

Meadows Institute COVID-19 Regulatory & Reimbursement Newsletter

Letter to Providers #43: State and Federal Updates – February 5, 2021

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With federal and state health care policies changing in response to COVID-19, the Meadows Mental Health Policy Institute (Meadows Institute) 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://mmhpi.org/work/covid19/>. 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

Extended Flexibilities

CSHCN: Prior Authorizations

Date	February 1, 2021
Summary	To help ensure continuity of care during the COVID-19 response, the Health and Human Services Commission (HHSC) has directed the Texas Medicaid & Healthcare Partnership (TMHP) to move forward with processing new and initial prior authorization requests, including recertification requests, by relaxing document submission timeframes for providers that are unable to provide certain required documentation during the COVID-19 emergency. This direction will remain in effect through February 28, 2021. This guidance applies to all Children with Special Health Care Needs (CSHCN) services program services requiring prior authorization. This is an update to the article titled, " Guidance for Providers Regarding New and initial Prior Authorizations ," which was published on July 2, 2020.
Link	https://www.tmhp.com/news/2021-02-01-covid-19-guidance-new-and-initial-cshcn-prior-authorizations

CSHCN: Signature Requirement

Date	February 1, 2021
Summary	To help ensure continuity of care during the COVID-19 response, the requirement to obtain the client or guardian signature on CSHCN services program documentation of receipt form is waived through February 28, 2021.
Link	https://www.tmhp.com/news/2021-02-01-client-signature-requirement-waived-cshcn-documentation-receipt-form-response-covid

FMSAs and Consumer Directed Services Employers

Date	February 1, 2021
Summary	HHSC has published a revision to IL 2020-08, Guidance for Financial Management Service Agencies (FMSAs) and Consumer Directed Services (CDS) Employers , alerting FMSAs that the suspension of face-to-face CDS employer orientations is extended through February 28, 2021. FMSAs should provider employer orientations that are scheduled through that date virtually or by phone.
Link	https://hhs.texas.gov/about-hhs/communications-events/news/2021/02/covid-19-guidance-fmsas-consumer-directed-services-employers-revised-feb-1-il-2020-08

Updated FAQs

Behavioral Health Providers

Date	
Summary	<p>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">• Q. Is there new information on the emergency rules in 26 Texas Administrative Code §306.1351?<ol style="list-style-type: none">A. To ensure continuity of services for people receiving behavioral health services and to reduce the risk of COVID-19 transmission, HHSC adopted emergency rules in the Texas Administrative Code, Title 26, Chapter 306, Subchapter Z, Section 306.1351 on January 19, 2021. The emergency rules establish flexibilities in certain requirements, described below, for actions taken on or after March 13, 2020.<p>A behavioral health services provider may exercise flexibilities allowed under the emergency rules only if the flexibility does not conflict with another law or obligation of the provider. To be eligible for Medicaid reimbursement, providers must comply with policy guidance issued by HHSC’s Medicaid/CHIP Services Department or the Texas Medicaid & Healthcare Partnership.</p><p>To determine whether a provider may use a flexibility listed below, providers must evaluate their own obligations and determine if a stricter requirement applies. The flexibilities include:</p><ul style="list-style-type: none">• Permitting telehealth, telemedicine, videoconferencing or telephonic (audio only) methods of communication instead of face-to-face contact.

- Permitting virtual platforms instead of a private physical space for interactions.
- Not requiring children or adolescents to reside with their legally authorized representative to meet YES Waiver Program eligibility criteria.

The emergency rules may be viewed [here](#). Emergency rules are not included in the Texas Administrative Code. These rules appeared in the print issue of the Texas Register on January 29, 2021 and expire on May 18, 2021.

- **Has COVID-19 caused changes to the counselor caseloads for substance use services for residential and outpatient treatment?**
 - A. Yes. According to Guidance Letter 20-3008 and under Emergency Rule §500.42, a chemical dependency treatment facility may increase counselor caseloads in intensive residential programs from 10 to 20 clients per counselor. This emergency rule became effective October 17, 2020 and is set to expire February 13, 2021. However, this rule may be extended for another 60 days. Currently there are no emergency rules regarding counselor caseloads for outpatient treatment services.
[Guidance Letter 20-3008](#)

Link

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

HCS and TxHmL

Date

February 3, 2021

Summary

HHSC published updated FAQs about COVID-19 for Home and Community-based Services (HCS) and Texas Home Living (TxHmL) providers.

