

MMHPI COVID-19 Regulatory & Reimbursement Newsletter

Letter to Providers #3: State and Federal Updates – April 9, 2020

With federal and state health care policies changing rapidly in response to COVID-19, the Meadows Mental Health Policy Institute (MMHPI) is issuing *COVID-19 Regulatory & Reimbursement Newsletters* to support providers as they navigate this new terrain. In this newsletter, we highlight several recent changes to regulatory and reimbursement rules. We will be distributing these newsletters on a regular basis during the pandemic to provide information on federal, state, and local regulatory and reimbursement changes.

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@texasstateofmind.org.

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HHSC Behavioral Health Service Providers FAQs

Date	April 7, 2020
Summary	<p>The Texas Health and Human Services Commission (HHSC) is working to provide guidance and support throughout this pandemic. They have received a variety of inquiries from providers and are working diligently to address concerns. HHSC Behavioral Health Services is maintaining a COVID-19 Provider Issues Management Log, and this frequently asked questions (FAQ) document serves as a platform to respond to provider questions. This is a living document and will be updated and posted weekly.</p> <p>The file includes sections on “what we know today” for mental health services, substance use disorder services, substance use prevention services, recovery support services, OSAR centers, opioid treatment providers and Medicaid services. It also answers questions in the following categories: general questions, shelter-in-place, residential services, contracts, telehealth, service modifications and considerations, Clinical Management for Behavioral Health Services (CMBHS) and Mental Retardation and Behavioral Health Outpatient Data Warehouse (MBOW), and substance use prevention programs.</p>
Link	https://hhs.texas.gov/sites/default/files/documents/services/health/behavioral-health-services-covid-faq.pdf

Governor Waives Certain Regulations to Expand Health Care Workforce

Date	April 5, 2020
Summary	<p>Governor Abbott has temporarily waived certain regulations to expand the health care workforce to assist with Texas' COVID-19 response. Under this waiver, Physician Assistants (PA), Medical Physicists, Perfusionists, and Respiratory Care candidates for licensure who have completed all other requirements may enter the workforce under an emergency license working under supervision prior to taking the final licensure examination. The Governor's waiver also provides for emergency licensees to undergo name-based background checks in place of fingerprint checks while fingerprint checks are unavailable due to the crisis. Additionally, the Governor's waiver allows more flexibility between physicians and the PAs and Advance Practice Registered Nurses they supervise including allowing for oral prescriptive delegation agreements to enable rapid deployment of those practitioners during the emergency.</p>
Link	https://gov.texas.gov/news/post/governor-abbott-waives-certain-regulations-to-expand-health-care-workforce-during-covid-19-response

Texas Medical Board FAQs Regarding Physician Supervision of Physician Assistants and Advance Practice Registered Nurses

Date	April 7, 2020
Summary	The Texas Medical Board (TMB) posted FAQs on the Governor’s waiver of certain laws and rules related to the supervision of physician assistants and advanced practice registered nurses. For the duration of the disaster, the limit on the number of prescriptive delegates has been lifted and supervisory relationships do not need to be in writing or registered with the TMB. Verbal agreement between a physician and delegate is sufficient to establish and maintain the relationship. The supervising physician does not have to be at the same location as the delegate, but a supervising physician must be available to answer questions and provide assistance to the delegates as needed. Telecommunication must always be available.
Link	http://www.tmb.state.tx.us/idl/C6B6ABEE-651C-791B-0A6C-96C0072E907E

COVID-19 Response Recommendations: Substance Use and Misuse Prevention

Date	April 3, 2020
Summary	<p>HHSC realizes that substance use and misuse prevention programs are deeply rooted in communities across Texas. As public health concerns increase, it is incumbent upon HHSC to provide guidance to ensure the safety of the prevention workforce and the community in which your organization provides services. HHSC wishes to remain vigilant in the support of substance use and misuse prevention programs and feels it is imperative that it suspends required contractual performance measures until the COVID-19 crisis can be further evaluated and the threat to public health is mitigated.</p> <p>This file outlines related impacts, expectations, and recommendations of HHSC regarding substance use and misuse prevention programs including Youth Prevention Indicated (YPI), Youth Prevention Selective (YPS), Youth Prevention Universal (YPU), Community Coalition Partnerships (CCP), Prevention Resource Centers (PRC), and Strategic Prevention Framework-Partnerships for Success (SPF-PFS) programs. While HHSC is making recommendations on specific performance measures, it is up to the organization to identify ways their workforce can continue to reach and impact the community in other areas, if the organization has the capacity to do so.</p>
Link	https://hhs.texas.gov/sites/default/files/documents/services/health/substance-use-misuses-prevention-contract-guidance.pdf

