

# MMHPI COVID-19 Regulatory & Reimbursement Newsletter

## *Letter to Providers #8: State and Federal Updates – May 15, 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).

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## Texas Updates

### Governor Abbott Extends COVID-19 Disaster Declaration

<b>Date</b>	May 12, 2020
<b>Summary</b>	Governor Abbott issued a proclamation extending his disaster declaration for all Texas counties in response to COVID-19. Originally issued on March 13 and extended on April 12, the disaster declaration provides the state with a number of resources to effectively serve Texans as Texas continues to mitigate the spread of COVID-19.
<b>Link</b>	<a href="https://gov.texas.gov/news/post/governor-abbott-extends-covid-19-disaster-declaration-for-all-texas-counties">https://gov.texas.gov/news/post/governor-abbott-extends-covid-19-disaster-declaration-for-all-texas-counties</a>

### Emergency Rule for Outpatient Chemical Dependency Treatment Services via Electronic Means to Adolescents and Adults in Chemical Dependency Treatment Facilities (CDTFs)

<b>Date</b>	May 12, 2020
<b>Summary</b>	The Health and Human Services Commission (HHSC) adopted an emergency rule amendment in response to the federal and state disaster declarations relating to COVID-19. Licensed Chemical Dependency Treatment Facilities (CDTFs) are now temporarily permitted to provide outpatient treatment services through electronic means to adolescent and adult clients to reduce the risk of COVID-19 transmission.
<b>Links</b>	<a href="https://hhs.texas.gov/sites/default/files/documents/doing-business-with-hhs/provider-portal/facilities-regulation/memos/gl-20-3004.pdf">https://hhs.texas.gov/sites/default/files/documents/doing-business-with-hhs/provider-portal/facilities-regulation/memos/gl-20-3004.pdf</a>

## Request for Extended Prior Authorizations

<b>Date</b>	May 11, 2020
<b>Summary</b>	<p>The Texas Department of Insurance (TDI) issued a bulletin to insurers, health maintenance organizations, and utilization review agents to extend prior authorizations for elective procedures authorized before Governor Abbott’s <u>Executive Order No. 9</u> from March 22, directing postponement of all elective procedures. The bulletin specifically encourages entities to:</p> <ul style="list-style-type: none"> <li>• Extend prior authorizations granted before March 22;</li> <li>• Consider extending referrals for specialists, therapy, counseling services, and other medically necessary services that may have been disrupted; and</li> <li>• Provide consumers and providers with written notice of updated authorizations.</li> </ul>
<b>Link</b>	<a href="https://www.tdi.texas.gov/bulletins/2020/B-0025-20.html">https://www.tdi.texas.gov/bulletins/2020/B-0025-20.html</a>

## Texas Health Steps Checkups Guidance

<b>Date</b>	May 12, 2020
<b>Summary</b>	<p>To allow for continued provision of Texas Health Steps checkups during the period of social distancing due to COVID-19, HHSC is allowing remote delivery of certain components of medical checkups for children over 24 months of age (i.e. starting after the “24 month” checkup). Because some of these requirements (like immunizations and physical exams) require an in-person visit, providers must follow-up with their patients to ensure completion of any components within 6 months of the telemedicine visit.</p>
<b>Link</b>	<a href="http://www.tmhp.com/News_Items/2020/05-May/05-12-20%20Texas%20Health%20Steps%20Checkups%20Guidance%20Eff%20May%207,%202020-May%2031,%202020.pdf">http://www.tmhp.com/News_Items/2020/05-May/05-12-20%20Texas%20Health%20Steps%20Checkups%20Guidance%20Eff%20May%207,%202020-May%2031,%202020.pdf</a>

### Waiver Extension for the Children with Special Health Care Needs (CSHCN) Services Program Documentation of Receipt Form

<b>Date</b>	May 11, 2020
<b>Summary</b>	The Texas Medicaid & Healthcare Partnership (TMHP) posted an update to their article titled, “Client Signature Requirement Waived on Children with Special Health Care Needs (CSHCN) Services Program Documentation of Receipt Form,” which was published on March 26, 2020. To help ensure continuity of care during the COVID-19 response, the signature requirement waiver for the CSHCN Services Program Documentation of Receipt Form is extended through May 31, 2020.
<b>Link</b>	<a href="http://www.tmhp.com/News_Items/2020/05-May/05-11-20%20Waiver%20Extension%20for%20the%20CSHCN%20Services%20Program%20Documentation%20of%20Receipt%20Form.pdf">http://www.tmhp.com/News_Items/2020/05-May/05-11-20%20Waiver%20Extension%20for%20the%20CSHCN%20Services%20Program%20Documentation%20of%20Receipt%20Form.pdf</a>

