

# MMHPI COVID-19 Regulatory & Reimbursement Newsletter

*Letter to Providers #24: State and Federal Updates – September 4, 2020*

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With federal and state health care policies changing in response to COVID-19, the Meadows Mental Health Policy Institute (MMHPI) 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://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).

## Texas Updates

### HHSC Updates Substance Use and Misuse Prevention Guidance

<b>Date</b>	September 2, 2020
<b>Summary</b>	The Texas Health and Human Services Commission (HHSC) updated the COVID-19-related guidance for substance use and misuse prevention programs. The updated document outlines related impacts and HHSC's expectations and recommendations 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.
<b>Link</b>	<a href="https://hhs.texas.gov/sites/default/files/documents/services/health/substance-use-misues-prevention-contract-guidance.pdf">https://hhs.texas.gov/sites/default/files/documents/services/health/substance-use-misues-prevention-contract-guidance.pdf</a>

### HCS COVID-19 Mitigation and Response Emergency Rules Issued

<b>Date</b>	August 26, 2020
<b>Summary</b>	HHSC issued enhanced COVID-19 emergency rules requiring additional actions by Home and Community-based Service (HCS) program providers to mitigate the spread of COVID-19.
<b>Link</b>	<a href="https://hhs.texas.gov/about-hhs/communications-events/news/2020/08/hcs-covid-19-mitigation-response-emergency-rules-issued">https://hhs.texas.gov/about-hhs/communications-events/news/2020/08/hcs-covid-19-mitigation-response-emergency-rules-issued</a>

## Extended Flexibilities

### Emergency Rules Concerning Chemical Dependency Treatment Services Via Telephone and Internet

<b>Date</b>	August 26, 2020
<b>Summary</b>	<p>HHSC extended emergency rules concerning chemical dependency treatment services via telephone and internet service delivery documentation deadlines in chemical dependency treatment facilities (CDTFs).</p> <p>The amended guidance letter replaces the previous GL 20-3006, issued on April 29, 2020, to notify providers that on August 26, 2020, HHSC extended rules §500.43, related to CDTF service delivery through two-way, real-time internet or telephone communications, and §500.44, related to CDTF treatment planning and service provision documentation deadlines, for an additional 60 days. The emergency rule extension is effective until October 25, 2020 and can be viewed in the Texas Register under docket number 202001711.</p> <p>CDTFs are now temporarily permitted to provide treatment services through two-way, real-time internet or telephone communications to clients in order to reduce the risk of transmission of COVID-19, and treatment planning and service provision documentation deadlines in CDTFs are temporarily extended, as counselor caseloads may have increased in intensive residential treatment programs in response to the COVID-19 pandemic.</p>
<b>Link</b>	<a href="https://hhs.texas.gov/sites/default/files/documents/doing-business-with-hhs/provider-portal/facilities-regulation/memos/gl-20-3006.pdf">https://hhs.texas.gov/sites/default/files/documents/doing-business-with-hhs/provider-portal/facilities-regulation/memos/gl-20-3006.pdf</a>

### Emergency Rules Regarding Licensed Chemical Dependency Counselor Interns

<b>Date</b>	August 27, 2020
<b>Summary</b>	<p>HHSC extended emergency rules regarding licensed chemical dependency counselor intern (LCDC-I) service provision and supervision via telephone and internet. The amended letter (GL 20-5001-A) explains the 60-day extension of emergency rules that temporarily permit 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>

<b>Link</b>	<a href="https://hhs.texas.gov/about-hhs/communications-events/news/2020/08/gl-20-5001-a-emergency-rules-regarding-licensed-chemical-dependency-counselor-intern-lcdc-i-service">https://hhs.texas.gov/about-hhs/communications-events/news/2020/08/gl-20-5001-a-emergency-rules-regarding-licensed-chemical-dependency-counselor-intern-lcdc-i-service</a>
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## Amended Guidance for Hurricane Preparation

<b>Date</b>	September 2, 2020
<b>Summary</b>	HHSC posted an amended guidance letter on preparing for hurricane season during the COVID-19 disaster. This letter provides guidance to regulated health care facilities and licensed professionals on how to prepare for the 2020 hurricane season during the public health emergency.
<b>Link</b>	<a href="https://hhs.texas.gov/sites/default/files/documents/doing-business-with-hhs/provider-portal/facilities-regulation/memos/gl-2020-0003.pdf">https://hhs.texas.gov/sites/default/files/documents/doing-business-with-hhs/provider-portal/facilities-regulation/memos/gl-2020-0003.pdf</a>

