

# MMHPI COVID-19 Regulatory & Reimbursement Newsletter

## *Letter to Providers #10: State and Federal Updates – May 29, 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@mmhpi.org](mailto:chilbelink@mmhpi.org).

### Contents

<b>Texas Updates</b> .....	<b>2</b>
COVID-19-Related Provider Flexibilities Extended through June 2020 .....	2
Update to “CHIP Co-Payments Waived through April 30, 2020” .....	3
Update to “Texas Health Steps Checkups Guidance” .....	3
Update to “Provider Enrollment Revalidation Due Dates Extended” .....	3
Update to COVID-19 Guidance for Fee-for-service Service Coordinators and Case Managers .....	4
Update to Telehealth Guidance on Community Living Assistance and Support Services Professional and Specialized Therapies .....	4
Temporary Policies for Existing EVV Users for COVID-19 Extended .....	5
HHSC Updates COVID-19 Related FAQs.....	5
Behavioral Health Providers .....	5
Home and Community Support Services Agencies.....	6
Texas Register Amendment to Emergency Rule for Licensed Chemical Dependency Treatment Facilities .....	6
Governor Abbott Directs HHSC to Expand Testing in State Hospitals and State Supported Living Facilities .....	7
Governor Abbott Announces 44 New COVID-19 Drive-Thru Test Sites .....	7
Free Virtual Support Groups for Frontline Workers.....	7
Helping Individuals with Intellectual Disabilities and Related Conditions Prevent the Spread of COVID-19.....	8

**Federal Updates.....8**

Interim Guidelines for COVID-19 Antibody Testing..... 8

HHS Announces Nearly \$4.9 Billion Distribution to Nursing Facilities Impacted by COVID-19..... 8

HHS Announces 45-Day Compliance Deadline Extension for Providers ..... 9

Cyber Security Response Framework ..... 9

HHS Provides \$225 Million for COVID-19 Testing in Rural Communities..... 9

Sources of Financial Support for Healthcare Providers..... 10

Consumer Concerns About Health Care ..... 10

## Texas Updates

### COVID-19-Related Provider Flexibilities Extended through June 2020

<b>Date</b>	May 26, 2020
<b>Summary</b>	<p>In an email to several provider organizations, the Health and Human Services Commission (HHSC) provided the following update on COVID-19-related flexibilities:</p> <p>“Recently, HHSC has moved to extend a variety of the Medicaid/CHIP flexibilities <i>through June 30, 2020</i>. While we anticipate that the official Texas Medicaid &amp; Healthcare Partnership (TMHP) notices will be posted shortly, we wanted to proactively call to your attention a few of these newly extended flexibilities critical for frontline providers:</p> <ul style="list-style-type: none"> <li>• Telemedicine/audio only delivery of Texas Health Steps “well child” check-ups (original notice posted to TMHP 5/12/2020)</li> <li>• Telemedicine/audio only delivery of “acute care” E&amp;M codes (99201-99205; 99211-99215) (original notice posted to TMHP 3/20/2020)</li> <li>• Telemedicine/audio only delivery of certain behavioral health services (90791, 90792, 90832, 90834, 90837, 90846, 90847, 90853, H0038, 99408, G2011, H0049, H0001, H0004, H0005, H0034, H2011, H2012, H2014, H2017) (original notice posted to TMHP 3/20/2020)</li> <li>• Federally qualified health center (FQHC) and rural health clinic (RHC) reimbursement for telemedicine and telehealth services (original notice posted to TMHP 4/2/2020)</li> <li>• Waiver of office visit co-pays in children’s health insurance program (CHIP) (original notice posted to TMHP 4/2/2020)</li> </ul> <p>Please note that this a non-exhaustive list of extensions. We anticipate that our <a href="#">provider-facing COVID-19 website</a> will be updated shortly to reflect these extensions.”</p>

**Source** | Van Ramshorst, Ryan. “COVID-19-Related Provider Flexibilities Extended Through June/2020.” Email, May 26, 2020.