Clarification to Texas Medicaid & Healthcare Partnership’s “COVID-19 Guidance: Targeted Case Management Through Remote Delivery”

Date	April 2, 2020
Summary	This is a clarification to the guidance titled, “ COVID-19 Guidance: Targeted Case Management Through Remote Delivery ,” which was posted on Texas Medicaid & Healthcare Partnership’s (TMHP’s) website on April 1, 2020. To clarify, Targeted Case Management through remote delivery utilizing modifier 95 <i>does not apply</i> to intellectual or developmental disability (IDD) case management providers.
Link	http://www.tmhp.com/News_Items/2020/04-April/04-02-20-Clarification%20to%20COVID-19%20Guidance%20Targeted%20Case%20Management.pdf

Admission to Texas State Supported Living Centers and State Hospitals

Date	April 2, 2020
Summary	<p>HHSC is pausing admissions at state supported living centers. State supported living centers have significant populations who are medically fragile and at an extremely high-risk in the event of an outbreak. HHSC will continue to accept inquiries and packets for future admissions, and those will be placed on a waiting list at this time. HHSC will evaluate this plan at the end of April.</p> <p>State hospitals will continue to take new patients at this time. Because of the unique challenges created by COVID-19, the state hospitals will need to create space to isolate patients. This means they cannot operate at full capacity. HHSC will work closely with local mental health authorities to prioritize emergency civil admissions where there is no adequate community inpatient resource available, to ensure they will have access to the help they need. Priority will be given next to patients from maximum-security units in Vernon and Rusk to transfer to other state hospitals when the patients are determined to not be manifestly dangerous.</p>
Link	https://dnnsymkuj.blob.core.windows.net/portals/0/Issues/Emergency%20Readiness/Notice_of_Admissions_Changes.pdf?sr=b&si=DNNFileManagerPolicy&sig=QAIXIA0NSxDSKHh%2FS%2BPQk%2Byiy%2BJUkl4%2Bk2vL34soixk%3D

Update to Guidance for FFS Service Coordinators and Case Managers

Date	April 2, 2020
Summary	<p>Fee-for-service (FFS) Medicaid 1915(c) waiver case managers and service coordinators may continue to suspend face-to-face service coordination visits. This is through April 30, 2020 and applies to:</p> <ul style="list-style-type: none"> • Community Living Assistance and Support Services • Texas Home Living • Deaf-Blind with Multiple Disabilities • Home and Community-based Services • General Revenue Service Coordinators • Community First Choice Service Coordinators • Pre-admission Screening and Resident Review Habilitation Coordinators <p>Due to COVID-19, HHSC encourages case managers, service coordinators, and habilitation coordinators to complete visits due through April 30, 2020 by phone, telehealth or telemedicine, if possible.</p>
Link	https://hhs.texas.gov/about-hhs/communications-events/news/2020/04/covid-19-update-guidance-ffs-service-coordinators-case-managers

Temporary Change in Home and Community-based Services Texas Home Living Policy for Service Providers of Respite and Community First Choice Personal Assistance Services/Habilitation

Date	April 6, 2020
Summary	<p>Home and Community-based Services (HCS) and Texas Home Living (TxHmL) Billing Guidelines Section 4660(1) and CFC Billing Guidelines Section 3710(a)(1) prohibit a person from receiving respite or Community First Choice (CFC) Personal Attendant Services/Habilitation (PAS/HAB) from someone who lives in the same home as the person. HHSC is lifting the prohibition on service providers of respite and CFC PAS/HAB from living in the same home as the person receiving Home and Community-based Services and Texas Home Living program services.</p> <p>This is to provide access to needed services for people living in their own home or family's home. An individual's spouse or the parent of a minor child is still prohibited from being a paid service provider of these services. This policy change is effective March 27 through April 30, 2020. Program providers must complete the required background checks for all service providers.</p>

