

Meadows Institute COVID-19 Regulatory & Reimbursement Newsletter

Letter to Providers #49: State and Federal Updates – March 26, 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 Rachael McLaughlin at rmclaughlin@mmhpi.org.

Updated TxHmL Provider Response to COVID-19 – Mitigation Emergency Rules

Date	March 23, 2021
Summary	HHSC has issued updated COVID-19 emergency rules. The rules , in place to stop the spread of COVID-19, require actions by Texas Home Living (TxHmL) providers. The new screening criteria reflects current recommendations by the Centers for Disease Control and Prevention (CDC) and the definition of “providers of essential service” was expanded. These rules are effective March 23, 2021.
Link	https://hhs.texas.gov/about-hhs/communications-events/news/2021/03/updated-txhml-provider-response-covid-19-mitigation-emergency-rules

Emergency Hospital Off-Site Facilities and Designation of Licensed Hospital Space in Response to COVID-19

Date	March 19, 2021
Summary	An update regarding the passage of emergency rules for hospital off-site facilities and designation of licensed hospital space in response to COVID-19 has been posted. This emergency rule permits a currently-licensed hospital to request HHSC approval to temporarily operate an off-site inpatient facility, including hospital space designated by another currently-licensed hospital for use as an off-site facility, without obtaining a new license, to more effectively treat and house patients in response to the COVID-19 pandemic. This letter explains the emergency rule and application process.
Link	https://hhs.texas.gov/sites/default/files/documents/doing-business-with-hhs/provider-portal/facilities-regulation/memos/gl-21-1002.pdf

Updates to Visitation Rules

Nursing Facilities

Date	March 23, 2021
Summary	HHSC has recently revised nursing facility visitation rules providing additional flexibilities, which align with the Centers for Medicare and Medicaid Services (CMS) guidelines. Detailed information can be found in their associated provider letter published on March 22, 2021.
Link	https://www.tmhp.com/news/2021-03-23-hhsc-publishes-revised-rules-nursing-facility-visitation

Long-Term Care Facilities

Date	March 23, 2021
Summary	HHSC is expanding visitation statewide in nursing facilities and other long-term care settings, effective March 23, 2021. Per federal guidance issued March 10, 2021 by CMS, fully-vaccinated nursing facility residents are now allowed close, in-person visits with family members and friends who are not designated essential caregivers, as long as proper safeguards are in place.
Link	https://www.tmhp.com/news/2021-03-23-news-release-hhsc-updates-visitation-rules-long-term-care-facilities

Home and Community-based Services Program

Date	March 23, 2021
Summary	HHSC has adopted a new Home and Community-based Services (HCS) Program Provider Response to COVID-19 and Expansion of Reopening Visitation Emergency rule that establishes criteria for expanded indoor and outdoor visitation as well as essential caregiver visits. These rules are effective March 23, 2021.
Link	https://www.tmhp.com/news/2021-03-23-hhsc-adopts-new-hcs-program-provider-response-covid-19-and-expansion-reopening

Updated COVID-19 FAQs for ALFs – March 2

Date	March 2, 2021
Summary	HHSC published updated Frequently Asked Questions (FAQs) about COVID-19 for assisted living facilities.
Link	https://hhs.texas.gov/sites/default/files/documents/govdelivery/alf-faqs.pdf

HCSSA PPE Guidance

Date	March 18, 2021
Summary	<p>HHSC Long-term Care Regulation published Home and Community Support Services Agencies (HCSSA) Clients: Requesting PPE and Your Rights, which outlines the following:</p> <ul style="list-style-type: none">• How a client requests an HCSSA provide PPE to the client to wear while receiving services.• The client’s right to make a complaint if a request is not addressed to their satisfaction.• How to make a complaint. <p>They also published guidance for staff and clients, describing a HCSSA’s responsibility for:</p> <ul style="list-style-type: none">• Maintaining a supply of personal protective equipment.• Providing appropriate PPE to its staff.• Requiring staff to wear the PPE while providing services or inside a client’s residence.• Ensuring a client has appropriate PPE to use while receiving HCSSA service.
Links	<p>https://hhs.texas.gov/sites/default/files/documents/services/health/coronavirus-covid-19/hcssa-ppe-staff-client-rights.pdf</p> <p>https://hhs.texas.gov/sites/default/files/documents/doing-business-with-hhs/provider-portal/long-term-care/hcssa/hcssa-ppe-staff-clients.pdf</p>

