

MMHPI COVID-19 Regulatory & Reimbursement Newsletter

Letter to Providers #25: State and Federal Updates – September 11, 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

Texas Extends Declaration

Date	September 7, 2020
Summary	Governor Abbott announced a proclamation extending his disaster declaration for all Texas counties in response to COVID-19. Originally issued March 13, 2020, the declaration provides the state a variety of resources to help mitigate the spread of COVID-19.
Link	https://gov.texas.gov/news/post/governor-abbott-extends-statewide-disaster-declaration-for-covid-19

Updated FAQs

Behavioral Health Providers

Date	September 4, 2020
Summary	<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"> • Q. Can HHSC provide information on when the Substance Use Disorder Compliance Unit's (SUDCU's) guidance letters expire? <p>A. Listed below is information on the expiration dates of SUDCU guidance letters and emergency rules:</p> <ul style="list-style-type: none"> – GL 20-3005-A — Addresses the 60-day extension of emergency rules §500.41 and §500.42. Expires October 16, 2020. – GL 20-3006-A — Addresses emergency rules §500.43 and §500.44. Expires October 25, 2020. – GL 20-3004 — Addresses the emergency amendment to §448.911. Expires September 8, 2020.

- [GL 20-3007](#) — Addresses emergency rule amendments to §448.603(d)(1) and (d)(4) expires November 27, 2020.

Additional information on all guidance letters can be found online at <https://hhs.texas.gov/doing-business-hhs/provider-portals/health-care-facilities-regulation>.

To ensure receiving the most up-to-date HHSC announcements, including new and renewed guidance letters, sign up for notifications at <https://service.govdelivery.com/accounts/TXHHSC/subscriber/new>.

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

Assisted Living Facilities

Date	September 1, 2020
Summary	<p>HHSC updated COVID-19-related FAQs for assisted living facilities with items, including the following:</p> <ul style="list-style-type: none"> • What are the steps that a facility needs to follow to be allowed to conduct Phase 1 visitations? • Can a visitor share a meal with the resident during a Phase 1 visit? • What does staff monitoring of a visit consist of? • What safety precautions must be in place for a Phase 1 visit to occur at the facility? • What do I need to know about a plexiglass safety divider for inside visitations? • What is a compassionate care visit? • Does a facility have to follow the city or county rules if they are stricter than the state rules? • How can I assist my residents vote in the November 2020 election?
Link	https://hhs.texas.gov/sites/default/files/documents/govdelivery/alf-faqs.pdf

HHSC Publishes COVID-19 Response Plan for Day Activity and Health Services Providers

Date	September 8, 2020
Summary	HHSC long-term care regulation published the COVID-19 Response Plan for day activity and health services (DAHS) providers. The document provides guidance to prevent the spread of COVID-19 in DAHS facilities and with response actions in the event of a case of COVID-19 in staff or clients served by the facility.
Link	https://hhs.texas.gov/sites/default/files/documents/doing-business-with-hhs/providers/long-term-care/dahs-covid19-response-plan.pdf

Extended Flexibility: Emergency Rule Concerning Outpatient Chemical Dependency Treatment Services Via Electronic Means

Date	September 8, 2020
Summary	HHSC extended an emergency rule concerning outpatient chemical dependency treatment services via electronic means to adolescents and adults in chemical dependency treatment facilities for an additional 60 days. The emergency rule extension is effective until November 7, 2020 and can be viewed in the Texas Register under docket number 202001885.
Link	https://hhs.texas.gov/sites/default/files/documents/doing-business-with-hhs/provider-portal/facilities-regulation/memos/gl-20-3004.pdf

Reimbursement Rate Updates for COVID-19 Related Procedure Code 87426

Date	September 8, 2020
Summary	<p>Effective September 3, 2020, for dates of service on or after June 25, 2020, reimbursement rates for COVID-19-related procedure code 87426 (Antigen Testing) will be updated for Texas Medicaid. The following link shows the updates: COVID-19-related procedure code 87426 (Antigen Testing).</p> <p>Affected claims with dates of service from June 25, 2020 through September 3, 2020, if any are identified, will be reprocessed. Providers are not required to appeal the claims unless they are denied for additional reasons after the claims reprocessing is completed. The rates listed in the spreadsheet are effective for the duration of the federal emergency declaration. Following the conclusion of the emergency declaration, these rates will be re-evaluated and potentially repriced according to HHSC methodology.</p>

