

# MMHPI COVID-19 Regulatory & Reimbursement Newsletter

*Letter to Providers #37: State and Federal Updates – December 11, 2020*

---

## Contents

<b>Texas Updates .....</b>	<b>2</b>
Extended Flexibilities .....	2
Children with Special Health Care Needs Services Program.....	2
Health Texas Women and Family Planning Program.....	3
Healthy Texas Women Plus.....	3
Initial COVID-19 Vaccine Distribution for Month of December .....	4
Inpatient Hospice COVID-19 Emergency Rules .....	4
Assisted Living Facilities.....	4
Infection Control Basics & PPE Training for Essential Caregivers.....	5
Updated FAQs: Home and Community Support Services Agencies .....	5
<b>Federal Updates.....</b>	<b>5</b>
CMS Adds Telehealth Services to Medicare Covered Services List .....	5
CMS Interoperability and Patient Access Final Rule.....	6
CMS Update: Blanket Waivers and Flexibilities for Providers.....	7
HHS Proposes Modifications to the HIPAA Privacy Rule .....	7
HHS Amends PREP Act Declaration .....	7
HHS Publishes COVID-19 Hospital Facility-Level Data .....	8
Updated FAQs for Reporting .....	8
CDC Updates COVID-19 Quarantine Guidance.....	8
FDA Authorizes First Direct-to-Consumer COVID-19 Test System .....	9

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

### Extended Flexibilities

#### Children with Special Health Care Needs Services Program

<b>Date</b>	December 8, 2020
<b>Summary</b>	<p>The Children with Special Health Care Needs (CSHCN) Services Program will provide reimbursement for previously identified telemedicine and telehealth services through December 31, 2020. Effective dates remain as stated in the original notifications, which are listed below:</p> <ul style="list-style-type: none"> <li>• <a href="#">Claims for Telephone (Audio Only) Medical Services</a></li> <li>• <a href="#">Claims for Telephone (Audio Only) Behavioral Health Services</a></li> <li>• <a href="#">RHC and FQHC Reimbursement for Telemedicine (Physician-Delivered) and Telehealth (Non-Physician Delivered) Services</a></li> <li>• <a href="#">Claims for Telehealth Service for Occupational, Physical, and Speech Therapy for the CSHCN Services Program</a></li> </ul> <p>Additionally, the requirement to obtain a client or guardian signature on CSHCN Services Program Documentation of Receipt Form is waived through December 31, 2020.</p>
<b>Links</b>	<p><a href="https://www.tmhp.com/news/2020-12-08-cshcn-covid-19-telehealth-and-telemedicine-extensions-through-december-31-2020">https://www.tmhp.com/news/2020-12-08-cshcn-covid-19-telehealth-and-telemedicine-extensions-through-december-31-2020</a></p> <p><a href="https://www.tmhp.com/news/2020-12-08-client-signature-requirement-waived-cshcn-documentation-receipt-form-through">https://www.tmhp.com/news/2020-12-08-client-signature-requirement-waived-cshcn-documentation-receipt-form-through</a></p>

## Healthy Texas Women and Family Planning Program

<b>Date</b>	December 8, 2020
<b>Summary</b>	The Texas Health and Human Services Commission (HHSC) has extended Healthy Texas Women and Family Planning Program COVID-19 related telemedicine (physician-delivered) and telehealth (non-physician delivered) flexibilities through December 31, 2020.
<b>Link</b>	<a href="https://www.tmhp.com/news/2020-12-08-telemedicine-physician-delivered-and-telehealth-non-physician-delivered-services">https://www.tmhp.com/news/2020-12-08-telemedicine-physician-delivered-and-telehealth-non-physician-delivered-services</a>

