

**Meadows Institute COVID-19 Regulatory & Reimbursement Newsletter**  
***Letter to Providers #53: State and Federal Updates – April 23, 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](mailto:rmclaughlin@mmhpi.org).

## Texas Updates

### Community Development Block Grant CARES Act: Assistance to Provider for Persons with Disabilities

<b>Date</b>	April 21, 2021
<b>Summary</b>	<p>The Texas Department of Housing and Community Affairs (TDHCA) announces available funds through the Community Development Block Grant (CDBG), with funding from the CARES Act. Funds assist with pandemic-response expenses for certain providers. These residential providers can be reimbursed for costs incurred due to COVID-19. Eligible residential providers include the following:</p> <ul style="list-style-type: none"><li>• Home and Community-Based Services (HCS) program providers serving people in three and four-person residences and host home/companion care homes.</li><li>• Deaf Blind with Multiple Disabilities Waiver providers serving people in an assisted-living residence with up to six people.</li><li>• HCS-Adult Mental Health Programs serving people in assisted living, supervised living, and host home/companion care homes.</li><li>• Boarding homes that have permits in Brenham, Dallas, El Paso, or San Antonio, Texas.</li><li>• Community Intermediate Care Facilities for Individuals with an Intellectual Disability or Related Conditions (ICF-IIDs).</li></ul> <p>Read <a href="#">IL 2021-18 Community Development Block Grant CARES Act</a> for more information.</p>
<b>Link</b>	<p><a href="https://www.hhs.texas.gov/about-hhs/communications-events/news/2021/04/hhsc-publishes-il-2021-18-community-development-block-grant-cares-act-cdbg-cv-assistance-provider">https://www.hhs.texas.gov/about-hhs/communications-events/news/2021/04/hhsc-publishes-il-2021-18-community-development-block-grant-cares-act-cdbg-cv-assistance-provider</a></p>

## Chemical Dependency Treatment Facility Requirements

<b>Date</b>	April 15, 2021
<b>Summary</b>	<p>The Texas Health and Human Services Commission (HHSC) posted GL 21-3001 related to the adoption of emergency Chemical Dependency Treatment Facility (CDTF) requirements due to the COVID-19 pandemic. Under the new emergency rules, a licensed CDTF may temporarily adjust their usual operation requirements related to telehealth and telemedicine, maximum counselor caseloads, service delivery through two-way, real-time internet or telephone communications, documentation deadlines, and treatment planning and service provisions. These temporary adjustments are designed to limit the spread of COVID-19, reduce barriers to treatment, and address staffing shortages in response to the COVID-19 pandemic.</p> <p>HHSC previously adopted emergency rules at Section 500.41, CDTF Telemedicine or Telehealth in Response to COVID-19, Section 500.42, CDTF Maximum Caseloads in Response to COVID-19, Section 500.43, CDTF Service Delivery Through Two-Way, Real-Time Internet or Telephone Communications in Response to COVID-19, and Section 500.44, CDTF Treatment Planning and Service Provision Documentation Deadlines in Response to COVID-19, on October 17, 2020 and extended them on February 14, 2021. These emergency rules expired on April 14, 2021, and HHSC adopted new replacement emergency rules at Sections 500.41 – 500.44 on April 15, 2021. The new emergency rule may not be effective for longer than 120 days and may not be renewed for longer than 60 days.</p>
<b>Link</b>	<a href="https://hhs.texas.gov/sites/default/files/documents/doing-business-with-hhs/provider-portal/facilities-regulation/memos/gl-21-3001.pdf">https://hhs.texas.gov/sites/default/files/documents/doing-business-with-hhs/provider-portal/facilities-regulation/memos/gl-21-3001.pdf</a>

## Licensed Chemical Dependency Counselor Intern Requirements

<b>Date</b>	April 15, 2021
<b>Summary</b>	<p>HHSC posted GL 21-5000 regarding the adoption of emergency rules for Licensed Chemical Dependency Counselor Intern (LCDC-I) service provision and supervision via telephone and internet. The emergency rule temporarily permits counselor interns with more than 1,000 hours of supervised work experience to provide services in person or through two-way, real-time internet or telephone communications, and qualified intern supervisors to provide supervision through two-way, real-time internet or telephone communications to reduce the risk of COVID-19 transmission.</p>

HHSC previously adopted emergency rules at Section 500.51, Supervision of LCDC-Is during the COVID-19 Pandemic, on October 17, 2020, and extended it on February 14, 2021. The rule expired on April 14, 2021, and HHSC adopted a new replacement emergency rule, Supervision of LCDC-Is During the COVID-19 Pandemic, on April 15, 2021. The new emergency rule may not be effective for longer than 120 days and may not be renewed for longer than 60 days.