Link

<https://hhs.texas.gov/about-hhs/communications-events/news/2021/02/updated-covid-19-frequently-asked-questions-hcs-txhtml-providers>

Reimbursement Rate Updates

Procedure Code 87428

Date	February 1, 2021
Summary	<p>Effective January 28, 2021, for dates of service on or after November 10, 2020, the reimbursement rate for COVID-19 lab procedure code 87428 will be updated for Medicaid, the CSHCN services program, Healthy Texas Women (HTW), and the Family Planning Program.</p> <p>The following link shows the updates: COVID-19 Code 87428.</p> <p>Affected claims with dates of service from November 10, 2020 through January 28, 2021, 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.</p>
Link	https://www.tmhp.com/news/2021-02-01-reimbursement-rate-updates-covid-19-procedure-code-87428-effective-november-10-2020

Procedure Code M0239

Date	February 1, 2021
Summary	<p>Effective January 28, 2021, for dates of service on or after November 9, 2020, the reimbursement rate for COVID-19 administration procedure code M0239 will be updated for Texas Medicaid and the CSHCN services program.</p> <p>The following link shows the updates: COVID-19 Administration Code M0239.</p> <p>Affected claims with dates of service from November 9, 2020 through January 28, 2021, 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.</p>
Link	https://www.tmhp.com/news/2021-02-01-reimbursement-rate-updates-covid-19-administration-procedure-code-m0239-effective

Procedure Code M0243

Date	February 1, 2021
Summary	<p>Effective January 28, 2021, for dates of service on or after November 21, 2020, the reimbursement rate for COVID-19 administration procedure code M0243 will be updated for Texas Medicaid and CSHCN services program.</p> <p>The following link shows the updates: COVID-19 Administration Code M0243.</p> <p>Affected claims with dates of service from November 21, 2020 through January 28, 2021, 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.</p>
Link	https://www.tmhp.com/news/2021-02-01-reimbursement-rate-updates-covid-19-administration-procedure-code-m0243-effective

Change to Provider Enrollment Revalidation Due Dates

Date	February 3, 2021
Summary	<p>Federal law requires all providers to revalidate their Medicaid enrollment at least every five years. However, due to the public health emergency, the Centers for Medicare & Medicaid Services (CMS) provided extensions to the revalidation date. TMHP will notify providers 120 days before their recalculated enrollment end date under the CMS revalidation flexibility.</p> <p>Refer to: CMS guidance titled Planning for the Resumption of Normal State Medicaid, Children’s Health Insurance Program (CHIP), and Basic Health Program (BHP) Operations Upon Conclusion of the COVID-19 Public Health Emergency.</p> <p>Texas Medicaid and CSHCN services program providers should confirm their current enrollment information regularly.</p>
Link	https://www.tmhp.com/news/2021-02-03-change-provider-enrollment-revalidation-due-dates-response-covid-19-emergency

Resources for Abilene, Lufkin, Eagle Pass

Date	January 27, 2021
Summary	Governor Abbott announced that the U.S. Department of Defense has deployed 80 military medical personnel to assist in the COVID-19 response in Abilene, Lufkin and Eagle Pass. The military nurses, respiratory therapists, and doctors will support Hendrick Medical Center in Abilene, CHI St. Luke's Health - Memorial Hospital in Lufkin, and Fort Duncan Regional Medical Center in Eagle Pass. The Department of State Health Services (DSHS) worked with the Texas Hospital Preparedness Program to determine prioritization.
Link	https://gov.texas.gov/news/post/governor-abbott-surges-department-of-defense-covid-19-resources-to-abilene-lufkin-eagle-pass