#### Update to “CHIP Co-Payments Waived through April 30, 2020”

<b>Date</b>	May 28, 2020
<b>Summary</b>	TMHP posted an update to their article “ <a href="#">CHIP Co-Payments Waived Through April 30, 2020</a> ,” which was originally posted on April 2, 2020. HHSC has clarified that the waiver applies to medical office visit co-payments only. In addition, the waiver of CHIP co-payments is extended through June 30, 2020.
<b>Link</b>	<a href="http://www.tmhp.com/News_Items/2020/05-May/05-28-2020Update%20to%20CHIP%20Co-Payments%20Waived%20through%20April%2030,%202020.pdf">http://www.tmhp.com/News_Items/2020/05-May/05-28-2020Update%20to%20CHIP%20Co-Payments%20Waived%20through%20April%2030,%202020.pdf</a>

#### Update to “Texas Health Steps Checkups Guidance Effective May 7, 2020 through May 31, 2020”

<b>Date</b>	May 27, 2020
<b>Summary</b>	TMHP posted an update to their article titled, “ <a href="#">Texas Health Steps Checkups Guidance Effective May 7, 2020 through May 31, 2020</a> ,” which was originally posted on May 12, 2020. The guidance has been extended to be effective from May 7, 2020 through June 30, 2020.
<b>Link</b>	<a href="http://www.tmhp.com/News_Items/2020/05-May/05-27-2020Update%20to%20Texas%20Health%20Steps%20Checkups%20Guidance%20Effective%20May%207-.pdf">http://www.tmhp.com/News_Items/2020/05-May/05-27-2020Update%20to%20Texas%20Health%20Steps%20Checkups%20Guidance%20Effective%20May%207-.pdf</a>

#### Update to “Provider Enrollment Revalidation Due Dates Extended in Response to COVID-19 Emergency”

<b>Date</b>	May 27, 2020
<b>Summary</b>	TMHP posted an update to their article titled “ <a href="#">Provider Enrollment Revalidation Due Dates Extended in Response to COVID-19 Emergency</a> ,” which was originally posted on April 1, 2020. Revalidation dates have been extended an additional 30 calendar days through June 2020.
<b>Link</b>	<a href="http://www.tmhp.com/News_Items/2020/05-May/05-27-2020Update%20to%20Provider%20Enrollment%20Revalidation%20Due%20Dates%20Extended%20in%20Response%20to%20COVID.pdf">http://www.tmhp.com/News_Items/2020/05-May/05-27-2020Update%20to%20Provider%20Enrollment%20Revalidation%20Due%20Dates%20Extended%20in%20Response%20to%20COVID.pdf</a>

**Update to COVID-19 Guidance for Fee-for-service Service Coordinators and Case Managers**

<b>Date</b>	May 28, 2020
<b>Summary</b>	<p>Fee-for-service Medicaid 1915(c) waiver case managers and service coordinators may continue to suspend face-to-face service coordination visits. This temporary policy change is extended through June 30, 2020 and applies to:</p> <ul style="list-style-type: none"> <li>• Community Living Assistance and Support Services</li> <li>• Texas Home Living</li> <li>• Deaf-Blind with Multiple Disabilities</li> <li>• Home and Community-based Services</li> <li>• General revenue service coordinators</li> <li>• Community First Choice Service Coordinators</li> <li>• Pre-admission screening and resident review habilitation coordinators</li> </ul> <p>Due to COVID-19, HHSC encourages case managers, service coordinators, and habilitation coordinators to complete visits due through June 30, 2020 by phone, telehealth or telemedicine, if possible.</p>
<b>Link</b>	<p><a href="https://hhs.texas.gov/about-hhs/communications-events/news/2020/05/update-covid-19-guidance-ffs-service-coordinators-case-managers">https://hhs.texas.gov/about-hhs/communications-events/news/2020/05/update-covid-19-guidance-ffs-service-coordinators-case-managers</a></p>

**Update to Telehealth Guidance on Community Living Assistance and Support Services Professional and Specialized Therapies**

<b>Date</b>	May 28, 2020
<b>Summary</b>	<p>The following CLASS professional and specialized therapy services may be provided by telehealth due to COVID-19. This is effective March 15 through June 30, 2020.</p> <ul style="list-style-type: none"> <li>• Physical therapy</li> <li>• Occupational therapy</li> <li>• Speech and language pathology</li> <li>• Recreational therapy</li> <li>• Music therapy</li> <li>• Behavior support</li> <li>• Dietary services</li> <li>• Cognitive rehabilitation therapy</li> </ul> <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>

Therapies not eligible for delivery by telehealth are:

- Massage therapy
- Hippotherapy
- Therapeutic horseback riding
- Aquatic therapy

**Link**

<https://hhs.texas.gov/about-hhs/communications-events/news/2020/05/covid-19-update-telehealth-guidance-class-professional-specialized-therapies>

**Temporary Policies for Existing EVV Users for COVID-19 Extended****Date**

May 27, 2020

**Summary**

HHSC is extending the [temporary EVV policies in response to COVID-19](#). The temporary policies are now effective through June 30, 2020.