**Link**

<https://hhs.texas.gov/sites/default/files/documents/doing-business-with-hhs/provider-portal/facilities-regulation/memos/gl-21-5000.pdf>

### Revised Guidance on State Supported Living Centers Transition Visits

**Date**

April 15, 2021

**Summary**

HHSC Long-term Care Regulation has published revised [PL 2020-57](#), HHSC Guidance to HCS Program Providers and ICF/IID Regarding Tours for Prospective Residents/Individuals. The letter provides guidance for when a person wants to tour a prospective residence or facility in a community setting.

**Link**

<https://www.hhs.texas.gov/about-hhs/communications-events/news/2021/04/revised-guidance-sslc-transition-visits-pl-2020-57>

### Visitation Comparison Table for HCS Providers

**Date**

April 19, 2021

**Summary**

HHSC Long-term Care Regulation has published the [HCS Visitation Comparison Table](#) for HCS program providers. The table can be used as a tool to help providers determine the visitation requirements for those providers who have offered the COVID-19 vaccine and those who have not.

**Link**

<https://hhs.texas.gov/about-hhs/communications-events/news/2021/04/hhsc-publishes-visitation-comparison-table-hcs-providers>

## Vaccine Updates

### Johnson & Johnson Pause Continues

<b>Date</b>	April 14, 2021
<b>Summary</b>	<p>After the recommended pause of Johnson &amp; Johnson vaccine administration, the Centers for Disease Control and Prevention (CDC)'s Advisory Committee on Immunization Practices (ACIP) held an emergency meeting and decided not to make a recommendation on its use at this time. ACIP will have an emergency meeting on April 23, 2020 to review additional data from Johnson &amp; Johnson and the Biden Administration on rare and severe blood clotting events that may be linked to the company's vaccine. Slides from the ACIP meeting are available <a href="#">here</a>.</p> <ul style="list-style-type: none"><li>• <b>Texas Guidance.</b> In line with current federal guidance, the Texas Department of State Health Services (DSHS) is asking Texas COVID-19 vaccine providers to continue to pause administration of the Johnson &amp; Johnson COVID-19 vaccine until further notice. Providers with Johnson &amp; Johnson vaccine in stock should keep it in proper storage and label it "Do not use." Do not discard or destroy it. DSHS will continue to monitor this situation and share updates as they occur.</li><li>• <b>Clinician Call.</b> The CDC held a related call for clinicians regarding Cerebral Venous Sinus Thrombosis with Thrombocytopenia; materials from the call may soon be available <a href="#">here</a>.</li><li>• <b>VAERS Reporting.</b> As a reminder, providers should report any adverse reactions to a vaccines through the Vaccine Adverse Event Reporting System at <a href="http://www.vaers.hhs.gov">www.vaers.hhs.gov</a>.</li><li>• <b>Expert Vaccine Allocation Panel (EVAP).</b> The state's EVAP will meet to discuss allocations and any new information about the Johnson &amp; Johnson pause.</li></ul>
<b>Link</b>	<a href="https://www.cdc.gov/vaccines/acip/meetings/index.html">https://www.cdc.gov/vaccines/acip/meetings/index.html</a>

### State Vaccine Numbers

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<b>Date</b>	April 16, 2021
<b>Summary</b>	DSHS posted a news release recapping vaccine data for Texas. It is currently week 19, and allocations for this week are posted <a href="#">here</a> . More than 1.9 million doses of COVID-19 vaccine will be shipped to providers across Texas this week. DSHS has allocated 733,090 first doses to 381 providers in 119 counties. Those numbers will increase as additional first doses are allocated over the next few days, and the weekly allocation table will be updated. Despite the pause in the use of the Johnson & Johnson COVID-19 vaccine, nearly 2 million Texans got a shot in the last week. Texas has now administered more than 15.5 million doses of vaccine. Nearly 10 million people have received at least one dose, and 6.25 million are now fully vaccinated. About 44% of all eligible Texans have gotten a COVID-19 shot, and 28% are fully vaccinated.
<b>Link</b>	<a href="https://www.dshs.state.tx.us/news/releases/2021/20210416">https://www.dshs.state.tx.us/news/releases/2021/20210416</a>

