

# MMHPI COVID-19 Regulatory & Reimbursement Newsletter

## *Letter to Providers #23: State and Federal Updates – August 28, 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](mailto:chilbelink@mmhpi.org).

## Texas Updates

### HHSC Updates FAQs

#### Behavioral Health Providers

<b>Date</b>	August 21, 2020
<b>Summary</b>	<p>The Texas Health and Human Services Commission (HHSC) updated COVID-19-related frequently asked questions (FAQs) for behavioral health providers with the following:</p> <ul style="list-style-type: none"> <li>• General questions <ul style="list-style-type: none"> <li>– At a substance use residential facility that is practicing initial isolation for new admissions, treatment for first few days of an admission, or if a participant is in quarantine, is it possible for clinical staff to use electronic methods while that participant is in isolation? Both the participant and the clinician are on the same property.</li> </ul> </li> <li>• Substance use prevention programs <ul style="list-style-type: none"> <li>– May we begin to deliver in-person substance use prevention services if our organization is able to do so?</li> <li>– May we request a change of curriculum if the developer has not allowed virtual delivery?</li> <li>– What will our organization will be responsible for in fiscal year 2021 if we are still dealing with COVID-19?</li> <li>– How do we know which organizations provide services in our region?</li> </ul> </li> </ul>
<b>Link</b>	<p><a href="https://hhs.texas.gov/sites/default/files/documents/services/health/behavioral-health-services-covid-faq.pdf">https://hhs.texas.gov/sites/default/files/documents/services/health/behavioral-health-services-covid-faq.pdf</a></p>

## Local Intellectual and Development Disability Authorities

<b>Date</b>	August 7, 2020
<b>Summary</b>	<p>HHSC updated COVID-19-related FAQs for local intellectual and developmental disability authorities (LIDDAs) with items including the following:</p> <ul style="list-style-type: none"> <li>• Do we have to stop providing habilitation coordination to individuals moving to a nursing facility (NF) within our catchment area or going through a change of ownership (CHOW), since a new Preadmission Screening and Resident Review (PASRR) evaluation (PE) cannot be completed?</li> <li>• Can we request a home and community-based services (HCS) transition slot, even though a PE has not been completed for a person in a NF who is suspected of having intellectual disability/developmental disability (ID/DD) who wants to transition to the community?</li> <li>• Please clarify how to handle signatures for enrollment paperwork if the enrollment is completed remotely (by telephone, video, etc.).</li> <li>• Can HCS providers require COVID-19 testing before accepting individuals from NFs?</li> </ul>
<b>Link</b>	<a href="https://hhs.texas.gov/sites/default/files/documents/services/health/coronavirus-covid-19/covid-lidda-faq.pdf">https://hhs.texas.gov/sites/default/files/documents/services/health/coronavirus-covid-19/covid-lidda-faq.pdf</a>

## Assisted Living Facilities

<b>Date</b>	August 21, 2020
<b>Summary</b>	<p>HHSC updated COVID-19-related FAQs for assisted living facilities with items including the following:</p> <ul style="list-style-type: none"> <li>• Are open window visits allowed without an approved Phase 1 facility designation?</li> <li>• Can a Phase 1 facility choose not to allow inside visits?</li> <li>• Does one positive case of COVID-19 in a resident or staff constitute an outbreak?</li> <li>• Is there existing guidance that outlines what will be available in other phases of reopening/visitation?</li> <li>• Where can I find information on the extension of the emergency rules?</li> </ul> <p>HHSC also posted a <a href="#">revised COVID-19 response plan</a> for assisted living facility providers.</p>
<b>Link</b>	<a href="https://hhs.texas.gov/sites/default/files/documents/govdelivery/alf-faqs.pdf">https://hhs.texas.gov/sites/default/files/documents/govdelivery/alf-faqs.pdf</a>