Week Eight Vaccine Allocations

Date	January 29, 2021
Summary	DSHS issued a news release announcing the vaccine allocations for the week of February 1 (week eight). The list of providers receiving vaccine is available here and includes 344 providers in 166 Texas counties. This includes 82 hub providers as well as certain federally qualified health centers, community health centers, and rural health clinics that typically provide primary care for underserved populations. DSHS also posted the current list of hubs with contact information. Texas providers have administered nearly 2.2 million doses of vaccine. More than 1.75 million people have received at least one dose, and more than 410,000 have been fully vaccinated. People are not required to be vaccinated in their county of residence, and vaccine has been administered to residents of all 254 counties.
Link	https://www.dshs.state.tx.us/news/releases/2021/20210129.aspx

State Infusion Hotline Now Active to Request Monoclonal Antibodies

Date	February 3, 2021
Summary	HHSC Long-term Care (LTC) Regulation and DSHS are encouraging long-term care providers to contact the State Infusion Hotline at 800-742-5990 to request infusions of monoclonal antibodies and a medical team at their facility. LTC providers set up to provide infusions may also request immediate delivery of monoclonal antibody therapeutics to their facility. For more details and monoclonal antibody resources, read this letter .

Link | <https://www.tmhp.com/news/2021-02-03-state-infusion-hotline-now-active-request-mono-clonal-antibodies>

“High Hospitalization” List Update

Date	February 2, 2021
Summary	Trauma Service Area (TSA) O (Central Texas) has been removed from the list of TSAs that have reached the state’s “high hospitalization” threshold. As a reminder, TSAs in that category are asked to scale down elective surgeries and procedures. Executive orders GA 31 and 32 lay out the threshold for high hospitalizations and impact on elective procedures.
Link	https://www.dshs.state.tx.us/GA3031/

Grant for Students with Cognitive Disabilities Impacted by COVID-19

Date	January 28, 2021
Summary	<p>Gov. Abbott and the Texas Education Agency (TEA) launched an online application for the Supplementary Special Education Services (SSES) program, which allows eligible families of children with significant cognitive disabilities and complex educational needs to apply for a \$1,500 online account to be used in the SSES marketplace. The goods and services in the marketplace can help families mitigate educational setbacks resulting from the extensive disruptions to education prompted by COVID-19. These services do not reduce or eliminate the responsibilities of schools to provide a free appropriate public education (FAPE) to all students.</p> <p>Under the program—which was established last fall with \$30 million in funds by Gov. Abbott and state leaders—at least 18,000 students with significant cognitive disabilities statewide will be in position to receive a one-time grant of up to \$1,500 for the purchase of a broad range of educational resources and services. Priority will be given to Texas families receiving income assistance and to families that have documented financial needs.</p>
Link	https://gov.texas.gov/news/post/governor-abbott-tea-open-grant-applications-for-students-with-cognitive-disabilities-impacted-by-covid-19

Extension of Emergency SNAP Benefits for February 2021

Date	February 2, 2021
Summary	<p>Gov. Abbott announced HHSC will provide approximately \$300 million in emergency Supplemental Nutrition Assistance Program (SNAP) food benefits for the month of February as the state continues its response to the COVID-19 pandemic. HHSC received federal approval from the U.S. Department of Agriculture to extend the maximum, allowable amount of SNAP benefits to recipients based on family size. The emergency February allotments are in addition to the more than \$2 billion in benefits previously provided to Texans since April 2020.</p> <p>Recipients will also continue to receive a 15 percent increase in their total benefits, which will continue monthly until June 2021. This additional 15 percent increase and the emergency allotment amount should appear in recipients' accounts by February 28.</p>
Link	https://gov.texas.gov/news/post/governor-abbott-hhsc-announce-extension-of-emergency-snap-benefits-for-february-2021

Federal Updates

2021 Special Enrollment Period in response to the COVID-19 Emergency

Date	January 28, 2021
Summary	<p>In accordance with the Executive Order issued by President Biden, CMS determined that the COVID-19 emergency presents exceptional circumstances for consumers in accessing health insurance and will provide a Special Enrollment Period (SEP) for individuals and families to apply and enroll in the coverage they need. This SEP will be available to consumers in the 36 states served by marketplaces that use the HealthCare.gov platform. CMS will conduct outreach activities to encourage those who are eligible to enroll in health coverage.</p>
Link	https://www.cms.gov/newsroom/fact-sheets/2021-special-enrollment-period-response-covid-19-emergency