Link | <https://hhs.texas.gov/about-hhs/communications-events/news/2020/04/temporary-change-hcs-txhtml-policy-service-providers-respite-cfc-pashab>

Medicare Coverage and Payment of Virtual Services

Date	April 3, 2020
Summary	The Centers for Medicare and Medicaid Services (CMS) released a video (approximately 15 minutes) providing answers to common questions about the Medicare telehealth services benefit. CMS is expanding this benefit on a temporary and emergency basis under the 1135 waiver authority and Coronavirus Preparedness and Response Supplemental Appropriations Act.
Link	https://youtu.be/bdb9NKtybzo

Coronavirus Relief Fund in the Federal CARES Act

Date	April 1, 2020
Summary	<p>A \$150B Coronavirus Relief Fund is included in the CARES Act. Of the \$150B, \$139B is allocated to state governments in the 50 states, with allocations based on population and no state receiving less than \$1.25B. Texas expects to receive a little over \$11.2B. The money allows state and local governments to make payments for programs that:</p> <ol style="list-style-type: none"> 1) Are necessary expenditures incurred due to the COVID-19 emergency; 2) Were not accounted for in the budget most recently approved as of March 27, 2020 for the state or local government; and 3) Are incurred from March 1, 2020 to December 30, 2020. <p>Fund assistance is generally provided directly to state governments. However, local governments serving a population of at least 500,000 may elect to receive funds directly from Treasury (which reduces the state allocation). The feds project this to be available to 12 counties in Texas, totaling \$3.2B. The county judge must send a signed certification to Secretary Mnuchin to get direct funds.</p> <p>Payments are due from the Treasury not later than 30 days after enactment of the CARES Act, which should be April 26.</p>
Link	https://crsreports.congress.gov/product/pdf/R/R46298

Guidance for Enrolling Ambulatory Surgical Centers (ASCs) Temporarily as Hospitals during the COVID-19 Public Health Emergency

Date	April 3, 2020
Summary	During the COVID-19 PHE, CMS is allowing all Medicare-enrolled Ambulatory Surgical Centers (ASCs) to enroll as hospitals and provide inpatient and outpatient hospital services to help address the urgent need to increase hospital capacity to take care of patients. Any Medicare-certified ASC wishing to enroll as a hospital during the COVID-19 PHE should notify the Medicare Administrative Contractor (MAC) that serves their jurisdiction of its intent by calling the MAC's provider enrollment hotline and following the instructions noted in the 2019-November Coronavirus (COVID-19) Medicare Provider Enrollment Relief Frequently Asked Questions (FAQs) document.
Link	https://www.cms.gov/medicareprovider-enrollment-and-certificationsurveycertificationgeninfopolicy-and-memos-states-and/guidance-processing-attestations-ambulatory-surgical-centers-ascs-temporarily-enrolling-hospitals

Policing in a Pandemic: A Virtual Peer Support Series

The Meadows Mental Health Policy Institute (MMHPI) and Caruth Police Institute (CPI) recognize that the COVID-19 pandemic represents one of the biggest policing challenges in modern times. At a time when the public is taking measures to protect family and loved ones from exposure to the Coronavirus, first responders face the uncertainty of community exposure and in turn the fear of exposing their loved ones. In addition, first responders are facing increased workloads as they adapt to policing and emergency response models in a pandemic. This compounds the dynamic nature of first responder stress and fatigue at a time health, wellness, and resiliency are more critical than ever. To provide an immediate resource to first responders, we have established the *Policing in Pandemic Virtual Peer Networking Series*. MMHPI and CPI will host four weekly interactive online events including nationally recognized peer specialists, health and wellness experts, and first responder wellness providers in a digital platform that provides anonymity to officers to join online, share experiences, hear from their peers, and get real time resources to address the impact of this new normal.

April 9: That Peer Support Couple

April 16: 22Kill CEO Tempa Sherrill

April 23: Blue HELP founder Steven Hough

April 30: PERF Executive Board Member, CPI Executive Board Chair, and Irving Police Chief Jeff Spivey joined by Chief Greg Stevens of Rockport Police Department

All of the events are at 6:00 PM CST. Please join us at: <https://zoom.us/j/806383664>.

(The same zoom link will be used for the entire series.)