**Link**

[http://www.tmhp.com/News\\_Items/2020/05-May/05-27-20%20Existing%20EVV%20Users%20Temporary%20Policies%20for%20COVID-19%20Extended%20to%20June%2030,%202020.pdf](http://www.tmhp.com/News_Items/2020/05-May/05-27-20%20Existing%20EVV%20Users%20Temporary%20Policies%20for%20COVID-19%20Extended%20to%20June%2030,%202020.pdf)

**HHSC Updates COVID-19 Related FAQs****Behavioral Health Providers****Date**

May 22, 2020

**Summary**

HHSC published an updated frequently asked questions (FAQs) file for behavioral health providers related to COVID-19. New FAQs include:

- Does HHSC have any new information from other centers or the state office regarding when organizations plan to return to work?
- Will private providers be eligible for the Immediate Services Program Crisis Counseling Assistance and Training Program funding?
- Are licensed chemical dependency treatment facilities permitted to provide outpatient treatment services to adolescents through electronic means?
- For general revenue-funded programs, are there plans to extend the May 31, 2020, authorization date for mental health services, including crisis services, provided via telecommunication methods in lieu of face-to-face?

**Link**

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

### Home and Community Support Services Agencies

<b>Date</b>	May 21, 2020
<b>Summary</b>	<p>HHSC updated the Home and Community Support Services Agencies (HCSSAs) FAQs about COVID-19. New FAQs include:</p> <ul style="list-style-type: none"> <li>• Can orientation for unlicensed staff be conducted via telephone?</li> <li>• Can an agency conduct initial visits via telehealth and telemedicine?</li> <li>• Can a hospice agency use telehealth and telecommunication to perform start-of-care on new hospice patients?</li> </ul>
<b>Link</b>	<a href="https://hhs.texas.gov/sites/default/files/documents/govdelivery/hcssa-covid-faq.pdf">https://hhs.texas.gov/sites/default/files/documents/govdelivery/hcssa-covid-faq.pdf</a>

### Texas Register Amendment to Emergency Rule for Licensed Chemical Dependency Treatment Facilities

<b>Date</b>	May 12, 2020
<b>Summary</b>	<p>The Department of State Health Services (DSHS) posted the following amendment to an emergency rule in the Texas Register:</p> <p>§448.911. Treatment Services Provided by Electronic Means.</p> <p>(a) A licensed treatment program may provide outpatient chemical dependency treatment program services by electronic means provided the criteria outlined in this section are addressed.</p> <p>(1) Services [<del>shall</del>] <u>may</u> be provided to adult <u>and adolescent</u> clients [<del>only</del>]; and</p> <p>(2) (No change.)</p> <p>(b) - (x) (No change.)</p> <p>The agency certifies that legal counsel has reviewed the emergency adoption and found it to be within the state agency's legal authority to adopt.</p>
<b>Link</b>	<a href="https://www.sos.texas.gov/texreg/archive/May222020/Emergency%20Rules/25.HEALTH%20SERVICES.html#7">https://www.sos.texas.gov/texreg/archive/May222020/Emergency%20Rules/25.HEALTH%20SERVICES.html#7</a>

### Governor Abbott Directs HHSC to Expand Testing in State Hospitals and State Supported Living Facilities

<b>Date</b>	May 21, 2020
<b>Summary</b>	Governor Abbott directed HHSC to expand COVID-19 testing to all patients, residents, and staff at the 23 state-operated inpatient psychiatric hospitals and living centers throughout Texas. The announcement expands testing to all patients, residents and staff to further assess the scope and extent of possible infections at facilities statewide. Previously, residents and patients were tested if they displayed symptoms of COVID-19 or had possible exposure to the virus. The new round of testing will cover those who have shown no signs of COVID-19 or have not been tested within the last 30 days.
<b>Link</b>	<a href="https://gov.texas.gov/news/post/governor-abbott-directs-hhsc-to-expand-covid-19-testing-to-all-state-hospitals-state-supported-living-centers">https://gov.texas.gov/news/post/governor-abbott-directs-hhsc-to-expand-covid-19-testing-to-all-state-hospitals-state-supported-living-centers</a>

