

# MMHPI COVID-19 Regulatory & Reimbursement Newsletter

## *Letter to Providers #39: State and Federal Updates – January 8, 2021*

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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

### Extended Flexibilities

#### Emergency Rules Related to Telephonic Renewal of Prescriptions for Chronic Pain

<b>Date</b>	January 4, 2021
<b>Summary</b>	The Texas Board of Nursing <a href="#">extended</a> through March 5, 2020 an emergency rule originally set to expire January 4, 2021. The rule allows an advanced practice registered nurse (APRN) to treat chronic pain with scheduled drugs, such as opioids, through use of telemedicine if a patient is an established chronic pain patient of the APRN, is seeking a telephone refill of an existing prescription, and the APRN determines that the telemedicine treatment is needed due to the COVID-19 pandemic. A similar Texas Medical Board <a href="#">emergency rule</a> allowing providers to telephonically renew scheduled drugs for patients with chronic pain has been extended through March 2, 2021.
<b>Links</b>	<a href="https://www.bon.texas.gov/emergency%20amendments%20to%20rule%20217.24%20Jan%204.asp">https://www.bon.texas.gov/emergency %20amendments to %20rule 217.24 Jan 4.asp</a>  <a href="https://www.sos.texas.gov/texreg/archive/January82021/Emergency%20Rules/22.EXAMINING%20BOARDS.html#13">https://www.sos.texas.gov/texreg/archive/January82021/Emergency%20Rules/22.EXAMINING%20BOARDS.html#13</a>

#### FMSAs and Consumer Directed Services Employers

<b>Date</b>	December 15, 2020
<b>Summary</b>	The suspension of face-to-face consumer directed services (CDS) employer orientations has been extended through January 21, 2021 or through January 31, 2021 if the federal public health emergency continues beyond January 21, 2021.
<b>Link</b>	<a href="https://hhs.texas.gov/about-hhs/communications-events/news/2020/12/covid-19-guidance-fmsas-consumer-directed-services-employers-revised-dec-15-il-2020-08">https://hhs.texas.gov/about-hhs/communications-events/news/2020/12/covid-19-guidance-fmsas-consumer-directed-services-employers-revised-dec-15-il-2020-08</a>

## Behavioral Health Providers: Updated FAQs

<b>Date</b>	December 18, 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 items including the following:</p> <ul style="list-style-type: none"> <li>• <b>Q. For substance use services providers, is there updated guidance on chemical dependency treatment facility (CDTF) training requirements for abuse, neglect and exploitation (ANE) training and nonviolent crisis intervention (NVCI) training?</b></li> </ul> <p>A. Yes. Guidance Letter 20-3007-A, issued November 25, 2020, extends emergency rule amendments involving CDTF training requirements for ANE and NVCI. The emergency amendments to §448.603, Training, are adopted under Texas Administrative Code Title 25, Part 1, Chapter 448, Subchapter F. Under these emergency rule amendments, CDTFs may temporarily provide staff with training related to ANE and NVCI through live, interactive, instructor-led, electronic means performed using synchronous audiovisual interaction. The remainder of §448.603 remains unchanged. The emergency rule extension is effective until January 26, 2021. To read the guidance letter, click on the link below:</p> <p><i>Resource:</i></p> <p><a href="https://hhs.texas.gov/sites/default/files/documents/doing-business-with-hhs/provider-portal/facilities-regulation/memos/gl-20-3007-a.pdf">https://hhs.texas.gov/sites/default/files/documents/doing-business-with-hhs/provider-portal/facilities-regulation/memos/gl-20-3007-a.pdf</a></p>
<b>Link</b>	<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>

## HCS and ICF/IID Providers: Guidance on SSLC Transition Visits

<b>Date</b>	December 30, 2020
<b>Summary</b>	<p>Due to the escalating COVID-19 crisis, HHSC Long-term Care Regulation has published <a href="#">Provider Letter (PL) 2020-57</a>, HHSC Guidance to Home and Community-based Services (HCS) Program Providers and Intermediate Care Facilities for Individuals with an Intellectual Disability or Related Conditions (ICF/IID) on state supported living centers (SSLC) transition visits. The PL provides guidance to providers when an individual wants to tour a prospective residence when transitioning from a state supported living center to a community setting.</p>
<b>Link</b>	<a href="https://hhs.texas.gov/about-hhs/communications-events/news/2020/12/hhsc-publishes-guidance-hcs-icfiid-providers-sslc-transition-visits-pl-2020-57">https://hhs.texas.gov/about-hhs/communications-events/news/2020/12/hhsc-publishes-guidance-hcs-icfiid-providers-sslc-transition-visits-pl-2020-57</a>