HHS Amends PREP Act Declaration to Increase Workforce Authorized to Administer COVID-19 Vaccines

Date	January 28, 2021
Summary	<p>The U.S. Department of Health and Human Services (HHS) issued a fifth amendment to the Declaration under the Public Readiness and Emergency Preparedness Act (PREP Act) to add additional categories of qualified persons authorized to prescribe, dispense, and administer COVID-19 vaccines authorized by the U.S. Food and Drug Administration.</p> <p>Among other things, the amendment:</p> <ul style="list-style-type: none">• Authorizes any healthcare provider who is licensed or certified in a state to prescribe, dispense, and/or administer COVID-19 vaccines in any other state or U.S. territory.• Authorizes any physician, registered nurse, or practical nurse whose license or certification expired within the past five years to prescribe, dispense and/or administer COVID-19 vaccines in any state or U.S. territory so long as the license or certification was active and in good standing prior to the date it went inactive.• Requires any healthcare professional described above to complete Centers for Disease Control and Prevention (CDC) COVID-19 Vaccine Training and, for healthcare providers who are not currently practicing or whose license or certification is expired, an on-site observation period by a currently practicing healthcare professional.
Link	https://www.hhs.gov/about/news/2021/01/28/hhs-amends-prep-act-declaration-increase-workforce-authorized-administer-covid-19-vaccines.html

Mental Health Resources

Summary	<p>The mental and emotional health of frontline health care workers and providers is a growing concern as the pandemic continues. The National Alliance on Mental Illness' Health Care Professionals webpage offers resources and guidance to support health care professionals during the COVID-19 pandemic. Scroll down the page to find tips for self-care and building resilience as well as links to free services and peer support. Another resource, specifically designed for frontline caregivers, is the Pandemic Crisis Services Response Coalition COVID-19 Mental Health Support.</p>
Link	https://www.nami.org/Your-Journey/Frontline-Professionals/Health-Care-Professionals

CDC Data on Vaccine Disparities

Date	February 1, 2021
Summary	CDC released demographic data on the COVID-19 vaccination effort. Race and ethnicity were only known for about half of the 12.9 million Americans receiving a vaccine between December 14, 2020 and January 14, 2021. More than 60% of those vaccinated were white. More than 14% reported they were of multiple or other races or ethnicities; 11.5% were Hispanic; 6% were Asian; just over 5% were Black; and 2% were American Indian or Alaska Native.
Link	https://www.cdc.gov/mmwr/volumes/70/wr/mm7005e1.htm?s_cid=mm7005e1_w&source=email

COVID-19 Severity in Those with Diabetes

Date	December 2, 2020
Summary	Diabetes Care found that individuals with type 1 diabetes were more likely to experience severe COVID-19 than those with type 2 diabetes. Among patients with type 1 diabetes, glycosylated hemoglobin (HbA1c), hypertension, race, recent diabetic ketoacidosis, health insurance status and less diabetes technology use were significantly associated with illness severity.
Link	https://care.diabetesjournals.org/content/44/2/526

Vaccine Messages, Resources

Summary	Providers are encouraged to consult the Ad Council's recommendations to inform their COVID-19 public-facing messaging. To promote vaccination uptake, the Ad Council recommends: 1) validating concerns and answering questions; 2) referencing vaccination as a path to reuniting with family and friends; 3) emphasizing that doctors recommend COVID-19 vaccination; 4) emphasizing vaccination protects one's self and loved ones; and 5) maintaining a positive and respectful tone. Please be aware of certain phrases to avoid, such as "shot/injection" versus "vaccination." The Ad Council also offers audience insights that speak to primary drivers of vaccine hesitancy among the general public as well as Black Americans and Hispanics . Use these FAQs to debunk myths and educate people on the COVID-19 vaccine.
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