### Waiver for Chronic Pain Patients Extended

<b>Date</b>	May 8, 2020
<b>Summary</b>	Governor Abbott approved the Texas Medical Board’s request to extend the previously issued waiver that temporarily suspends Title 22, Chapter 174.5 (e) (2)(A) of the Texas Administrative Code, as the measure is still necessary to protect public health by providing patients access to ensure on-going treatment of chronic pain and curbing the spread of COVID-19. The suspension is in effect until June 6, 2020. The extended waiver continues to allow for telephone refill(s) of a valid prescription for treatment of chronic pain by a physician with an established chronic pain patient. The physician remains responsible for meeting the standard of care and all other laws and rules related to the practice of medicine. The standard of care must still be maintained related to the treatment of chronic pain patients.
<b>Link</b>	<a href="http://www.tmb.state.tx.us/dl/5D868D64-F88A-E5E1-612D-4510EB9CC207">http://www.tmb.state.tx.us/dl/5D868D64-F88A-E5E1-612D-4510EB9CC207</a>

### Updated Intermediate Care Facilities COVID-19 Response Plan

<b>Date</b>	May 7, 2020
<b>Summary</b>	HHSC Long-term Care Regulatory has updated the intermediate care facilities (ICF) for individuals with an intellectual disability (IDD) or related conditions COVID-19 response plan. The document provides guidance to ICFs/IID on response actions in the event of COVID-19 exposure.
<b>Link</b>	<a href="https://hhs.texas.gov/sites/default/files/documents/services/health/coronavirus-covid-19/icf-covid-19-plan.pdf">https://hhs.texas.gov/sites/default/files/documents/services/health/coronavirus-covid-19/icf-covid-19-plan.pdf</a>

### Governor Abbott and the OneStar Foundation Announce a Texas COVID Relief Fund

<b>Date</b>	May 6, 2020
<b>Summary</b>	Governor Abbott and the OneStar Foundation announced the Texas COVID Relief Fund, which will provide critical funding and resources to organizations across the state working on the ground to support the economic recovery of local communities. Funds raised will be distributed through grants focused on the areas of community and economic development, healthcare, and education. Funds will also be used to support local priorities and organizations serving the unmet needs of vulnerable populations and underserved communities.
<b>Link</b>	<a href="https://gov.texas.gov/news/post/governor-abbott-onestar-foundation-announce-texas-covid-relief-fund">https://gov.texas.gov/news/post/governor-abbott-onestar-foundation-announce-texas-covid-relief-fund</a>

### Governor Abbott Announces Federal Funding for Local Jurisdictions

<b>Date</b>	May 11, 2020
<b>Summary</b>	Governor Abbott sent a <a href="#">letter</a> to city and county leaders announcing \$5.06 billion in funding available to local governments in Texas through the CARES Act. Of this \$5.06 billion, the U.S. Department of Treasury has directly sent over \$3.2 billion to the six cities and 12 counties in Texas with a population greater than 500,000. The 242 counties, and the cities within those counties, that did not receive direct allocations from the Treasury are eligible to apply to the state for a \$55 per capita allocation from the \$1.85 billion. Funding will go toward reimbursement of direct expenses incurred by cities and counties due to COVID-19.

**Link** | <https://gov.texas.gov/news/post/governor-abbott-lt-governor-patrick-speaker-bonnen-senate-finance-house-appropriations-committee-chairs-announce-federal-funding-for-local-jurisdictions>

## Texas Launches Supplemental Nutrition Assistance Program Online Grocery Purchases Pilot

<b>Date</b>	May 12, 2020
<b>Summary</b>	HHSC announced the launch of a statewide pilot program allowing Supplemental Nutrition Assistance Program (SNAP) recipients to purchase groceries online at participating retailers for curbside pickup or delivery starting May 13, 2020. SNAP recipients can visit participating retailer websites and use their Lone Star Card to purchase groceries for curbside pickup or delivery. Currently, participating retailers in Texas are Walmart and Amazon.
<b>Links</b>	<a href="https://hhs.texas.gov/about-hhs/communications-events/news/2020/05/texas-launches-snap-online-grocery-purchases-pilot">https://hhs.texas.gov/about-hhs/communications-events/news/2020/05/texas-launches-snap-online-grocery-purchases-pilot</a>

## Federal Updates

### CMS Releases Additional Waivers for Hospitals and Other Facilities

<b>Date</b>	May 11, 2020
<b>Summary</b>	<p>The Centers for Medicare &amp; Medicaid Services (CMS) provided additional blanket waivers for the duration of the COVID-19 public health emergency that:</p> <ul style="list-style-type: none"> <li>• Expand hospitals' ability to offer long-term care services ("swing beds");</li> <li>• Waive distance requirements, market share, and bed requirements for sole community hospitals;</li> <li>• Waive certain eligibility requirements for Medicare-dependent, small rural hospitals (MDHs); and</li> <li>• Update specific life safety code requirements for hospitals, hospice, and long-term care facilities.</li> </ul>
<b>Link</b>	<a href="https://www.cms.gov/files/document/summary-covid-19-emergency-declaration-waivers.pdf">https://www.cms.gov/files/document/summary-covid-19-emergency-declaration-waivers.pdf</a>