## Home and Community Support Services Agencies

<b>Date</b>	August 28, 2020
<b>Summary</b>	HHSC long term care regulation updated the FAQs for Home and Community Support Services Agencies (HCSSA) providers, including inpatient hospice.
<b>Link</b>	<a href="https://hhs.texas.gov/sites/default/files/documents/services/health/coronavirus-covid-19/covid-inpatient-hospice-hcssa-facilities-faq.pdf">https://hhs.texas.gov/sites/default/files/documents/services/health/coronavirus-covid-19/covid-inpatient-hospice-hcssa-facilities-faq.pdf</a>

## HHSC Updates Substance Use and Misuse Prevention Guidance

<b>Date</b>	August 14, 2020
<b>Summary</b>	HHSC updated the COVID-19-related guidance for substance use and misuse prevention programs. The updated document outlines related impacts and HHSC's expectations and recommendations regarding substance use and misuse prevention programs, including Youth Prevention Indicated (YPI), Youth Prevention Selective (YPS), Youth Prevention Universal (YPU), Community Coalition Partnerships (CCP), Prevention Resource Centers (PRC), and Strategic Prevention Framework-Partnerships for Success (SPF-PFS) programs.
<b>Link</b>	<a href="https://hhs.texas.gov/sites/default/files/documents/services/health/substance-use-misuse-prevention-contract-guidance.pdf">https://hhs.texas.gov/sites/default/files/documents/services/health/substance-use-misuse-prevention-contract-guidance.pdf</a>

## Texas Home Living Emergency Rules Enhanced

<b>Date</b>	August 25, 2020
<b>Summary</b>	HHSC issued enhanced COVID-19 emergency rules for Texas Home Living (TxHmL) providers. The rules require additional actions by TxHmL program providers to mitigate the spread of COVID-19.
<b>Link</b>	<a href="https://hhs.texas.gov/about-hhs/communications-events/news/2020/08/txhtml-covid-19-mitigation-response-emergency-rules-issued">https://hhs.texas.gov/about-hhs/communications-events/news/2020/08/txhtml-covid-19-mitigation-response-emergency-rules-issued</a>

## Extended Flexibility: Emergency Rule Permitting Designation of Licensed Hospital Space

<b>Date</b>	August 20, 2020
<b>Summary</b>	<p>HHSC posted an amended guidance letter (GL 20-1006-A), replacing the letter issued on April 23, 2020, to notify providers that HHSC extended rule §500.3, related to Designation of Licensed Hospital Space in Response to COVID-19, for an additional 60 days. The emergency rule extension is effective until October 19, 2020 and can be viewed in the Texas Register under docket number 202001571.</p> <p>HHSC adopted an emergency rule in response to the state of disaster declared in Texas. Currently licensed hospitals are now temporarily permitted to designate a specific part of its hospital for use as an off-site facility by another hospital, and to allow another currently licensed hospital to apply to use that designated hospital space as an off-site facility under its license for inpatient care in response to the COVID-19 pandemic.</p>
<b>Links</b>	<p><a href="https://hhs.texas.gov/sites/default/files/documents/doing-business-with-hhs/provider-portal/facilities-regulation/memos/gl-20-1006.pdf">https://hhs.texas.gov/sites/default/files/documents/doing-business-with-hhs/provider-portal/facilities-regulation/memos/gl-20-1006.pdf</a></p> <p><a href="https://hhs.texas.gov/about-hhs/communications-events/news/2020/08/gl-20-1006-a-emergency-rule-permitting-designation-licensed-hospital-space-response-covid-19-amended">https://hhs.texas.gov/about-hhs/communications-events/news/2020/08/gl-20-1006-a-emergency-rule-permitting-designation-licensed-hospital-space-response-covid-19-amended</a></p>