## Federal Updates

### New Final Rule: Data Reporting a Condition of Medicare Participation

<b>Date</b>	August 24, 2020
<b>Summary</b>	The Centers for Medicare & Medicaid Services (CMS) issued an interim final rule that, among other things, makes COVID-19 data reporting a condition of Medicare participation for hospitals. Daily reporting of COVID-19 data includes elements such as the number of confirmed/suspected COVID-19 patients, intensive care unit beds occupied and availability of supplies and equipment. Noncompliance potentially may mean termination from the Medicare and Medicaid programs if appropriate corrective action is not taken. The rule also directs surveyors to inspect nursing homes for adherence to new COVID-19 testing requirements and implements new laboratory reporting requirements from the CARES Act, subjecting noncompliance for both to civil monetary penalties. CMS announced the rule without advance notice but is accepting comments for 60 days after it is published.
<b>Link</b>	<a href="https://www.cms.gov/files/document/covid-ifc-3-8-25-20.pdf">https://www.cms.gov/files/document/covid-ifc-3-8-25-20.pdf</a>

## Provider Relief Fund Open to Assisted Living Facilities

<b>Date</b>	September 1, 2020
<b>Summary</b>	The U.S. Department of Health and Human Services (HHS), through the Health Resources and Services Administration (HRSA), announced assisted living facilities (ALFs) may now apply for funding under the Provider Relief Fund Phase 2 General Distribution allocation. Like other providers applying for Phase 2 funding, eligible ALFs will receive two percent of their annual revenue from patient care. Helpful information for these providers can be found at the Provider Relief Fund website, which includes previously recorded Phase 2 application webinars, frequently asked questions (FAQs) and other information on how to apply through the recently simplified application process. Assisted living facilities, like all providers applying for the current Phase 2 General Distribution funding will have until September 13, 2020 to begin their application by entering their Tax Identification Number (TIN) for validation.
<b>Link</b>	<a href="https://www.hhs.gov/about/news/2020/09/01/trump-administration-announces-provider-relief-fund-application-for-assisted-living-facilities.html">https://www.hhs.gov/about/news/2020/09/01/trump-administration-announces-provider-relief-fund-application-for-assisted-living-facilities.html</a>

## Deadline to Apply for Provider Relief General Distribution Funds Extended

<b>Date</b>	September 1, 2020
<b>Summary</b>	HHS extended the deadline to apply for Phase 2 General Distribution Funding from the Provider Relief Fund to September 13, 2020. The previous deadline was August 28, 2020. Earlier this month, HHS clarified that those who bill Medicare, Medicaid, Medicaid Managed Care or the Children’s Health Insurance Program (CHIP), or are dental providers, are eligible to apply as long as they have not already received two percent of their patient revenue from the fund. HHS also stated that first-time or previous applicants may apply as long as they have not already received two percent of their patient revenue. This includes Medicare Part A providers who experienced a change in ownership and billed Medicare fee-for-service in 2019 or 2020 and had previously been ineligible to apply.
<b>Links</b>	<a href="https://www.hhs.gov/coronavirus/cares-act-provider-relief-fund/for-providers/index.html?language=en">https://www.hhs.gov/coronavirus/cares-act-provider-relief-fund/for-providers/index.html?language=en</a>

## Appeals Process for Paycheck Protection Program

<b>Date</b>	August 27, 2020
<b>Summary</b>	The Small Business Administration (SBA) released an interim final rule, effective immediately, on the process for Paycheck Protection Program borrowers to appeal certain SBA loan review decisions to the SBA Office of Hearings and Appeals. The rule will be published in the August 27, 2020 Federal Register with comments accepted for 30 days.
<b>Link</b>	<a href="https://s3.amazonaws.com/public-inspection.federalregister.gov/2020-17895.pdf">https://s3.amazonaws.com/public-inspection.federalregister.gov/2020-17895.pdf</a>