### Governor Abbott Announces 44 New COVID-19 Drive-Thru Test Sites

<b>Date</b>	May 21, 2020
<b>Summary</b>	Governor Abbott announced that CVS Health will open 44 new COVID-19 test sites at select CVS Pharmacy drive-thru locations across Texas. These new sites will utilize self-swab tests and will be available to individuals who meet the Centers for Disease Control and Prevention (CDC) criteria, in addition to age guidelines. Patients must register in advance at CVS.com beginning Friday, May 22, to schedule an appointment.
<b>Link</b>	<a href="https://gov.texas.gov/news/post/governor-abbott-cvs-health-announce-44-new-covid-19-drive-thru-test-sites-in-texas">https://gov.texas.gov/news/post/governor-abbott-cvs-health-announce-44-new-covid-19-drive-thru-test-sites-in-texas</a>

### Free Virtual Support Groups for Frontline Workers

<b>Summary</b>	Frontline workers can access free mental health support through HHSC's mental health hotline and/or its virtual support group tailored specifically for frontline workers. Frontline workers can call the hotline at 1-833-986-1919 to be referred to the virtual support group.
<b>Link</b>	<a href="https://www.tha.org/Portals/0/files/COVID-19/20D0515-HHS-COM-Statewide_HC_Worker_Virtual_Support_Group_flyer_Final_Access.pdf?ver=2020-05-21-175449-340">https://www.tha.org/Portals/0/files/COVID-19/20D0515-HHS-COM-Statewide_HC_Worker_Virtual_Support_Group_flyer_Final_Access.pdf?ver=2020-05-21-175449-340</a>

## Helping Individuals with Intellectual Disabilities and Related Conditions Prevent the Spread of COVID-19

<b>Summary</b>	HHSC posted a new resource for helping individuals with intellectual disabilities and related conditions prevent the spread of COVID-19, noting strategies used to prevent the spread of COVID-19 are especially difficult for individuals with intellectual disabilities and related conditions. HHSC notes that every individual will respond to this situation differently and suggests being prepared to try a variety of approaches to help individuals feel safe and reassured.
<b>Link</b>	<a href="https://hhs.texas.gov/sites/default/files/documents/doing-business-with-hhs/providers/long-term-care/icf/helping-icf-iid-prevent-spread-covid.pdf">https://hhs.texas.gov/sites/default/files/documents/doing-business-with-hhs/providers/long-term-care/icf/helping-icf-iid-prevent-spread-covid.pdf</a>

## Federal Updates

### Interim Guidelines for COVID-19 Antibody Testing

<b>Date</b>	May 23, 2020
<b>Summary</b>	The CDC posted interim guidelines for COVID-19 antibody testing, while noting data informing antibody testing is rapidly evolving. Recommendations on the use of antibody tests to determine immunity and infectiousness among people recently infected with SAR-CoV-2 will be updated as new information becomes available.
<b>Link</b>	<a href="https://www.cdc.gov/coronavirus/2019-ncov/lab/resources/antibody-tests-guidelines.html?deliveryName=USCDC_2067-DM29085">https://www.cdc.gov/coronavirus/2019-ncov/lab/resources/antibody-tests-guidelines.html?deliveryName=USCDC_2067-DM29085</a>

### HHS Announces Nearly \$4.9 Billion Distribution to Nursing Facilities Impacted by COVID-19

<b>Date</b>	May 22, 2020
<b>Summary</b>	The U.S. Department of Health and Human Services (HHS) announced the release of \$4.9 billion from the Provider Relief Fund as a targeted distribution for skilled nursing facilities (SNFs). Each SNF will receive a fixed distribution of \$50,000 plus \$2,500 per bed. All certified SNFs with six or more beds are eligible for this distribution. 749 facilities in Texas will receive \$392,105,000 in total payments.
<b>Link</b>	<a href="https://www.hhs.gov/about/news/2020/05/22/hhs-announces-nearly-4.9-billion-distribution-to-nursing-facilities-impacted-by-covid19.html">https://www.hhs.gov/about/news/2020/05/22/hhs-announces-nearly-4.9-billion-distribution-to-nursing-facilities-impacted-by-covid19.html</a>