## ID/RC Assessment Requirements for Program Providers and LIDDA Service Coordinators

<b>Date</b>	December 21, 2020
<b>Summary</b>	<p>HHSC shared an urgent reminder for Home and Community-Based Services (HCS), Texas Home Living (TxHML), Community Living Assistance &amp; Support Services (CLASS) case management agencies (CMAs), CLASS direct service agencies (DSAs), and Deaf Blind Multiple Disabilities (DBMD) program providers and Local Intellectual &amp; Developmental Disability Authority (LIDDA) service coordinators. Due to the public health emergency, HHSC is automatically renewing individual plans of care and Intellectual Disability/Related Condition (ID/RC) assessments that expire on or before December 30, 2020. The renewal is for one year from the expiration date.</p> <p>HHSC is not automatically renewing individual plans of care (IPCs) and ID/RCs that expire on or after December 31, 2020. This is explained in <a href="#">IL 20-45</a> and <a href="#">IL 20-46</a>. Program providers and LIDDA service coordinators must conduct service planning team meetings on or before the effective date of the renewal IPC to develop proposed renewal IPCs and updated ID/RCs for submission to HHSC. The effective date of the renewal IPC is the day after the IPC expires.</p> <p>Program providers cannot bill for services provided when a renewal IPC is not authorized by HHSC. This means that if a service planning team (SPT) meeting does not occur on or before the effective date of the renewal IPC, the program provider cannot bill for services provided between the date of the meeting and the effective date of the renewal IPC.</p>
<b>Links</b>	<p><a href="https://hhs.texas.gov/about-hhs/communications-events/news/2020/12/urgent-reminder-hcs-txhtml-program-providers-lidda-service-coordinators">https://hhs.texas.gov/about-hhs/communications-events/news/2020/12/urgent-reminder-hcs-txhtml-program-providers-lidda-service-coordinators</a></p> <p><a href="https://hhs.texas.gov/about-hhs/communications-events/news/2020/12/urgent-reminder-class-cmas-class-dsas-dbmd-program-providers">https://hhs.texas.gov/about-hhs/communications-events/news/2020/12/urgent-reminder-class-cmas-class-dsas-dbmd-program-providers</a></p>

## Texas Vaccine Allocation

<b>Date</b>	January 7, 2021
<b>Summary</b>	<p>Texas Department of State Health Services (DSHS) posted the <a href="#">list of providers</a> receiving week four vaccine allocations along with a <a href="#">news release</a> with overall data, explanations, and messaging. Week four allocations were loaded last week into the state Vaccine Allocation and Ordering System and are shipping this week.</p>

Next week, Texas will direct most of the COVID-19 vaccine received from the federal government to large providers who can vaccinate a total of more than 100,000 people. Additional vaccines will be distributed to smaller providers in other parts of the state.

Providers that receive the larger amounts of vaccine will vaccinate health care workers, people who aged 65 and older, and those who have a medical condition that increases their risk of severe disease or death. DSHS surveyed vaccine providers about their capacity to operate large, community vaccination sites the week of January 11, 2021 and will publish a list of vaccine hub providers once vaccine allocation is finalized.

Large and small sites around Texas will receive a total of about 200,000 doses of vaccine next week. This will be the last week the state is required to reserve doses to vaccinate residents and staff of long-term care facilities under the federal pharmacy-LTC partnership, freeing up more vaccines for use in other settings in the future.

**Link**

<https://www.dshs.state.tx.us/news/releases/2021/20210107.aspx>

## COVID-19 Vaccine FAQs and Resource Pages

<b>Date</b>	January 7, 2021
<b>Summary</b>	<p>DSHS updated its vaccine FAQ page to clarify that residents and direct care staff of long-term care facilities are to be included in Phase 1A of the vaccine rollout. Specifically, the FAQ says that community-based intermediate care facilities for individuals with an intellectual disability or related condition, regardless of size, and small group home residence settings (three and four-person residences) that are owned and operated by certified Home and Community-based Services Medicaid Waiver Program providers should be included in the definition of "long-term care facilities." Read DSHS' updated <a href="#">COVID-19 Vaccine FAQs</a>.</p> <p>DSHS also issued an <a href="#">FAQ document</a> to answer common questions from providers about the COVID-19 vaccine. The document includes answers to questions on vaccine registration, administration, and distribution. Hospitals should note that, as long as the signing clinician for the vaccine provider authorizes it, any medical professional is eligible to administer the COVID-19 vaccine, including licensed nurses, medical assistants, emergency medical services (including paramedic or EMT), and other staff members granted authority to vaccinate by a signing clinician.</p>