## Hurricane Resources Amid COVID-19

<b>Summary</b>	<p>The Texas Hospital Association (THA) offers resources for preparing for and responding to severe weather and other disasters during the COVID-19 pandemic. Consult the <a href="#">Severe Weather tab</a> from THA's COVID-19 Web page for a list of resources and guidance from Federal Emergency Management Agency (FEMA), the Centers for Disease Control and Prevention (CDC), and the state. In that tab, you will find HHSC's <a href="#">guidance</a> on hurricane preparedness during the pandemic and <a href="#">Form 3125</a>, which must be submitted when any licensed facility experiences an emergency/disaster resulting in an emergency closure and/or changes in daily operations and services provided. The guidance also includes information on how to request an emergency rule exemption as well as a list of links to additional information from state and federal agencies.</p>
<b>Link</b>	<p><a href="https://www.tha.org/COVID-19#severeweather">https://www.tha.org/COVID-19#severeweather</a></p>

## New Research on Tobacco Use and COVID-19 in Young Adults

<b>Summary</b>	The University of Texas (UT) Tobacco Evaluation and Research Team released new findings showing that cigarette and e-cigarette use by teens and young adults is associated with greater risks of getting a COVID-19 diagnosis and having symptoms of COVID-19. The implications from this study suggest that it is important to ask patients about cigarette and e-cigarette use and offer resources to motivate and help them quit. UT's Tobacco Evaluation and Research Team has partnered with HDConsult to help hospitals and health systems integrate tobacco cessation referral into their electronic health records using Direct Trust messaging.
<b>Link</b>	<a href="https://www.uttobacco.org/covid19">https://www.uttobacco.org/covid19</a>

## Federal Updates

### CMS Announces Regulatory Changes to Reporting and Testing Requirements

<b>Date</b>	August 25, 2020
<b>Summary</b>	<p>The Centers for Medicare &amp; Medicaid Services (CMS) announced regulatory changes that require nursing homes to test staff and offer testing to residents for COVID-19. Laboratories and nursing homes using point-of-care testing devices will be required to report diagnostic test results as required by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act).</p> <p>The new rules also require hospitals to provide COVID-19 cases and related data to the U.S. Department of Health and Human Services (HHS). The emergency regulations require hospitals and critical access hospitals to report daily data, including, but not limited to elements such as the number of confirmed or suspected COVID-19 positive patients, intensive care unit (ICU) beds occupied, and availability of essential supplies and equipment such as ventilators and personal protective equipment (PPE).</p>
<b>Link</b>	<a href="https://www.cms.gov/files/document/covid-ifc-3-8-25-20.pdf">https://www.cms.gov/files/document/covid-ifc-3-8-25-20.pdf</a>

## Medicare Provider FAQs: Provider Relief Fund and Small Business Administration Paycheck Protection Program Relief Payments

<b>Date</b>	August 26, 2020
<b>Summary</b>	CMS released an additional list FAQs to Medicare providers regarding the Provider Relief Fund and the Small Business Administration's Paycheck Protection Program payments, also referred to as COVID-19 relief payments. The FAQs provide guidance to providers on how to report provider relief fund payments, uninsured charges reimbursed through the Uninsured Program administered by Health Resources and Services Administration, and Small Business Administration (SBA) Loan Forgiveness amounts. The FAQs also address that provider relief fund payments should not offset expenses on the Medicare Cost Report.
<b>Link</b>	<a href="https://www.cms.gov/files/document/03092020-covid-19-faqs-508.pdf">https://www.cms.gov/files/document/03092020-covid-19-faqs-508.pdf</a>

## New Requirement for Diagnosis-related Group Add-on

<b>Date</b>	August 17, 2020
<b>Summary</b>	The CARES Act provided for a 20% add-on to the inpatient prospective payment system diagnosis-related group (DRG) rate for patients diagnosed with COVID-19 for the duration of the public health emergency. CMS issued updated guidance related to this add-on payment. For inpatient admissions occurring on or after September 1, 2020, claims eligible for the 20% add-on will be required to have a positive COVID-19 laboratory test documented in patients' medical records. Positive tests must be demonstrated using only the results of viral testing (i.e., molecular or antigen). The test can be performed either during or prior to the hospital admission. While the inpatient PPS Pricer will continue to apply the 20% adjustment based on appropriate diagnosis codes listed above, the guidance notes that CMS may conduct post-payment medical review to confirm the presence of a positive COVID-19 test in the medical record. If no such test is present, the additional payment resulting from the 20% add-on will be recouped.
<b>Link</b>	<a href="https://www.cms.gov/files/document/se20015.pdf">https://www.cms.gov/files/document/se20015.pdf</a>