Link | http://www.tmhp.com/News_Items/2020/09-September/090820-Reimbursement%20Rate%20Updates%20for%20COVID-19%2087426%20Effective%20June%2025,%202020,%20for%20Medicaid.pdf

Federal Updates

Interim Final Rule on COVID-19 Data Reporting, Medicare Participation Effective Immediately

Date	September 2, 2020
Summary	The Centers for Medicare & Medicaid Services (CMS) published an interim final rule in the federal register that, among other things, makes complying with the U.S. Department of Health & Human Services (HHS) COVID-19 data reporting requirements a condition of Medicare participation for hospitals. The rule is effective immediately. Texas hospitals can comply with the rule by continuing to submit completed reports with the required capacity and utilization data to the state via EMResource each day. Daily reporting of COVID-19 data includes elements such as the number of confirmed/suspected COVID-19 patients, intensive care unit beds occupied, and availability of supplies and equipment. Noncompliance potentially may mean termination from the Medicare and Medicaid programs if appropriate corrective action is not taken. The rule also directs surveyors to inspect nursing homes for adherence to new COVID-19 testing requirements and implements new laboratory reporting requirements from the CARES Act, subjecting noncompliance for both to civil monetary penalties.
Link	https://www.govinfo.gov/content/pkg/FR-2020-09-02/pdf/2020-19150.pdf

Updated COVID-19 Workforce Virtual Toolkit

Date	September 9, 2020
Summary	HHS updated their COVID-19 workforce virtual toolkit, which contains resources for healthcare decision-makers responding to COVID-19 workforce concerns.
Link	https://asprtracie.hhs.gov/Workforce-Virtual-Toolkit

New Resource: Discharge Planning During the Pandemic

Date	September 9, 2020
Summary	<p>HHS Assistant Secretary for Preparedness and Response recently published discharge planning and care coordination during the COVID-19 pandemic information, a resource developed in partnership with Administration for Community Living (ACL) and the CMS. This tool is designed to support nurses, social workers, case managers, and others conducting discharge planning for adults with disabilities after COVID-19 treatment.</p> <p>The resource:</p> <ul style="list-style-type: none"> • Describes legal protections for people with disabilities, including the Olmstead decision; • Explains the CMIST (Communication, Maintaining Health, Independence, Services and Support, Transportation) framework and person-centered planning; • Provides considerations for three potential discharge scenarios to facilitate person-centered discharge planning and care coordination to the most integrated setting; and • Highlights state and federal resources, including the aging and disability networks, to assist care coordinators and discharge planners.
Link	https://www.phe.gov/emergency/events/COVID19/atrisk/discharge-planning/Pages/default.aspx

CDC Updates and Reports

MIS-C Cases

Date	September 3, 2020
Summary	<p>The Centers for Disease Control and Prevention (CDC) posted updated data regarding Multisystem Inflammatory Syndrome, a rare condition associated with COVID-19, and its impact on children in the United States. As of September 3, 2020, the CDC has received reports of 792 confirmed cases of MIS-C and 16 deaths in 42 states, New York City, and Washington, DC. Additional cases are under investigation.</p>
Link	https://www.cdc.gov/mis-c/cases/?deliveryName=USCDC_2067-DM37553

Vaccination Guidance During a Pandemic

Summary

CDC posted pandemic guidance on vaccinations. The guidance encourages providers to promote vaccination among eligible individuals, especially health care workers, other essential workers, older adults, children, and those with chronic conditions. It also clarifies that vaccination should be deferred for those with suspected COVID-19 until criteria has been met to end isolation. Vaccination visits should be postponed to avoid spreading illness to health care workers.

Link

<https://www.cdc.gov/vaccines/pandemic-guidance/index.html>