Please see the following for additional vaccine resources:

- Vaccination Provider Enrollment:  
<https://www.dshs.texas.gov/coronavirus/immunize/providerinformation.aspx>
- Texas DSHS Immunization Program Portal:  
<https://enrolltexasiz.dshs.texas.gov/>
- COVID 19 Vaccine: <https://www.txvendordrug.com/formulary/covidvaccine>
- Email: [COVID19VacEnroll@dshs.texas.gov](mailto:COVID19VacEnroll@dshs.texas.gov)

## Allergic Reaction to COVID-19 Vaccine, Second Dose

<b>Date</b>	January 4, 2021
<b>Summary</b>	DSHS released <a href="#">updated guidance</a> from the Centers for Disease Control and Prevention (CDC) on allergic reactions related to the COVID-19 vaccine. People who had a severe allergic reaction or a non-severe allergic reaction immediately after the first dose should not get the second dose.
<b>Link</b>	<a href="https://www.tha.org/Portals/0/files/COVID-19/COVIDvaccineallergicreactionnotice.pdf?ver=2021-01-04-180001-227">https://www.tha.org/Portals/0/files/COVID-19/COVIDvaccineallergicreactionnotice.pdf?ver=2021-01-04-180001-227</a>

## Therapeutics Update

<b>Date</b>	December 28, 2020
<b>Summary</b>	<p>Governor Abbott issued a <a href="#">news release</a> urging nursing facilities to be aware of the availability of monoclonal antibody therapies that can be used to treat residents who have been diagnosed with COVID-19. Nursing homes or state officials may be reaching out to hospitals to request treatment courses that are not being used, to be administered at nursing homes. Texas Division of Emergency Management (TDEM) has posted a <a href="#">therapeutics finder</a> to help nursing homes and physicians locate the medication in their areas. Hospitals can register to receive therapeutics <a href="#">here</a> and can contact DSHS via the new <a href="#">therapeutics email address</a> with additional questions. According to the latest posted federal data, more than 40,000 doses of <a href="#">bamlanivimab</a> (32,165) and <a href="#">casirivimab/imdevimab</a> (8,124) have been allocated to Texas.</p> <p>Gov. Abbott also <a href="#">announced</a> that TDEM has established a therapeutic infusion center in Austin to treat outpatient cases of COVID-19. Beginning Wednesday, January 6, patients who meet certain criteria and have a referral from a hospital or physician can access Regeneron. This infusion center has been established through a partnership between TDEM, Travis County, the city of Austin, and the Capital Area Trauma Regional Advisory Council.</p>

## Pharmacy Board Issues Guidance on Monoclonal Antibody Treatments

<b>Summary</b>	The Texas State Board of Pharmacy has issued <a href="#">new guidance</a> on the compounding and distribution of monoclonal antibodies by hospital pharmacies. TSBP lists three scenarios that appear to be in compliance with state pharmacy laws: distribution of the unmixed drugs to a practitioner and bedside compounding by the practitioner; compounding the drugs at a pharmacy for infusion for a specific patient and then delivering the compounded preparation to an infusion location; or compounding the drugs at a pharmacy and then delivering the compounded preparation to an infusion center without a specific patient identified as the recipient.
<b>Link</b>	<a href="https://www.pharmacy.texas.gov/coronavirus/guidance.asp">https://www.pharmacy.texas.gov/coronavirus/guidance.asp</a>

## Texas Identifies Case of COVID-19 UK Variant

<b>Date</b>	January 7, 2021
<b>Summary</b>	<p>The first known Texas case of the COVID-19 B.1.1.7 variant has been identified in a Harris County resident. The adult male, who has no history of travel, was recently diagnosed with COVID-19. Results of genetic sequencing this week showed that the infection was caused by the variant. The case is being investigated by Harris County Public Health and DSHS.</p> <p>“The fact that this person had no travel history suggests this variant is already circulating in Texas,” said Dr. John Hellerstedt, DSHS commissioner. “Genetic variations are the norm among viruses, and it’s not surprising that it arrived here given how rapidly it spreads. This should make us all redouble our commitment to the infection prevention practices that we know work: masks any time you’re around people you don’t live with, social distancing, and personal and environmental hygiene.”</p> <p>The B.1.1.7 variant was first identified in the United Kingdom in the fall and appears to spread much more easily from person-to-person than most strains of the coronavirus. The current scientific evidence is that the variant does not cause more severe disease and that vaccines are expected to be effective against it. It is thought to be responsible for only a small proportion of the current COVID-19 cases in Texas and the United States.</p>
<b>Link</b>	<a href="https://www.dshs.texas.gov/news/releases/2021/20210107a.aspx">https://www.dshs.texas.gov/news/releases/2021/20210107a.aspx</a>