### DSHS Launches Vaccine Campaign

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<b>Date</b>	April 19, 2021
<b>Summary</b>	DSHS issued a news release announcing the launch of the next phase of its campaign encouraging Texans to be vaccinated against COVID-19. The campaign includes a \$1.5 million television and radio ad buy and combines general information on vaccine safety and effectiveness with messages geared toward specific groups that research shows tend to be less likely to get vaccinated. View the videos <a href="#">here</a> . The campaign features doctors talking about the importance of vaccination, with an emphasis on Black audiences.
<b>Link</b>	<a href="https://www.dshs.state.tx.us/news/releases/2021/20210419">https://www.dshs.state.tx.us/news/releases/2021/20210419</a>

### Save Our Seniors Update

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<b>Date</b>	April 20, 2021
<b>Summary</b>	Governor Abbott announced that DSHS, the Texas Division of Emergency Management (TDEM), and the Texas Military Department (TMD) have announced 24 counties participating in the eighth week of the Save Our Seniors COVID-19 vaccine initiative. The Governor <a href="#">announced the Save Our Seniors program</a> in Corpus Christi in March to provide vaccines to seniors throughout the state.

**Link** | <https://gov.texas.gov/news/post/governor-abbott-announces-24-participating-counties-in-eighth-week-of-save-our-seniors-covid-19-vaccine-initiative>

### Clarification: ALF and ICF Providers Required to Report All Vaccines

<b>Date</b>	April 19, 2021
<b>Summary</b>	<p>Assisted Living Facility (ALF) and Intermediate Care Facility (ICF) providers must report COVID-19 vaccination data to HHSC within 24 hours of the vaccination. This is required by emergency rule. HHSC expects providers to report all known data, no matter where the vaccine was administered or who administered it. For example, the facility must report if:</p> <ul style="list-style-type: none"><li>• The facility hosted a vaccine clinic on site for residents or staff;</li><li>• The facility transported residents or staff to an offsite location such as a pharmacy, doctor's office, or vaccine hub for vaccination; or</li><li>• Individual residents or staff were transported, by family or private transportation, to an offsite location for vaccination, and the facility was aware of the vaccination.</li></ul> <p>Expanded visitation rules now base visitation on residents' vaccination status. These rules were released on March 24, 2021. Facilities must be aware of residents' vaccination status. Failure to report known vaccinations may result in a citation from HHSC. The information in this alert supersedes previous guidance.</p>
<b>Link</b>	<a href="https://www.tmhp.com/news/2021-04-19-clarification-alf-and-icf-providers-required-report-all-vaccines">https://www.tmhp.com/news/2021-04-19-clarification-alf-and-icf-providers-required-report-all-vaccines</a>

### Revised ICF/IID Providers Guidance for COVID-19 Vaccination Reporting

<b>Date</b>	April 16, 2021
<b>Summary</b>	<p>HHSC has published revised <a href="#">PL 2021-05 COVID-19 Vaccination Reporting</a>. ICF-IID now have updated instructions to report vaccine data to HHSC using Survey Monkey. Updates include reporting vaccines that occurred at an off-site location. The data will allow HHSC to accurately track vaccines of staff and residents in long-term care facilities in Texas. Facilities must begin reporting vaccine data immediately. Complete the online survey <a href="#">here</a>.</p>
<b>Link</b>	<a href="https://www.tmhp.com/news/2021-04-20-revised-icfiid-providers-guidance-covid-19-vaccination-reporting-pl-2021-05">https://www.tmhp.com/news/2021-04-20-revised-icfiid-providers-guidance-covid-19-vaccination-reporting-pl-2021-05</a>