Vaccine Updates

Texas to open COVID-19 vaccination to all Adults on March 29

Date	March 23, 2021
Summary	<p>All adults will be eligible to receive a COVID-19 vaccine in Texas beginning Monday, March 29, 2021. The Texas Department of State Health Services (DSHS) expects vaccine supplies to increase next week, and providers in multiple parts of the state have made great strides in vaccinating people in the current priority groups. The state's Expert Vaccine Allocation Panel recommended opening vaccination to everyone who falls under the current Food and Drug Administration (FDA) emergency use authorizations to protect as many Texans as possible. DSHS has directed vaccine providers to prioritize people 80 years old or older when scheduling appointments and to accommodate anyone in that age group who presents for vaccination, whether or not they have an appointment, by immediately moving them to the front of the line. People can find providers through the DSHS Vaccine Information page at dshs.texas.gov/covidvaccine.</p> <p>The week 15 vaccine allocation listing (this week) is posted here. Over 900,000 first doses of COVID-19 vaccine will be shipped to providers across Texas this week. DSHS is allocating 685,470 doses to at least 481 providers in 183 counties.</p>
Links	<p>https://www.dshs.texas.gov/news/releases/2021/20210323.aspx</p> <p>https://www.dshs.state.tx.us/news/releases/2021/20210319.aspx</p>

Texas Expands Save Our Seniors Initiative

Date	March 23, 2021
Summary	<p>Governor Abbott announced that DSHS, the Texas Division of Emergency Management (TDEM), and the Texas Military Department (TMD) have confirmed 25 participating counties for the fourth week of the Save Our Seniors initiative. The Governor announced the Save Our Seniors program in Corpus Christi in February to ensure more seniors are vaccinated throughout the state. Previously, 26 counties participated in the first week, 34 counties participated in the second week, and 28 counties took part in the program. To date, 88 counties have participated.</p>
Link	<p>https://gov.texas.gov/news/post/governor-abbott-announces-fourth-week-of-save-our-seniors-initiative-in-25-counties</p>

ALFs Input Needed on COVID-19 Vaccination Clinic

Date	March 24, 2021
Summary	HHSC is asking assisted living facilities to complete a short survey about their interest in having another COVID-19 vaccination clinic. Please complete the survey by 5 p.m. on Wednesday, March 31, 2021. HHSC will use this feedback to identify evolving needs and inform future initiatives.
Link	https://hhs.texas.gov/about-hhs/communications-events/news/2021/03/alfs-input-needed-covid-19-vaccination-clinic

HHSC Flu and COVID-19 Webinar

Date	March 18, 2021
Summary	HHSC hosted a webinar reviewing the latest information on flu and COVID-19 for providers in Long-term Care Regulation. Topics included comparing flu and COVID-19, the benefits of obtaining a flu shot during COVID-19 spread, facts about COVID-19, and the responsibilities of program providers with recent statewide changes. One key highlight is program providers must continue to follow existing COVID-19 emergency rules. You can access the webinar recording here .
Link	https://www.tmhp.com/news/2021-03-23-march-18-recording-flu-and-covid-what-you-need-know-webinar-available

Federal Updates

HHS Expands Access to COVID-19 Treatments in Underserved Communities

Date	March 17, 2021
Summary	The U.S. Department of Health and Human Services (HHS) is investing \$150 million to increase access to COVID-19 monoclonal antibody therapies for vulnerable communities across the nation. Assistance may include additional staffing, infusion center capacity in traditional and non-traditional health care settings, and equipment to administer intravenous infusion treatments.
Link	https://www.hhs.gov/about/news/2021/03/17/biden-administration-to-invest-150-million-to-expand-access-to-covid-19-treatments-in-underserved-communities.html

HHS Expands Testing

Date	March 17, 2021
Summary	HHS will invest: \$10 billion from the American Rescue Plan to ramp up screening and testing to help schools reopen; and \$2.25 billion to scale up testing in underserved populations and provide new guidance on asymptomatic screening testing in schools, workplaces, and congregate settings.
Link	https://www.hhs.gov/about/news/2021/03/17/biden-administration-invest-more-than-12-billion-expand-covid-19-testing.html

CMS Extends Marketplace Enrollment Period

Date	March 23, 2021
Summary	CMS is extending access to the Special Enrollment Period (SEP) until August 15, giving consumers additional time to take advantage of new savings through the American Rescue Plan. This action provides new and current enrollees an additional three months to enroll or re-evaluate their coverage needs with increased tax credits available to reduce premiums.
Link	https://www.hhs.gov/about/news/2021/03/23/2021-special-enrollment-period-access-extended-to-august-15-on-healthcare-gov-for-marketplace-coverage.html

President Biden Signs SAVE LIVES Act

Date	March 24, 2021
Summary	President Biden signed “Strengthening and Amplifying Vaccination Efforts to Locally Immunize All Veterans and Every Spouse Act or the SAVE LIVES Act ,” which expands the Veterans Affairs’ (VA) authority to provide COVID-19 vaccinations.
Link	https://www.whitehouse.gov/briefing-room/legislation/2021/03/24/bill-signing-h-r-1276/