## HHS Announces 45-Day Compliance Deadline Extension for Providers

<b>Date</b>	May 22, 2020
<b>Summary</b>	HHS announced a 45-day deadline extension for providers who are receiving payments from the Provider Relief Fund to accept the terms and conditions for Provider Relief Fund payments. This announcement means providers have now been granted 90 days from the date they received a payment to accept HHS terms and conditions or return the funds.
<b>Link</b>	<a href="https://www.hhs.gov/about/news/2020/05/22/hhs-announces-45-day-compliance-deadline-extension-for-providers.html">https://www.hhs.gov/about/news/2020/05/22/hhs-announces-45-day-compliance-deadline-extension-for-providers.html</a>

## Cyber Security Response Framework

<b>Date</b>	May 20, 2020
<b>Summary</b>	The Health and Public Health Sector Coordinating Council released a crisis response guide to help health care providers respond to cybersecurity threats during an emergency. This document is constructed by industry and government experts to help guide response activities. Smaller organizations can leverage this document as a list of activities to consider. Larger organizations can leverage this document as a sanity check for existing plans. The activities listed in the file are suggestions to help with a practical and tactical response.
<b>Link</b>	<a href="https://healthsectorcouncil.org/hic-tcr/">https://healthsectorcouncil.org/hic-tcr/</a>

## HHS Provides \$225 Million for COVID-19 Testing in Rural Communities

<b>Date</b>	May 20, 2020
<b>Summary</b>	HHS, through the Health Resources and Services Administration (HRSA), provided \$225 million to rural health clinics (RHCs) for COVID-19 testing. These investments will support over 4,500 RHCs across the country to support COVID-19 testing efforts and expand access to testing in rural communities. About 300 rural health clinics in Texas are expected to receive nearly \$14.5 million, according to HRSA.
<b>Link</b>	<a href="https://www.hhs.gov/about/news/2020/05/20/hhs-provides-225-million-for-covid19-testing-in-rural-communities.html">https://www.hhs.gov/about/news/2020/05/20/hhs-provides-225-million-for-covid19-testing-in-rural-communities.html</a>

## Sources of Financial Support for Healthcare Providers

<b>Date</b>	May 20, 2020
<b>Summary</b>	<p>The American Hospital Association (AHA) issued a special bulletin on sources of financial support for health care providers during the COVID-19 pandemic. Developed by Jones Day, the document provides a summary of these provisions, information on eligibility, and the amount of funding available through each opportunity. The provisions highlighted include:</p> <ul style="list-style-type: none"> <li>• The Public Health and Social Services Emergency Fund</li> <li>• Grants through the Federal Emergency Management Agency</li> <li>• Accelerated and advanced Medicare payments</li> <li>• Suspension of the Medicare sequestration</li> <li>• Expanded coverage of telehealth and COVID-19 testing</li> <li>• The Paycheck Protection Program</li> </ul>
<b>Link</b>	<p><a href="https://www.aha.org/system/files/media/file/2020/04/chart-examining-sources-of-federal-funds-during-covid-19-pandemic-for-hospitals.pdf">https://www.aha.org/system/files/media/file/2020/04/chart-examining-sources-of-federal-funds-during-covid-19-pandemic-for-hospitals.pdf</a></p>

## Consumer Concerns About Health Care

<b>Summary</b>	<p>With growing interest and concern about the public's comfort level and readiness to seek needed non-COVID-19 medical care during this time, the national Society for Health Care Strategy and Market Development posted a presentation outlining consumer expectations and how to best meet them. The presentation explores consumer readiness, operational processes and communication tactics to help generate trust and support patients and providers.</p>
<b>Link</b>	<p><a href="https://www.shsmd.org/education/webcasts/what-are-consumer-expectations-coming-back-and-how-can-we-meet-them-recording">https://www.shsmd.org/education/webcasts/what-are-consumer-expectations-coming-back-and-how-can-we-meet-them-recording</a></p>