

Meadows Institute COVID-19 Regulatory & Reimbursement Newsletter
Letter to Providers #58: State and Federal Updates – May 28, 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.

Texas Updates

New Guidance for LTC Facilities, HCSSAs, and In-Patient Hospices on Masks

Date	May 21, 2021
Summary	<p>On May 18, 2021, Governor Abbott issued Executive Order GA-36, which prohibits governmental entities, such as the Health and Human Services Commission (HHSC), from mandating face coverings in response to the COVID-19 pandemic.</p> <p>Effective immediately, long-term care (LTC) providers, including home and community support services agencies (HCSSA), are not required to comply with any HHSC rule requirement that mandates face coverings in response to the COVID-19 disaster. Providers must continue to comply with applicable infection control rules, including those addressing compliance with the Centers for Disease Control and Prevention (CDC) and the Centers for Medicare & Medicaid Services (CMS) guidance.</p> <p>Note that this order does not take the place of Executive Order GA-34, paragraph 4. Businesses, including LTC providers, may require employees or customers to follow additional hygiene measures, including wearing face coverings.</p> <p>HHSC continues to strongly encourage the use of face coverings to prevent the spread of COVID-19, particularly in settings involving vulnerable populations or people who are unvaccinated or of unknown vaccination status. HHSC is developing new emergency rules in response to this order and will notify LTC providers by provider letter once the new rules are adopted.</p>
Link	https://hhs.texas.gov/about-hhs/communications-events/news/2021/05/new-guidance-long-term-care-facilities-hcssas-patient-hospices-masks

Updates on Flexibilities

Telehealth Guidance on CLASS Professional and Specialized Therapies

Date	May 26, 2021
Summary	<p>The following Community Living Assistance and Support Services (CLASS) professional and specialized therapy services are available by telehealth. This is effective March 15, 2020 through June 30, 2021. HHSC will update if there are changes.</p> <ul style="list-style-type: none">• Physical therapy• Occupational therapy• Speech and language pathology• Recreational therapy• Music therapy• Behavior support• Dietary services• Cognitive rehabilitation therapy <p>The Office of Civil Rights (OCR) has relaxed HIPAA requirements to allow video for telehealth services. Texas Medicaid recognizes OCR's HIPAA enforcement discretion for telehealth platform requirements.</p> <p>Therapies must have a treatment plan. The goals and outcomes must support being provided through telehealth. Revision of therapy hours may be added to an Individual Plan of Care (IPC) and authorized by HHSC per the process outlined in IL 2020-46.</p> <p>Acceptable telehealth formats are synchronous audiovisual interaction or asynchronous store and forward technology. Use these with synchronous audio interaction between the client and the distant site provider.</p> <p>Therapies not eligible for delivery by telehealth are:</p> <ul style="list-style-type: none">• Massage therapy• Hippotherapy• Therapeutic horseback riding• Aquatic therapy
Link	https://www.tmhp.com/news/2021-05-26-covid-19-update-telehealth-guidance-class-professional-and-specialized-therapies

COVID-19 Update to Temporary Change to HCS and TxHmL Policy for Service Providers of Respite and CFC PAS/HAB

Date	May 25, 2021
Summary	<p>HHSC has lifted the ban on service providers of respite and Community First Choice (CFC) Personal Assistance Services/Habilitation (PAS/HAB) from living in the same home as the person receiving Home and Community-based Services (HCS) and Texas Home Living (TxHmL) program services. This gives access to needed services for people living in their own or family's home. A person's spouse or a minor child's parent still cannot be a paid service provider of these services due to guidelines found in the following:</p> <ul style="list-style-type: none">• HCS Billing Guidelines, Sections 4691.7(1), 4660(1)• TxHmL Billing Guidelines Sections 4660(1), 4691.8(1)• CFC Billing Guidelines Section 3700(a)(1) <p>This is a temporary policy change effective March 27, 2020 through June 30, 2021. HHSC will provide updates if there are changes.</p> <p>Program providers must complete the required background checks for all service providers. They must follow:</p> <ul style="list-style-type: none">• Texas Administrative Code, Title 40, Part 1, Subchapter D and N• HCS and TxHmL Rules, Section 9.177 (n) and (o), and Section 9.579 (r) and (s)• HCS and TxHmL Billing Guidelines Section 3400 for service provider qualifications <p>Email the HCS program policy or the TxHmL program policy with questions.</p>
Link	<p>https://hhs.texas.gov/about-hhs/communications-events/news/2021/05/covid-19-update-temporary-change-hcs-txhml-policy-service-providers-respite-cfc-pashab</p>

COVID-19 Guidance for FFS Service Coordinators and Case Managers

Date	May 25, 2021
Summary	<p>Fee-for-service (FFS) Medicaid 1915(c) waiver case managers and service coordinators may suspend face-to-face service coordination visits. This is a temporary policy change through June 30, 2021. HHSC will provide more information if there are changes. This temporary policy applies to:</p> <ul style="list-style-type: none">• CLASS• TxHmL• Deaf-Blind with Multiple Disabilities• HCS• General Revenue Service Coordinators• CFC Service Coordinators• Pre-admission Screening and Resident Review Habilitation Coordinators <p>Case managers, service coordinators, and habilitation coordinators are encouraged to complete visits by phone, telehealth, or telemedicine.</p> <p>Email the HCS program policy or the TxHmL program policy with questions.</p>
Link	<p>https://hhs.texas.gov/about-hhs/communications-events/news/2021/05/update-covid-19-guidance-ffs-service-coordinators-case-managers</p>