## Healthy Texas Women Plus

<b>Date</b>	December 4, 2020										
<b>Summary</b>	<p>HHSC extended the COVID-19 Medicaid telemedicine and telehealth services flexibilities to the same procedure codes covered under the new Healthy Texas Women Plus (HTW Plus) benefit package. These services can also be delivered by telephone (audio only) as needed and when appropriate.</p> <p>HTW Plus telemedicine and telehealth services will be effective for dates of service from September 1, 2020 through December 31, 2020. Telemedicine and telehealth flexibilities apply to the following procedure codes:</p> <table border="1"> <thead> <tr> <th>Description of Services</th> <th>Procedure Codes</th> </tr> </thead> <tbody> <tr> <td>Psychotherapy</td> <td>90832, 90834, 90837, 90847, 90853</td> </tr> <tr> <td>Peer Specialist Services</td> <td>H0038</td> </tr> <tr> <td>Screening, Brief Intervention, and Referral to Treatment (SBIRT)</td> <td>99408, H0049</td> </tr> <tr> <td>Substance Use Disorder Services</td> <td>H0001, H0004, H0005</td> </tr> </tbody> </table> <p>To indicate use of the telemedicine or telehealth modality and that remote delivery occurred, providers should use the 95 modifier when submitting claims. The telemedicine or telehealth services must also meet applicable state statutory and rule scope-of-practice requirements.</p>	Description of Services	Procedure Codes	Psychotherapy	90832, 90834, 90837, 90847, 90853	Peer Specialist Services	H0038	Screening, Brief Intervention, and Referral to Treatment (SBIRT)	99408, H0049	Substance Use Disorder Services	H0001, H0004, H0005
Description of Services	Procedure Codes										
Psychotherapy	90832, 90834, 90837, 90847, 90853										
Peer Specialist Services	H0038										
Screening, Brief Intervention, and Referral to Treatment (SBIRT)	99408, H0049										
Substance Use Disorder Services	H0001, H0004, H0005										
<b>Link</b>	<a href="https://www.tmhp.com/news/2020-12-04-claims-telemedicine-and-telehealth-services-htw-plus">https://www.tmhp.com/news/2020-12-04-claims-telemedicine-and-telehealth-services-htw-plus</a>										

## Initial COVID-19 Vaccine Distribution for Month of December

<b>Date</b>	December 2, 2020
<b>Summary</b>	Governor Abbott announced that the Centers for Disease Control and Prevention (CDC) has made an initial allotment of over 1.4 million doses of the COVID-19 vaccines to Texas for the month of December. These vaccines, which should begin arriving the week of December 14, will be distributed to qualifying providers across the state who will administer these immunizations based on the <a href="#">Vaccine Distribution Principles</a> developed by the state's <a href="#">Expert Vaccine Allocation Panel</a> . Additional allotments for December may be made later this month. Also, increased allotments are expected in January and the following months.
<b>Link</b>	<a href="https://gov.texas.gov/news/post/governor-abbott-announces-initial-covid-19-vaccine-distribution-for-month-of-december">https://gov.texas.gov/news/post/governor-abbott-announces-initial-covid-19-vaccine-distribution-for-month-of-december</a>

## Inpatient Hospice COVID-19 Emergency Rules

<b>Date</b>	December 7, 2020
<b>Summary</b>	HHSC published <a href="#">Inpatient Hospice COVID-19 Emergency Rules</a> . The rules replace the existing §558.950 to add a provision for a family education visit in a hospice inpatient unit.
<b>Link</b>	<a href="https://www.tmhp.com/news/2020-12-07-hhsc-publishes-inpatient-hospice-covid-19-emergency-rules-december-4">https://www.tmhp.com/news/2020-12-07-hhsc-publishes-inpatient-hospice-covid-19-emergency-rules-december-4</a>

## Assisted Living Facilities

<b>Date</b>	December 10, 2020
<b>Summary</b>	HHSC published an updated <a href="#">COVID-19 response plan</a> for assisted living facilities.
<b>Link</b>	<a href="https://hhs.texas.gov/about-hhs/communications-events/news/2020/12/hhsc-publishes-updated-covid-19-response-plan-alf-providers-dec-10">https://hhs.texas.gov/about-hhs/communications-events/news/2020/12/hhsc-publishes-updated-covid-19-response-plan-alf-providers-dec-10</a>

## Infection Control Basics & PPE Training for Essential Caregivers

<b>Date</b>	December 3, 2020
<b>Summary</b>	HHSC published <a href="#">Infection Control Basics &amp; Personal Protective Equipment for Essential Caregivers</a> . The document meets the requirements for training of essential caregivers in nursing homes, assisted living facilities, intermediate care facilities, hospices and home and community-based services group homes.
<b>Link</b>	<a href="https://hhs.texas.gov/about-hhs/communications-events/news/2020/12/hhsc-publishes-infection-control-basics-ppe-training-essential-caregivers">https://hhs.texas.gov/about-hhs/communications-events/news/2020/12/hhsc-publishes-infection-control-basics-ppe-training-essential-caregivers</a>