**HB 974 Filed**

<b>Date</b>	January 6, 2021
<b>Summary</b>	Rep. Price filed HB 974, omnibus legislation based on the telemedicine, telehealth, and telephonic flexibilities created as a result of the COVID-19 pandemic. The bill includes a provision requiring HHSC to implement audio-only benefits for behavioral health services.
<b>Link</b>	<a href="https://capitol.texas.gov/tlodocs/87R/billtext/pdf/HB00974I.pdf#navpanes=0">https://capitol.texas.gov/tlodocs/87R/billtext/pdf/HB00974I.pdf#navpanes=0</a>

**Federal Updates****PPP Loan Update**

<b>Date</b>	January 4, 2021
<b>Summary</b>	The Consolidated Appropriations Act, 2021, adds \$300 to extended weekly unemployment benefits and provides more than \$300 billion in aid for small businesses. It also ensures tax deductibility for business expenses paid with forgiven Paycheck Protection Program loans, provides fresh PPP funding, makes Sec. 501(c)(6) not-for-profit organizations eligible for loans for the first time, and offers businesses facing severe revenue reductions the opportunity to apply for a second loan.
<b>Link</b>	<a href="https://www.sba.gov/funding-programs/loans/coronavirus-relief-options/paycheck-protection-program">https://www.sba.gov/funding-programs/loans/coronavirus-relief-options/paycheck-protection-program</a>

**New ICD-10 COVID-19 Diagnosis Code Updates**

<b>Date</b>	December 30, 2020																								
<b>Summary</b>	Effective for dates of service on or after January 1, 2021, in response to the COVID-19 pandemic, the CDC's National Center for Health Statistics (NCHS) is implementing six new diagnosis codes into the International Classification of Diseases, Tenth Revision, Clinical Modification (ICD-10-CM).  <table border="1" data-bbox="386 1598 1409 1717"> <tr> <th colspan="6">Added Diagnosis Codes</th> </tr> <tr> <td>J1282</td> <td>M3581</td> <td>M3589</td> <td>Z1152</td> <td>Z20822</td> <td>Z8616</td> </tr> <tr> <th colspan="6">Discontinued Diagnosis Code</th> </tr> <tr> <td colspan="6">M358</td> </tr> </table>	Added Diagnosis Codes						J1282	M3581	M3589	Z1152	Z20822	Z8616	Discontinued Diagnosis Code						M358					
Added Diagnosis Codes																									
J1282	M3581	M3589	Z1152	Z20822	Z8616																				
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<b>Link</b>	<a href="https://www.tmhp.com/news/2020-12-30-new-icd-10-covid-19-diagnosis-code-updates-effective-january-1-2021">https://www.tmhp.com/news/2020-12-30-new-icd-10-covid-19-diagnosis-code-updates-effective-january-1-2021</a>																								



## New Infection Control Guidance for ICFs/IID

<b>Date</b>	December 17, 2020
<b>Summary</b>	The Centers for Medicare & Medicaid Services (CMS) released new infection control guidance for Intermediate Care Facilities for Individuals with an Intellectual Disability or Related Conditions (ICFs/IID) ( <a href="#">QSO 21-07</a> ). This includes FAQs regarding infection control practices in ICFs/IID. CMS included resources to assist caregivers working with people with behavioral health conditions and when a person seeks a discharge or diversion slot from an institutional setting.
<b>Link</b>	<a href="https://hhs.texas.gov/about-hhs/communications-events/news/2020/12/cms-issues-new-infection-control-guidance-icfsiid-dec-17">https://hhs.texas.gov/about-hhs/communications-events/news/2020/12/cms-issues-new-infection-control-guidance-icfsiid-dec-17</a>

