

MMHPI COVID-19 Regulatory & Reimbursement Newsletter

Letter to Providers #34: State and Federal Updates – November 13, 2020

Contents

Texas Updates	2
Extensions.....	2
State Emergency Declaration Extended	2
Board of Nursing Extends Emergency Prescription Rule	2
Medical Board Extends Emergency Prescription Rule.....	3
FAQs.....	3
Behavioral Health Providers	3
HCSSAs	4
CDTFs: Outpatient Treatment Services via Electronic Means	4
ALF: Updated Response Plan.....	4
HCS and TxHmL Dental Treatment Does Not Include the Cost of PPE.....	5
Process to Request Free COVID-19 Point of Care Antigen Test Kits.....	5
Surge of Department of Defense Resources to El Paso.....	5
Free Mental Health Support for Frontline Workers	6
Federal Updates.....	6
Medicare Beneficiaries Access to COVID-19 Antibody Treatment.....	6
Antigen False Positives	6
Feds Release Draft Playbook for Therapeutics.....	7
CDC Resource and Reports	7
Resource for Health Care Environment	7
Updated COVID-19 Infection Control Guidance	7
Advisory Committee on Immunization Practices.....	8
V-SAFE: Mobile Vaccine Monitoring Tool	8
Hospital Readmissions	8

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.

Texas Updates

Extensions

State Emergency Declaration Extended

Date	November 6, 2020
Summary	Governor Abbott extended the state disaster declaration for an additional 30 days. The declaration now expires on December 7, 2020.
Link	https://gov.texas.gov/news/post/governor-abbott-renews-state-disaster-declaration-for-covid-19-in-november-2020

Board of Nursing Extends Emergency Prescription Rule

Date	November 4, 2020
Summary	The Texas Board of Nursing extended through January 4, 2021 an emergency rule allowing advanced practice registered nurses (APRNs) to treat chronic pain with scheduled drugs through the use of telemedicine medical services. The rule applies if a patient is an established chronic pain patient of the APRN, is seeking a telephone refill of an existing prescription, and the APRN determines that the telemedicine treatment is needed due to the COVID-19 pandemic. The previous rule expired on November 4, 2020.
Link	https://www.bon.texas.gov/emergency_%20amendments_to_%20rule_217.24.asp

Medical Board Extends Emergency Prescription Rule

Date	November 2, 2020
Summary	The Texas Medical Board extended through January 2, 2021 an emergency rule allowing providers to telephonically renew scheduled drugs (such as opioids) for patients with chronic pain. The extended waiver continues to allow for telephone refills of a prescription for treatment of chronic pain by a physician with an established chronic pain patient. Ordinarily, there is a prohibition on telephonically renewing prescriptions for scheduled drugs for chronic pain. This is the sixth renewal of this emergency rule, the most recent of which expired on November 2, 2020.
Link	http://www.tmb.state.tx.us/idl/34623981-CF28-7904-8245-2DEA8AE87ADA

FAQs

Behavioral Health Providers

Date	November 6, 2020
Summary	<p>The Texas Health and Human Services Commission (HHSC) updated COVID-19-related frequently asked questions for behavioral health providers with the following:</p> <ul style="list-style-type: none"> • Q. Is there an update on the emergency rule relating to the supervision of Licensed Chemical Dependency Counselor (LCDC) interns and their ability to provide services using telehealth during the COVID-19 pandemic? <ul style="list-style-type: none"> A. Under the new emergency rule, effective October 17, 2020, certain licensed LCDC interns with more than 1,000 hours of supervised work experience are now temporarily permitted to provide services in person or through two-way, real-time internet or telephone communications, and certain qualified counselor intern supervisors are now temporarily permitted to provide supervision through two-way, real-time internet or telephone communications to reduce the risk of transmission of COVID-19 and ensure that LCDC interns and their supervisors are able to continue working and providing treatment to their patients during the COVID-19 pandemic.
Link	https://hhs.texas.gov/sites/default/files/documents/services/health/behavioral-health-services-covid-faq.pdf

HCSSAs

Date	November 10, 2020
Summary	HHSC published updated COVID-19 FAQs for Home and Community Support Services Agencies (HCSSA) providers.
Link	https://hhs.texas.gov/about-hhs/communications-events/news/2020/11/hhsc-publishes-updated-covid-19-frequently-asked-questions-hcssa-providers