## Updated FAQs: Home and Community Support Services Agencies

<b>Date</b>	December 4, 2020
<b>Summary</b>	HHSC published updated COVID-19 frequently asked questions (FAQs) for Home and Community Support Services Agencies (HCSSAs).
<b>Link</b>	<a href="https://hhs.texas.gov/about-hhs/communications-events/news/2020/12/hhsc-publishes-updated-frequently-asked-questions-hcssa-providers-dec-3">https://hhs.texas.gov/about-hhs/communications-events/news/2020/12/hhsc-publishes-updated-frequently-asked-questions-hcssa-providers-dec-3</a>

## Federal Updates

### CMS Adds Telehealth Services to Medicare Covered Services List

<b>Date</b>	December 1, 2020
<b>Summary</b>	<p>The Centers for Medicare &amp; Medicaid Services (CMS) issued its Physician Fee Schedule final rule, effective January 2021. In addition to reimbursement changes for Medicare services, the rule adds the following telehealth services to the covered services list:</p> <ul style="list-style-type: none"> <li>• Group Psychotherapy (CPT code 90853)</li> <li>• Psychological and Neuropsychological Testing (CPT code 96121)</li> <li>• Domiciliary, Rest Home, or Custodial Care services, Established patients (CPT codes 99334-99335)</li> <li>• Home Visits, Established Patient (CPT codes 99347-99348)</li> <li>• Cognitive Assessment and Care Planning Services (CPT code 99483)</li> <li>• Visit Complexity Inherent to Certain Office/Outpatient Evaluation and Management (E/M) (HCPCS code G2211)</li> <li>• Prolonged Services (HCPCS code G2212)</li> </ul>

It also creates a third, temporary category of criteria for adding additional services during the COVID-19 pandemic. These codes will stay on the covered services list through the end of the calendar year in which the public health emergency (PHE) ends.

Before COVID-19, only 15,000 fee-for-service beneficiaries each week received a Medicare telemedicine service. Since the beginning of the PHE, CMS has added 144 telehealth services such as emergency department visits, initial inpatient and nursing facility visits, and discharge day management services, that are covered by Medicare through the end of the PHE. Preliminary data show that, between mid-March and mid-October 2020, over 24.5 million out of 63 million beneficiaries and enrollees have received a Medicare telemedicine service during the PHE.

**Link**

<https://www.cms.gov/newsroom/fact-sheets/final-policy-payment-and-quality-provisions-changes-medicare-physician-fee-schedule-calendar-year-1>

**CMS Interoperability and Patient Access Final Rule****Date**

December 10, 2020

**Summary**

CMS issued a proposed rule that would impact the electronic exchange of health care data among payers, providers, and patients. Building on the CMS Interoperability and Patient Access final rule (CMS-9115-F), this rule would require payers in Medicaid, CHIP and QHP programs to build application programming interfaces (APIs) to support data exchange and prior authorization. APIs allow two systems, or a payer's system and a third-party app, to communicate and share data electronically.

Recognizing that hospitals, including psychiatric hospitals, and critical access hospitals, are on the front lines of the COVID-19 public health emergency, CMS is extending the implementation timeline for the admission, discharge, and transfer (ADT) notification Conditions of Participation (CoPs) by an additional six months.

**Link**

<https://www.cms.gov/newsroom/press-releases/cms-proposes-new-rules-address-prior-authorization-and-reduce-burden-patients-and-providers>

## CMS Update: Blanket Waivers and Flexibilities for Providers

<b>Date</b>	December 1, 2020
<b>Summary</b>	CMS updated the COVID-19 emergency declaration blanket waivers and flexibilities for health care providers.
<b>Link</b>	<a href="https://www.cms.gov/files/document/summary-covid-19-emergency-declaration-waivers.pdf">https://www.cms.gov/files/document/summary-covid-19-emergency-declaration-waivers.pdf</a>

