will continue to update the lists.
Link	https://www.fda.gov/medical-devices/coronavirus-covid-19-and-medical-devices/medical-device-shortages-during-covid-19-public-health-emergency

CURE ID App Added to Resources Page

Date	August 18, 2020
Summary	FDA updated its COVID-19 Resources for Health Professionals page to include the CURE ID app . CURE ID allows clinicians to quickly and easily share their experiences treating COVID-19 patients and patients with other difficult-to-treat infectious diseases.
Link	https://www.fda.gov/news-events/press-announcements/coronavirus-covid-19-update-daily-roundup-august-18-2020

Hand Sanitizer Warning

Date	August 13, 2020
Summary	FDA is warning consumers and health care professionals about certain hand sanitizer products, including those manufactured by Harmonic Nature, S de RL de MI, in Mexico, that are labeled to contain ethanol or isopropyl alcohol but have tested positive for 1-propanol contamination. 1-propanol, not to be confused with 2-propanol/isopropanol/isopropyl alcohol, is not an acceptable ingredient for hand sanitizer products marketed in the United States and can be toxic and life-threatening when ingested. The agency urges consumers not to use these 1-propanol-contaminated products and has expanded its do-not-use list of hand sanitizers at www.fda.gov/unsafehandsanitizers . This list includes hand sanitizers that are or may be contaminated with 1-propanol, in addition to other hand sanitizers the agency is urging consumers not to use.
Link	https://www.fda.gov/news-events/press-announcements/coronavirus-covid-19-update-daily-roundup-august-13-2020