CDTFs: Outpatient Treatment Services via Electronic Means

Date	November 6, 2020
Summary	<p>HHSC adopted an emergency rule amendment in response to the state of disaster declared in Texas relating to COVID-19. Under the new emergency rule amendment, effective November 8, 2020, currently licensed Chemical Dependency Treatment Facilities (CDTFs) may temporarily provide outpatient treatment services through electronic means to adolescent clients to reduce the risk of COVID-19 transmission and ensure continued access to treatment.</p> <p>HHSC originally adopted a previous emergency rule amendment to 25 T.A.C. §448.911(a)(1), Treatment Services Provided by Electronic Means, on May 12, 2020, and extended it on September 8, 2020. The new emergency rule amendment replaced by this emergency rule amendment on November 8, 2020.</p>
Link	https://hhs.texas.gov/sites/default/files/documents/doing-business-with-hhs/provider-portal/facilities-regulation/memos/gl-20-3009.pdf

ALF: Updated Response Plan

Date	November 10, 2020
Summary	HHSC published an updated version of the COVID-19 response plan for assisted living facilities (ALFs).
Link	https://hhs.texas.gov/about-hhs/communications-events/news/2020/11/hhsc-publishes-updated-covid-19-response-plan-alf-providers

HCS and TxHmL Dental Treatment Does Not Include the Cost of PPE

Date	November 4, 2020
Summary	Billable treatment or services for the dental service component are listed in Section 6330, Billable Dental Treatment, of the Home and Community-based Services (HCS) and Texas Home Living (TxHmL) Billing Guidelines. Section 6330 is an all-inclusive list of the treatments and services allowed by the HCS and TxHmL Waiver programs. The cost of personal protective equipment (PPE) is not listed as a billable treatment or service for the dental service component and therefore is not reimbursable through the approved waiver.
Link	https://hhs.texas.gov/about-hhs/communications-events/news/2020/11/hcs-txhtml-dental-treatment-does-not-include-cost-personal-protective-equipment-ppe

Process to Request Free COVID-19 Point of Care Antigen Test Kits

Date	November 9, 2020
Summary	HHSC published Provider Letter 20-49, Process to Request Free COVID-19 Point of Care Antigen Test Kits . This letter describes the process to request distribution of a limited number of free BinaxNOW COVID-19 point of care (POC) antigen test kits under limited circumstances. This initiative is new and unrelated to the antigen machines or the Centers for Medicare & Medicaid Services (CMS) distributions of BinaxNOW COVID19 test kits.
Link	https://www.tmhp.com/news/2020-11-09-hhsc-publishes-process-request-free-covid-19-point-care-antigen-test-kits-pl-20-49

Surge of Department of Defense Resources to El Paso

Date	November 6, 2020
Summary	Governor Abbott announced that the U.S. Department of Defense (DOD) has deployed three U.S. Air Force Medical Specialty Teams to assist the state's efforts to combat COVID-19 in El Paso. These teams consist of 20 military medical providers each and will support three El Paso city hospitals: the University Medical Center of El Paso, the Hospitals of Providence Transmountain Campus, and the Las Palmas Del Sol Medical Center.
Link	https://gov.texas.gov/news/post/governor-abbott-announces-surge-of-department-of-defense-resources-to-el-paso

Free Mental Health Support for Frontline Workers

Summary	Hospital and provider staff who are experiencing anxiety, stress, or emotional challenges due to the pandemic are encouraged to access free mental health support through the state’s 24-hour hotline. The service is available to all Texans. Frontline workers can also access a virtual support group tailored specifically to meet their unique needs. Dial (833) 986-1919 for general support or to be referred to the virtual support group.
Link	https://hhs.texas.gov/sites/default/files/documents/services/mental-health-substance-use/virtual-support-groups-frontline-workers-tx.pdf

Federal Updates

Medicare Beneficiaries Access to COVID-19 Antibody Treatment

Date	November 10, 2020
Summary	CMS announced that Medicare beneficiaries can receive coverage of monoclonal antibodies to treat COVID-19 with no cost-sharing during the public health emergency (PHE). CMS’ coverage of monoclonal antibody infusions applies to bamlanivimab, which received an emergency use authorization (EUA) from the U.S. Food and Drug Administration (FDA) on November 9, 2020.
Link	https://www.cms.gov/newsroom/press-releases/cms-takes-steps-ensure-medicare-beneficiaries-have-wide-access-covid-19-antibody-treatment