Vaccine Updates

AstraZeneca Effectiveness in Adults

Date	March 22, 2021
Summary	AstraZeneca reported that in a study of 30,000 people, the vaccine was 79% effective at preventing symptomatic cases of COVID-19 and 100% effective at preventing severe disease and hospitalization.
Link	https://www.astrazeneca.com/content/astraz/media-centre/press-releases/2021/astrazeneca-us-vaccine-trial-met-primary-endpoint.html

Moderna Tests COVID-19 Vaccine on Pediatric Population

Date	March 16, 2021
Summary	Moderna announced it began administering doses to young children ages 6 months to less than 12 years as part of its phase 2/3 clinical trial for its COVID-19 vaccine in pediatric populations. The study anticipates enrolling 6,750 healthy children in the U.S. and Canada.
Link	https://investors.modernatx.com/news-releases/news-release-details/moderna-announces-first-participants-dosed-phase-23-study-0

Variants of Concern/Interest and Impact on Antibodies

Date	March 18, 2021
Summary	<p>CDC created a federal classification scheme for SARS-CoV-2 variants of “interest”, “concern”, and “high consequence” based on their ability to increase transmission/disease severity and impact diagnostics, treatments, or vaccines. CDC is tracking their prevalence here. See the map for the tally of cases caused by each variant across states. Texas has nearly 240 variant cases. DSHS is asking all labs to report Variants of Concern (VOC) cases. A report published in <i>Nature</i> this week estimated that, in addition to being more transmissible, the B.1.1.7 strain might be more fatal.</p> <p>The Assistant Secretary for Preparedness and Response (ASPR) announced it will limit distribution of Eli Lilly’s COVID-19 antibody therapy (bamlanivimab) in California, Arizona, and Nevada over concerns regarding the impact of a new variant (B.1.429/B.1.427) on its effectiveness.</p>

As ASPR, CDC, FDA, and the National Institutes of Health (NIH) continue to track SARS-CoV-2 viral variants in the U.S., FDA updated its monoclonal antibody fact sheets with information on susceptibility of the viral variants to monoclonal antibody therapies. See the updated fact sheets for all three authorized monoclonal antibody products ([bamlanivimab](#), [bamlanivimab with etesevimab](#), and [casirivimab with imdevimab](#)) for information on antiviral resistance.

As noted in the fact sheets, circulating SARS-CoV-2 viral variants may be associated with resistance to monoclonal antibodies. Antiviral resistance information can be found in section 15 of the fact sheets, including details regarding specific variants and resistance. Refer to the [CDC website](#) as well as information from state and local health authorities regarding reports of viral variants of importance in your region to guide treatment decisions.

Links

<https://www.cdc.gov/coronavirus/2019-ncov/cases-updates/variant-surveillance/variant-info.html>

<https://www.fda.gov/drugs/drug-safety-and-availability/fda-authorizes-revisions-fact-sheets-address-sars-cov-2-variants-mono-clonal-antibody-products-under>

FDA Guidance for Screening for COVID-19

Date	March 16, 2021
Summary	FDA posted a new web page, Screening for COVID-19: Deciding Which Test to Use When Establishing Testing Programs . This resource is intended for schools, workplaces, communities, and others looking to establish testing programs to screen people without symptoms and with no known or suspected exposure to COVID-19.
Link	https://www.fda.gov/news-events/press-announcements/coronavirus-covid-19-update-fda-takes-steps-streamline-path-covid-19-screening-tools-provides

CDC Reports

Counties with High COVID-19 Incidence and Relatively Large Racial and Ethnic Minority Populations

Date	March 24, 2021
Summary	During April 1–14, 11.4% of counties reported high COVID-19 incidence, including 28.7% and 27.9% of counties with large Asian and Black populations, respectively. During August 5–18, this percentage was 64.7%, including 92.4% and 74.5% of counties with large Black and Hispanic populations, respectively. By December 9–22, 99.1% of counties reported high incidence. As the COVID-19 pandemic evolves, public health efforts can be tailored to the needs of communities of color that may be experiencing high COVID-19 impact and integrated with longer-term plans to improve health equity.
Link	https://www.cdc.gov/mmwr/volumes/70/wr/mm7013e1.htm?s_cid=mm7013e1_w

Association of Children’s Mode of School Instruction with Child and Parent Experiences and Well-Being During the COVID-19 Pandemic

Date	March 19, 2021
Summary	In a probability-based survey of parents of children aged 5–12 years, 45.7% reported that their children received virtual instruction only, 30.9% in-person only, and 23.4% combined virtual and in-person instruction. Findings suggest that virtual instruction might present more risks than does in-person instruction related to child and parental mental and emotional health and some health-supporting behaviors. Children not receiving full-time, in-person instruction and their parents might need additional supports to mitigate pandemic impacts.
Link	https://www.cdc.gov/mmwr/volumes/70/wr/mm7011a1.htm?s_cid=mm7011a1_w