## Federal Updates

### CMS Rescinds Texas Medicaid 1115 Waiver Renewal

<b>Date</b>	April 16, 2021
<b>Summary</b>	<p>The Centers for Medicare &amp; Medicaid Services (CMS) announced it is rescinding its approval of Texas' Medicaid 1115 waiver extension. The waiver provides funding for “uncompensated care” in the absence of an expanded Medicaid program. The current 1115 waiver is approved through September 30, 2022. On January 15, 2021, the Trump Administration approved Texas's extension request. Along with the 10-year extension, CMS granted the state’s request to exempt the extension application from public notice and comment requirements.</p> <p>Governor Abbott’s related statement can be found <a href="#">here</a>.</p>
<b>Link</b>	<a href="https://www.medicaid.gov/medicaid/section-1115-demonstrations/downloads/tx-healthcare-transformation-ca.pdf">https://www.medicaid.gov/medicaid/section-1115-demonstrations/downloads/tx-healthcare-transformation-ca.pdf</a>

### CMS to End Four NF COVID-19 Waivers

<b>Date</b>	April 8, 2021
<b>Summary</b>	<p>CMS issued the <a href="#">Quality Safety &amp; Oversight Memo QSO-21-17-NH</a>. The memo announces that the following COVID-19 related NF emergency blanket waivers will end on May 10, 2021. These emergency blanket waivers are:</p> <ul style="list-style-type: none"><li>• Related to notification of Resident Room or Roommate changes and Transfer and Discharge notification requirements;</li><li>• For certain care planning requirements for residents transferred or discharged for cohorting purposes; and</li><li>• Of the timeframe requirements for completing and transmitting resident assessment information (Minimum Data Set).</li></ul> <p>The memo clarifies that the Certified Nurse Aide (CNA) waiver is not being terminated now. CNAs will have the four-month period, starting from the end of the blanket waiver, to complete the required training and certification, regardless of the amount of time worked during the time the waiver was in effect.</p>
<b>Link</b>	<a href="https://www.tmhp.com/news/2021-04-15-cms-end-four-nf-covid-19-waivers-may-10-clarifies-cna-waiver">https://www.tmhp.com/news/2021-04-15-cms-end-four-nf-covid-19-waivers-may-10-clarifies-cna-waiver</a>



## President Signs Medicare Sequester Relief Legislation

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<b>Date</b>	April 14, 2021
<b>Summary</b>	President Biden signed into law <a href="#">H.R. 1868</a> , eliminating the 2% Medicare sequestration cuts through the end of 2021. The cuts were scheduled to take effect on April 1; however, CMS temporarily delayed processing claims due to Congressional action.
<b>Link</b>	<a href="https://www.whitehouse.gov/briefing-room/legislation/2021/04/14/bill-signing-h-r-1868/">https://www.whitehouse.gov/briefing-room/legislation/2021/04/14/bill-signing-h-r-1868/</a>

## American Rescue Plan

### Support Community-Based Health Care Providers

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<b>Date</b>	April 19, 2021
<b>Summary</b>	The U.S. Department of Health and Human Services (HHS) is announcing the availability of nearly \$150 million from the American Rescue Plan to community-based health care providers to aid their response to COVID-19. These funds will support approximately 100 Health Center Program look-alikes to respond to and mitigate the spread of COVID-19, strengthen vaccination efforts, and enhance health care services and infrastructure in communities across the country. Health center look-alikes (LALs) are community-based health care providers that provide essential primary care services to underserved communities and vulnerable populations but are not Health Center Program grantees. This funding will be made available through the Health Resources and Services Administration (HRSA).
<b>Link</b>	<a href="https://www.hhs.gov/about/news/2021/04/19/hhs-announces-nearly-150-million-dollars-from-american-rescue-plan.html">https://www.hhs.gov/about/news/2021/04/19/hhs-announces-nearly-150-million-dollars-from-american-rescue-plan.html</a>

### Investment to Fight COVID-19 Variants

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<b>Date</b>	April 16, 2021
<b>Summary</b>	The original strain of COVID-19 comprises only about half of all cases in America today. New and potentially dangerous strains of the virus make up the other half. In order to improve the detection, monitoring, and mitigation of these COVID-19 variants, the Biden Administration is investing \$1.7 billion from the American Rescue Plan to help states and other jurisdictions more effectively fight these mutations.