## Rapid Tests Contract Award

<b>Date</b>	August 27, 2020
<b>Summary</b>	HHS announced a contract award to Abbott for the delivery of 50 million rapid Abbott BinaxNOW COVID-19 Ag Card Point of Care SARS-CoV-2 diagnostic tests. HHS said the \$760 million deal will expand strategic, evidence-based testing in the U.S., with the tests potentially deployed to schools and to assist with serving other special needs populations.
<b>Link</b>	<a href="https://www.hhs.gov/about/news/2020/08/27/trump-administration-will-deploy-150-million-rapid-tests-in-2020.html">https://www.hhs.gov/about/news/2020/08/27/trump-administration-will-deploy-150-million-rapid-tests-in-2020.html</a>

## CDC Reports

### Infection Among Frontline Health Care Workers

<b>Date</b>	August 31, 2020
<b>Summary</b>	The Centers for Disease Control and Prevention (CDC) posted a report about prevalence and factors associated with COVID-19 infections among frontline health care workers. The report found that among more than 3,200 health care workers, six percent had antibody evidence of previous COVID-19 infection. Nearly 30% of those individuals were asymptomatic in the preceding months. Prevalence of antibodies was lower among staff who reported always wearing a face covering while caring for patients. COVID-19 infections among health care staff largely go undetected. Universal use of face coverings and lowering clinical criteria for testing could help reduce hospital transmission.
<b>Link</b>	<a href="https://www.cdc.gov/mmwr/volumes/69/wr/mm6935e2.htm?s_cid=mm6935e2_w">https://www.cdc.gov/mmwr/volumes/69/wr/mm6935e2.htm?s_cid=mm6935e2_w</a>

## Overnight Camps

<b>Date</b>	August 26, 2020
<b>Summary</b>	CDC issued a report about COVID-19 transmission and overnight camps. The report describes four overnight camps in Maine that implemented a multilayered prevention and mitigation strategy that helped successfully identify and isolate three asymptomatic COVID-19 cases and prevent secondary transmission.
<b>Link</b>	<a href="https://www.cdc.gov/mmwr/volumes/69/wr/mm6935e1.htm?s_cid=mm6935e1_w">https://www.cdc.gov/mmwr/volumes/69/wr/mm6935e1.htm?s_cid=mm6935e1_w</a>

## FDA Emergency Use Authorizations and Alerts

### New EUA for Rapid Antigen Test

<b>Date</b>	August 26, 2020
<b>Summary</b>	The Food and Drug Administration (FDA) authorized the first COVID-19 antigen test that allows health care providers to read the results in minutes directly from the testing card, similar to some pregnancy tests. The emergency use authorization allows labs certified under the Clinical Laboratory Improvement Amendment (CLIA) to perform moderate, high, or waived complexity tests and health care providers with a CLIA certificate of waiver, compliance or accreditation may use the test. Abbott Diagnostics Scarborough plans to make up to 50 million tests available monthly in the U.S. beginning in early October.
<b>Link</b>	<a href="https://www.fda.gov/media/141567/download">https://www.fda.gov/media/141567/download</a>

### Expanded Use of Remdesivir

<b>Date</b>	August 28, 2020
<b>Summary</b>	FDA expanded its emergency authorization for Gilead's remdesivir to include all patients hospitalized with COVID-19. Previously, the emergency use of remdesivir was limited to patients with severe symptoms who have low blood oxygen or need breathing assistance.
<b>Link</b>	<a href="https://www.fda.gov/news-events/press-announcements/covid-19-update-fda-broadens-emergency-use-authorization-veklury-remdesivir-include-all-hospitalized">https://www.fda.gov/news-events/press-announcements/covid-19-update-fda-broadens-emergency-use-authorization-veklury-remdesivir-include-all-hospitalized</a>

## Gown Risk Alert

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<b>Date</b>	August 28, 2020
<b>Summary</b>	FDA alerted health care facility risk managers, procurement staff, and health care providers that gowns sold as medical gowns, including surgical gowns, sold by Laws of Motion PPE (LawsofMotionPPE.com) have potential quality issues that affect the level of fluid barrier protection. FDA is recommending that gowns manufactured or sold by Laws of Motion PPE should not be used as personal protective equipment at this time while the FDA continues our investigation. Here is the FDA <a href="#">brief</a> on the issue.
<b>Link</b>	<a href="https://www.fda.gov/medical-devices/letters-health-care-providers/stop-using-gowns-including-surgical-gowns-laws-motion-ppe-letter-health-care-providers">https://www.fda.gov/medical-devices/letters-health-care-providers/stop-using-gowns-including-surgical-gowns-laws-motion-ppe-letter-health-care-providers</a>