## COVID-19 Emergency Response for Suicide Prevention Grants

<b>Date</b>	May 12, 2020
<b>Summary</b>	The Substance Abuse and Mental Health Services Administration (SAMHSA) is now accepting applications for COVID-19 Emergency Response for Suicide Prevention Grants. Eligible applicants include state agencies, community-based primary care or behavioral health organizations, and public health agencies. \$40,000,000 is being made available (from the CARES Act) with award amounts of up to \$800,000 for 16 months. The application deadline is May 22, 2020.
<b>Links</b>	<a href="https://www.samhsa.gov/grants/grant-announcements/fg-20-007">https://www.samhsa.gov/grants/grant-announcements/fg-20-007</a>

## Provider Relief Fund Attestation Extension and Provider-level Payment Data

<b>Summary</b>	<p>The U.S. Health and Human Services (HHS) announced an extension of the deadline for providers to attest to receipt of payments from the Provider Relief Fund and accept the <a href="#">terms and conditions</a>. Providers will now have 45 days rather than 30 from the date a payment was received. Providers must use <a href="#">this portal</a> for attestations and <a href="#">this portal</a> to submit revenue information for verification. More information on the Provider Relief Fund is available <a href="#">here</a>.</p> <p>HHS started publishing provider-level data on Provider Relief Fund payments from the CARES Act. This dataset is currently limited to general distribution payments for providers who have attested to payments and agreed to the terms and conditions. The dataset is updated every Tuesday and Thursday as additional providers attest. HHS also published a <a href="#">breakdown</a> of the initial \$30 billion in Provider Relief Fund payments by Congressional District.</p>
<b>Link</b>	<p>Extension announcement: <a href="https://www.hhs.gov/about/news/2020/05/07/hhs-extends-deadline-attestation-acceptance-terms-and-conditions-provider-relief-fund-payments-45-days.html">https://www.hhs.gov/about/news/2020/05/07/hhs-extends-deadline-attestation-acceptance-terms-and-conditions-provider-relief-fund-payments-45-days.html</a></p> <p>Provider-level payment data: <a href="https://data.cdc.gov/Administrative/HHS-Provider-Relief-Fund/kh8y-3es6">https://data.cdc.gov/Administrative/HHS-Provider-Relief-Fund/kh8y-3es6</a></p>

## Telehealth Video: Medicare Coverage and Payment of Virtual Services

<b>Date</b>	May 8, 2020
<b>Summary</b>	CMS updated a 23-minute video that answers common questions about the expanded Medicare telehealth services benefit during the COVID-19 public health emergency. New information includes how CMS adds services to the list of telehealth services, additional practitioners that can provide telehealth services, and the distant site services that rural health clinics (RHCs) and federally qualified health centers (FQHCs) can provide. The video includes information about audio-only telehealth services, telehealth services that hospitals, nursing homes and home health agencies can provide, along with how to correctly bill for telehealth services.
<b>Link</b>	<a href="https://www.youtube.com/watch?v=Bsp5tIFnYHk&amp;feature=youtu.be">https://www.youtube.com/watch?v=Bsp5tIFnYHk&amp;feature=youtu.be</a>

## Optional Year Extensions for Accountable Care Organizations (ACOs)

<b>Date</b>	April 30, 2020,
<b>Summary</b>	CMS made changes to the Shared Savings Program to give the 517 accountable care organizations (ACOs) serving more than 11 million beneficiaries greater financial stability and predictability during the pandemic. Because the impact of the pandemic varies across the country, CMS is making adjustments to the financial methodology to account for COVID-19 costs so that ACOs will be treated equitably regardless of the extent to which their patient populations are affected by the pandemic. CMS is also forgoing the annual application cycle for 2021 and giving ACOs whose participation is set to end this year the option to extend for another year. ACOs that are required to increase their financial risk over the course of their current agreement period will have the option to maintain their current risk level for next year, instead of being automatically advanced to the next risk level.
<b>Links</b>	<a href="https://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/sharedsavingsprogram/news">https://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/sharedsavingsprogram/news</a>



## Guidance for Frontline Staff

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### Summary

The American Hospital Association (AHA) issued a resource highlighting ways hospitals and health systems are helping to care for and support the health care workforce during the COVID-19 crisis. The resource focuses on three areas – mental health, food, and housing. It also provides a list of national well-being programs and resources developed for health care workers.

The AHA Center for Health Innovation released another resource, Addressing Emotions on the Frontlines, which provides techniques and scripting for frontline hospital staff and providers to use when patients appear to be experiencing increased emotion, worry or frustration.

### Link

Caring for Our Health Care Heroes During COVID-19:

<https://www.aha.org/system/files/media/file/2020/05/caring-for-health-care-heros-during-covid-19.pdf>

Addressing Emotions on the Frontlines:

<https://www.aha.org/system/files/media/file/2020/05/COVID-19-Addressing-Emotions-Frontlines.pdf>