**Link** | <https://www.whitehouse.gov/briefing-room/statements-releases/2021/04/16/fact-sheet-biden-administration-announces-1-7-billion-investment-to-fight-covid-19-variants/>

### COVID-19 in Indian Country

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<b>Date</b>	April 16, 2021
<b>Summary</b>	The Biden Administration announced it will invest more than \$4 billion to combat COVID-19 in Indian Country. The funding, from the American Rescue Plan, will expand COVID-19 vaccinations, testing, and treatment; increase preventive health services to American Indians and Alaska Natives at higher risk for COVID-19; expand hospitals' and health clinics' ability to serve their communities during the pandemic and beyond; and provide the Indian Health Service (IHS), tribal health programs, and urban Indian health programs with needed funding to make up for lost reimbursements experienced during the pandemic.
<b>Link</b>	<a href="https://www.whitehouse.gov/briefing-room/statements-releases/2021/04/16/fact-sheet-biden-administration-invests-4-billion-in-american-rescue-plan-funding-to-combat-covid-19-in-indian-country/">https://www.whitehouse.gov/briefing-room/statements-releases/2021/04/16/fact-sheet-biden-administration-invests-4-billion-in-american-rescue-plan-funding-to-combat-covid-19-in-indian-country/</a>

### CDC Vaccine Funding

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<b>Date</b>	April 6, 2021
<b>Summary</b>	CDC recently announced \$3 billion in awards for vaccine distribution, access, and administration efforts, with a major emphasis on equity. To ensure health equity and expanded access to COVID-19 vaccines: 75% of the total funding must focus on specific programs and initiatives intended to increase vaccine access, acceptance, and uptake among racial and ethnic minority communities; and 60% must go to support local health departments, community-based organizations, and community health centers. <a href="#">Here</a> is a link to the state-by-state breakdown of all COVID support federal funds that have been distributed. An aggregate is on the last page and shows Texas has received more than \$3 billion.
<b>Link</b>	<a href="https://www.cdc.gov/media/releases/2021/p0407-covid-19-vaccine-programs.html">https://www.cdc.gov/media/releases/2021/p0407-covid-19-vaccine-programs.html</a>

## Bamlanivimab EUA Revoked

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<b>Date</b>	April 16, 2021
<b>Summary</b>	The Food and Drug Administration (FDA) revoked the emergency use authorization for bamlanivimab, when administered alone, to be used for the treatment of mild-to-moderate COVID-19 in adults and certain pediatric patients who are at high risk of disease progression or hospitalization. REGEN-COV as well as bamlanivimab and etesevimab (administered together) continue to be available under EUA.
<b>Link</b>	<a href="https://www.fda.gov/news-events/press-announcements/coronavirus-covid-19-update-fda-revokes-emergency-use-authorization-monoclonal-antibody-bamlanivimab">https://www.fda.gov/news-events/press-announcements/coronavirus-covid-19-update-fda-revokes-emergency-use-authorization-monoclonal-antibody-bamlanivimab</a>

## CDC Report: COVID-19 Pandemic–Associated Changes in Emergency Department Visits

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<b>Date</b>	April 16, 2021
<b>Summary</b>	Emergency Department (ED) visits during December 2020–January 2021 were 25% lower than during the same months one year before. Higher proportions of ED patients are seeking care for mental and behavioral health-related concerns, especially pediatric patients. Efforts to ensure public understanding of the importance of seeking guidance and emergency care for acute and mental or behavioral health conditions are necessary.
<b>Link</b>	<a href="https://www.cdc.gov/mmwr/volumes/70/wr/mm7015a3.htm?s_cid=mm7015a3_w">https://www.cdc.gov/mmwr/volumes/70/wr/mm7015a3.htm?s_cid=mm7015a3_w</a>

## Op-ed: We need a national vaccination strategy for people with mental illness

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<b>Date</b>	April 21, 2021
<b>Summary</b>	COVID-19 and our nation’s response to it magnifies a sad truth: we have ignored our fellow citizens with severe mental illness. <a href="#">Studies show</a> people living with serious mental illness experience a lack of knowledge and awareness about immunization, a lack of accessibility, a cost barrier, fears about immunization, and often no recommendation to receive an immunization from a primary care provider. <a href="#">Only 25%</a> of adults with severe mental illness receive the annual flu vaccine, compared to almost 50% of adults in the general population. Without a strategically-designed vaccination program able to bring the vaccine to people with serious mental illness, potentially preventable deaths will occur from COVID-19.
<b>Link</b>	<a href="https://thehill.com/opinion/healthcare/549484-its-time-for-a-national-vaccination-strategy-for-people-with-severe-mental">https://thehill.com/opinion/healthcare/549484-its-time-for-a-national-vaccination-strategy-for-people-with-severe-mental</a>