## Convalescent Plasma

<b>Date</b>	August 23, 2020
<b>Summary</b>	The U.S. Food and Drug Administration (FDA) issued an emergency use authorization for investigational convalescent plasma to treat suspected or laboratory-confirmed COVID-19 in hospitalized patients. FDA believes the treatment may reduce COVID-19 severity or length of illness in some hospitalized patients and that the known and potential benefits outweigh the known and potential risks. See the fact sheets for <a href="#">health care providers</a> and <a href="#">patients</a> . In addition, the HHS Office of Civil Rights issued <a href="#">amended guidance</a> on how the HIPAA Privacy Rule permits covered health care providers and health plans to contact their patients and beneficiaries who have recovered from COVID-19 to inform them about how they can donate convalescent plasma. The guidance clarifies how HIPAA permits health plans to contact their beneficiaries about plasma donation. It also states that, without individuals' authorization, the providers and health plans cannot receive any payment from, or on behalf of, a plasma donation center in exchange for such communications with recovered individuals. See the <a href="#">HHS announcement</a> .
<b>Link</b>	<a href="https://www.fda.gov/news-events/press-announcements/fda-issues-emergency-use-authorization-convalescent-plasma-potential-promising-covid-19-treatment">https://www.fda.gov/news-events/press-announcements/fda-issues-emergency-use-authorization-convalescent-plasma-potential-promising-covid-19-treatment</a>

## CDC Updated Guidance and Reports

### Updated Testing Guidance

<b>Date</b>	August 24, 2020
<b>Summary</b>	CDC revised coronavirus testing guidance. Diagnostic testing categories have been edited to focus on testing considerations and actions to be taken by individuals undergoing testing.
<b>Link</b>	<a href="https://www.cdc.gov/coronavirus/2019-ncov/hcp/testing-overview.html">https://www.cdc.gov/coronavirus/2019-ncov/hcp/testing-overview.html</a>



## Updated Pediatric Guidance

<b>Date</b>	August 19, 2020
<b>Summary</b>	The CDC distributed updated guidance for pediatric health care providers. The guidance reflects new evidence about COVID-19 in children, including that children can develop severe illness. The rate of hospitalization among children is well below that of adults but still is increasing. Children with pre-existing conditions are at a much higher risk of developing a severe illness. Hispanic and Black children have a higher likelihood of severe cases requiring hospitalization. More pediatric spread is expected as school starts back to in-person learning.
<b>Link</b>	<a href="https://www.cdc.gov/coronavirus/2019-ncov/hcp/pediatric-hcp.html">https://www.cdc.gov/coronavirus/2019-ncov/hcp/pediatric-hcp.html</a>

## Low Transmission in Childcare

<b>Date</b>	August 21, 2020
<b>Summary</b>	Rhode Island childcare programs reported just 52 confirmed or probable COVID-19 cases after reopening in June and July, according to a report released by the CDC. More than 660 of the state's nearly 900 childcare programs reopened over the period to serve nearly 19,000 children. Twenty-nine programs reported COVID-19 cases, with all but nine reporting a single case with no apparent secondary transmission. Before reopening, the state required each program to reduce enrollment to 12 students and staff members in physically separated spaces with no switching between groups, which increased to allow up to 20 people per program on June 29, 2020. The state also required the programs to screen children and adults daily for symptoms, implement enhanced cleaning and disinfection based on CDC guidelines and adults to wear masks.
<b>Link</b>	<a href="https://www.cdc.gov/mmwr/volumes/69/wr/mm6934e2.htm?s_cid=mm6934e2_w">https://www.cdc.gov/mmwr/volumes/69/wr/mm6934e2.htm?s_cid=mm6934e2_w</a>