## HHS Proposes Modifications to the HIPAA Privacy Rule

<b>Date</b>	December 10, 2020
<b>Summary</b>	The Office for Civil Rights (OCR) at the U.S. Department of Health and Human Services (HHS) announced proposed changes to the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule. According to HHS, the proposed changes include: strengthening individuals' rights to access their own health information, including electronic information; improving information sharing for care coordination and case management for individuals; facilitating greater family and caregiver involvement in the care of individuals experiencing emergencies or health crises; enhancing flexibilities for disclosures in emergency or threatening circumstances, such as the opioid and COVID-19 public health emergencies; and reducing administrative burdens on HIPAA covered health care providers and health plans, while continuing to protect individuals' health information privacy interests.
<b>Link</b>	<a href="https://www.hhs.gov/about/news/2020/12/10/hhs-proposes-modifications-hipaa-privacy-rule-empower-patients-improve-coordinated-care-reduce-regulatory-burdens.html">https://www.hhs.gov/about/news/2020/12/10/hhs-proposes-modifications-hipaa-privacy-rule-empower-patients-improve-coordinated-care-reduce-regulatory-burdens.html</a>

## HHS Amends PREP Act Declaration

<b>Date</b>	December 3, 2020
<b>Summary</b>	HHS issued a fourth amendment to the Declaration under the Public Readiness and Emergency Preparedness Act (PREP Act). Among other things, the amendment authorizes healthcare personnel using telehealth to order or administer Covered Countermeasures, such as a diagnostic test that has received an Emergency Use Authorization (EUA) from the Food and Drug Administration (FDA), for patients in a state other than the state where the healthcare personnel are already permitted to practice. While many states have decided to permit healthcare personnel in other states to provide telehealth services to patients within their borders, not all states have done so.

**Link** | <https://www.hhs.gov/about/news/2020/12/03/hhs-amends-prep-act-declaration-including-expand-access-covid-19-countermeasures-telehealth.html>

## HHS Publishes COVID-19 Hospital Facility-Level Data

<b>Date</b>	December 7, 2020
<b>Summary</b>	HHS released new hospital COVID-19 capacity data at the facility level. Previously released data about hospital capacity was aggregated at the state level. This new, more granular, data release aggregates daily hospital reports into a "week at a time" picture to protect patient privacy, while providing a view of how COVID-19 is impacting hospitals and local communities across the country.
<b>Link</b>	<a href="https://www.hhs.gov/about/news/2020/12/07/hhs-publishes-covid-19-hospital-facility-level-data.html">https://www.hhs.gov/about/news/2020/12/07/hhs-publishes-covid-19-hospital-facility-level-data.html</a>

## Updated FAQs for Reporting

<b>Date</b>	December 8, 2020
<b>Summary</b>	HHS updated COVID-19 reporting guidance and FAQs for hospitals, hospital laboratories, and acute care facilities.
<b>Link</b>	<a href="https://www.hhs.gov/sites/default/files/covid-19-faqs-hospitals-hospital-laboratory-acute-care-facility-data-reporting.pdf">https://www.hhs.gov/sites/default/files/covid-19-faqs-hospitals-hospital-laboratory-acute-care-facility-data-reporting.pdf</a>

## CDC Updates COVID-19 Quarantine Guidance

<b>Date</b>	December 2, 2020
<b>Summary</b>	The Centers for Disease Control and Prevention (CDC) issued updated guidance related to the recommended COVID-19 quarantine timeframe. The CDC now recommends two additional options for how long quarantine should last.
<b>Link</b>	<a href="https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/quarantine.html">https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/quarantine.html</a>



## FDA Authorizes First Direct-to-Consumer COVID-19 Test System

---

<b>Date</b>	December 9, 2020
<b>Summary</b>	FDA authorized LabCorp’s Pixel COVID-19 Test Home Collection Kit for use by any person 18 years and older without a prescription. This product, which is authorized as the first COVID-19 direct-to-consumer (non-prescription) test system, allows a person to self-collect a nasal swab sample at home and then send that sample for testing to LabCorp. Positive or invalid test results are then delivered to the user by phone call from a health care provider. Negative test results are delivered via email or online portal.
<b>Link</b>	<a href="https://www.fda.gov/news-events/press-announcements/coronavirus-covid-19-update-fda-authorizes-first-direct-consumer-covid-19-test-system">https://www.fda.gov/news-events/press-announcements/coronavirus-covid-19-update-fda-authorizes-first-direct-consumer-covid-19-test-system</a>