COVID-19 Emergency Rules related to Nurse Aide Transition from Temporary Status

Date	May 19, 2021
Summary	<p>HHSC LTC Regulation has published COVID-19 Emergency Rules related to Nurse Aide Transition from Temporary Status to allow time trained and time worked in a nursing facility during the pandemic to be counted as classroom and clinical hours required as part of a Nurse Aide Training Competency and Evaluation Program. The rule describes the requirements related to certification as a nurse aide based on this work during the pandemic. Read PL 2021-19 for more details.</p>
Link	<p>https://hhs.texas.gov/about-hhs/communications-events/news/2021/05/hhsc-has-published-covid-19-emergency-rules-related-nurse-aide-transition-temporary-status</p>

Mobile Vaccine Program Expanded

Date	May 25, 2021
Summary	<p>Governor Abbott, the Texas Division of Emergency Management (TDEM), and the Texas Military Department (TMD) announced the expansion of the State Mobile Vaccine Program to include groups of five or more Texans who voluntarily choose to be vaccinated against COVID-19. Texans can call (844) 90-TEXAS and select Option 3 to schedule a mobile vaccine clinic to vaccinate groups of friends, families, employees, volunteers, and more.</p> <p>Previously, businesses or civic organizations were required to have 10 or more employees, visitors, or members who voluntarily choose to be vaccinated. Homebound Texans are still encouraged to call the hotline and select Option 1 to request a state mobile vaccination team to visit their home. The call center is open Monday-Saturday from 8:00 AM to 5:00 PM.</p>
Link	https://gov.texas.gov/news/post/governor-abbott-tdem-tmd-expand-mobile-vaccine-program-to-include-groups-of-five-or-more-texans

Federal Updates

FCC Offers Emergency Broadband Benefit with New Program

Date	May 25, 2021
Summary	<p>The Federal Communications Commission (FCC) is offering an Emergency Broadband Benefit. This new benefit will:</p> <ul style="list-style-type: none">• Help families and households struggling to afford Internet service during the COVID-19 pandemic; and• Connect eligible households to jobs, critical health care services, virtual classrooms, and more. <p>Read information about the benefit and eligibility requirements here.</p>
Link	https://hhs.texas.gov/about-hhs/communications-events/news/2021/05/fcc-offers-emergency-broadband-benefit-new-program

COVID-19 Testing for the Uninsured

Date	May 25, 2021
Summary	\$4.8 billion from the American Rescue Plan (ARP) will support the Health Resources and Services Administration (HRSA) COVID-19 Uninsured Program . This funding will allow the program to continue reimbursing health care providers for testing uninsured people for COVID-19. As of May 19, 2021, the program has issued nearly \$4 billion in testing reimbursements to providers.
Link	https://www.hhs.gov/about/news/2021/05/25/hhs-to-dedicate-billions-from-the-american-rescue-plan-for-the-uninsured.html

Scholarship Opportunity for Frontline Families

Date	May 20, 2021
Summary	The Frontline Families Scholarship Fund has been established to provide educational assistance to surviving family members of frontline healthcare workers and medical volunteers who lost their lives in the fight against COVID-19. Because of the inequitable impact of COVID-19, priority will be given to historically underserved families and those who demonstrate financial need. The Frontline Families Scholarship Program is not competitive; all eligible applicants will receive awards. Applicants who demonstrate financial need are eligible to receive a \$2,500 award. Applicants who do not demonstrate financial need are eligible to receive a \$1,000 award. The deadline to apply is June 10, 2021.
Link	https://learnmore.scholarsapply.org/frontlinefamilies/

CMS COVID-19 Updates

Date	May 24, 2021
Summary	CMS updated several documents related to COVID-19 updates. See their updated List of Blanket Waivers for Health Care Providers , Toolkit for States to Mitigate COVID-19 in Nursing Homes , and Frequently Asked Questions to Assist Medicare Providers .

Funding for Community-Based Workforce to Increase COVID-19 Vaccine Access

Date	May 20, 2021
Summary	HRSA announced that a second round of grant funding is available to support the community-based workforce to increase vaccine access. The funding supports communities in establishing, expanding, and sustaining a public health workforce to prevent, prepare for, and respond to COVID-19. Program funding can be used to hire outreach workers, including community health workers, patients' navigators and social support specialists that will educate and assist people in accessing and receiving COVID-19 vaccination. Eligible applicants include nonprofit private or public organizations, including local and/or regional community-based organizations with demonstrated experience in implementing public health programs, particularly in medically underserved areas. Applications are due on June 9, 2021.
Link	https://www.hrsa.gov/grants/find-funding/hrsa-21-140