## Medicare Telehealth FAQs

<b>Date</b>	January 5, 2021
<b>Summary</b>	<p>CMS updated COVID-19 FAQs on Medicare fee-for-service (FFS) billing with new items including the following:</p> <ul style="list-style-type: none"> <li>• <b>Q. How did CMS implement the increased payment under the IPPS for COVID-19 patients under the provisions of section 3710 of the CARES Act?</b> <ul style="list-style-type: none"> <li>A. To implement this temporary statutory adjustment, the IPPS Pricer will apply an adjustment factor to increase the Medicare Severity-Diagnosis Related Group (MS-DRG) relative weight that would otherwise apply by 20 percent when determining IPPS operating payments (including the calculation of payments such as for disproportionate share hospitals (DSHs), indirect medical education (IME), outliers, new technologies, and low-volume hospitals and the hospital specific rates for sole community hospitals (SCHs) and Medicare-dependent hospitals (MDHs)) for discharges of patients with a principal or secondary diagnosis of COVID-19. For additional information regarding which claims are eligible for the 20 percent increase in the MS-DRG weighting factor, please see the Medicare Learning Network (MLN) Matters article “New COVID-19 Policies for Inpatient Prospective Payment System (IPPS) Hospitals, Long-Term Care Hospitals (LTCHs), and Inpatient Rehabilitation Facilities (IRFs) due to Provisions of the CARES Act” available on the CMS website at <a href="https://www.cms.gov/files/document/se20015.pdf">https://www.cms.gov/files/document/se20015.pdf</a>.</li> </ul> </li> </ul>
<b>Link</b>	<a href="https://www.cms.gov/files/document/medicare-telehealth-frequently-asked-questions-faqs-31720.pdf">https://www.cms.gov/files/document/medicare-telehealth-frequently-asked-questions-faqs-31720.pdf</a>

## Revised Quality Safety & Oversight Memo

<b>Date</b>	January 4, 2021
<b>Summary</b>	<p>CMS has issued a revised Quality Safety &amp; Oversight Memo (20-31-All) for nursing homes. The revisions include:</p> <ul style="list-style-type: none"> <li>• Criteria requiring states to conduct focused infection control surveys due to the increased availability of resources for the testing of residents and staff and factors related to the quality of care.</li> <li>• FAQs related to health, emergency preparedness, and life safety code surveys.</li> </ul>
<b>Link</b>	<a href="https://www.cms.gov/files/document/qso-20-31-all-revised.pdf">https://www.cms.gov/files/document/qso-20-31-all-revised.pdf</a>

## Scarce PPE Resources for Domestic Use

<b>Date</b>	December 31, 2020
<b>Summary</b>	<p>The Federal Emergency Management Agency (FEMA) recently extended through June 30, 2021, with changes, a temporary final rule designating certain scarce health and medical resources exclusively for domestic use during the pandemic. The rule continues to apply to surgical N-95 respirators, surgical masks, nitrile surgical and exam gloves, level 3 and 4 surgical gowns and surgical isolation gowns. The rule also adds certain syringes and hypodermic needles to the covered materials list.</p>
<b>Link</b>	<a href="https://www.govinfo.gov/content/pkg/FR-2020-12-31/pdf/2020-29060.pdf">https://www.govinfo.gov/content/pkg/FR-2020-12-31/pdf/2020-29060.pdf</a>

## Medicaid and CHIP Enrollment Trends

<b>Date</b>	December 21, 2020
<b>Summary</b>	<p>CMS released its monthly Medicaid and Children’s Health Insurance Program (CHIP) Enrollment Trends Snapshot, showing a continued increase in enrollment for these programs. This latest summary report captures impacts of the COVID-19 public health emergency (PHE) by tracking total Medicaid and CHIP program enrollment trends for adults and children over a 12-month period. CMS initially reported the impact of COVID-19 on increasing Medicaid and CHIP enrollment in the Enrollment Trends Snapshot released in September 2020. For the first time, the Snapshot now also includes a summary of the total number of applications submitted for these programs. From February 2020 to August 2020, Medicaid and CHIP enrollment increased by nearly 5.9 million people nationwide, or almost 8.3%. During this period, Medicaid enrollment increased by over 5.8 million individuals, or 9.1%, whereas CHIP enrollment increased by 33,000 individuals, or 0.5%.</p>

**Link** | <https://www.cms.gov/newsroom/press-releases/cms-releases-august-medicaid-and-chip-enrollment-trends-snapshot-showing-continued-enrollment-growth>

## Federal Pharmacy Partnership Program Contact Information for COVID-19 Vaccines

<b>Date</b>	January 7, 2020
<b>Summary</b>	<p>Long-term care providers with questions about CVS or Walgreens COVID-19 vaccinations administered through the Federal Pharmacy Partnership program should contact the following:</p> <p>CVS: 833-968-1756 <a href="#">Email COVID Vaccine Clinics LTCV.</a></p> <p>Walgreens: <a href="#">Email Immunize ILTC.</a></p>
<b>Link</b>	<a href="https://hhs.texas.gov/about-hhs/communications-events/news/2021/01/federal-pharmacy-partnership-program-contact-information-covid-19-vaccines">https://hhs.texas.gov/about-hhs/communications-events/news/2021/01/federal-pharmacy-partnership-program-contact-information-covid-19-vaccines</a>