Antigen False Positives

Date	November 3, 2020
Summary	The Food & Drug Administration (FDA) notified health providers of the risk for false positive results when coronavirus antigen tests are used in areas where cases are low or if they are not administered correctly.
Link	https://www.fda.gov/medical-devices/letters-health-care-providers/potential-false-positive-results-antigen-tests-rapid-detection-sars-cov-2-letter-clinical-laboratory

Feds Release Draft Playbook for Therapeutics

Date	November 2, 2020
Summary	Given the expected issuance of emergency use authorizations for at least two monoclonal antibody therapeutic drugs developed to treat certain COVID-19 positive patients, the federal government has released an initial playbook to assist providers in planning. The draft is expected to change as more information becomes available, including details about which patients are to receive this therapy, which will be outlined in the EUA. The playbook includes details about infusion administration, patient candidates, and site checklists. According to the playbook, the Eli Lilly product has shown potential to reduce hospitalization, and the Regeneron product has shown potential to reduce viral load. The federal government will oversee distribution of both therapeutics, with AmerisourceBergen managing distribution. Each product will need to be shipped and stored at a refrigerated temperature of 2-8 degrees Celsius and will have a shelf-life of at least 10 months.
Link	https://publicmeetings.wi.gov/download-attachment/21b2dd89-ae9c-40a5-93c3-d52d3d1aebf4

CDC Resource and Reports

Resource for Health Care Environment

Date	October 13, 2020
Summary	The Centers for Disease Control and Prevention (CDC) released a new resource highlighting core components of environmental cleaning disinfection every health care facility should consider.
Link	https://www.cdc.gov/hai/prevent/environment/surfaces.html

Updated COVID-19 Infection Control Guidance

Date	November 4, 2020
Summary	CDC issued updated infection control guidance for health care settings. The updates include different options for screening health care personnel, patients and visitors entering a health care facility; factors that can affect thermometer readings; resources for evaluating and managing ventilation systems; and a FAQ on personal protective equipment. The guidance no longer mentions the requirement to document symptom screenings for patients, health care personnel, or visitors.

Link | <https://www.cdc.gov/coronavirus/2019-ncov/hcp/infection-control-recommendations.html>

Advisory Committee on Immunization Practices

Date	November 9, 2020
Summary	The CDC's Advisory Committee on Immunization Practices (ACIP) recently held a day-long meeting with presentations from FDA, CDC, and others. The ACIP discussed safety concerns related to emergency use authorizations for COVID-19 vaccines. The FDA is looking to strike a delicate balance between safety and efficacy. Following the FDA's decision, the ACIP will make its recommendation to the CDC.
Link	https://www.cdc.gov/coronavirus/2019-ncov/vaccines/recommendations-process.html

V-SAFE: Mobile Vaccine Monitoring Tool

Date	September 22, 2020
Summary	CDC is developing a new monitoring tool for essential workers who receive the early COVID-19 vaccine. V-SAFE (vaccine safety assessment for essential workers) uses texts and web surveys to check in on early COVID-19 vaccine recipients to see if they're experiencing any adverse reactions. If recipients report medically significant events, the CDC will follow up with a phone call. CDC intends to create a V-SAFE information sheet for providers and patients.
Link	https://www.cdc.gov/vaccines/acip/meetings/downloads/slides-2020-09/COVID-03-Shimabukuro.pdf

Hospital Readmissions

Date	November 9, 2020
Summary	CDC issued a report on post-discharge outcomes for patients following an initial COVID-19 hospitalization. A total of 9% of patients (or one in 11) hospitalized for COVID-19 were readmitted to the same hospital within two months of discharge. Multiple readmissions occurred in 1.6% of patients. Risk factors for readmission included age ≥ 65 years, presence of certain chronic conditions, hospitalization within the three months preceding the first COVID-19 hospitalization, and discharge to a skilled nursing facility or with home health care.
Link	https://www.cdc.gov/mmwr/volumes/69/wr/mm6945e2.htm?s_cid=mm6945e2_w