

MMHPI COVID-19 Regulatory & Reimbursement Newsletter

Letter to Providers #9: State and Federal Updates – May 21, 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.

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Texas Updates

Telehealth Flexibilities Expiration Date

MMHPI has contacted the Health and Human Services Commission (HHSC) regarding the continuation of billing flexibilities for behavioral health services through telemedicine and telehealth and by telephone that are due to expire on May 31, 2020. As of May 21, 2020, we do not have an update from HHSC.

State Agencies Directed to Reduce Budgets by Five Percent

Date	May 20, 2020
Summary	<p>Governor Greg Abbott, Lieutenant Governor Dan Patrick, and House Speaker Dennis Bonnen sent a letter directing each state agency and institution of higher education to submit a plan identifying savings that will reduce general and general revenue-related appropriations by five percent for the 2020-2021 biennium. Some programs are excluded from the five percent reduction, including:</p> <ul style="list-style-type: none"> • Benefits and eligibility levels in Medicaid, the Children’s Health Insurance Program, the foster care program, the adoption subsidies program, the permanency care assistance program, and services for individuals with intellectual or developmental disabilities; • Funding for Child Protective Services; and • Funding for behavioral health service programs.
Link	<p>https://gov.texas.gov/news/post/governor-abbott-lt-governor-patrick-speaker-bonnen-direct-state-agencies-to-reduce-budgets-by-five-percent</p>

HHSC Releases Frequently Asked Questions

Behavioral Health Service Providers

Date	May 15, 2020
Summary	<p>HHSC published an updated frequently asked questions (FAQs) file for behavioral health providers related to COVID-19. Newly added FAQs include:</p> <p>Question: Will modifications be made in Clinical Management for Behavioral Health Services (CMBHS) to support telehealth?</p> <p>Answer: Yes. Modifications are being made in CMBHS to account for the provision of services via telemedicine, telehealth and telephone. Changes to the mental health service arrays have been made to accommodate the encounter types — telephone, telehealth and telemedicine service delivery mode due to the COVID-19 response.</p>
Link	https://hhs.texas.gov/sites/default/files/documents/services/health/behavioral-health-services-covid-faq.pdf

Intermediate Care Facilities for Individuals with Intellectual and Developmental Disabilities

Date	May 15, 2020
Summary	<p>HHSC published an Intermediate Care Facilities for Individuals with Intellectual and Developmental Disabilities (ICF/IID) FAQs related to COVID-19. Topics include:</p> <ul style="list-style-type: none"> • General policies and procedures; • General questions for ICF/IID and Home and Community-based Services (HCS); and • Life safety code and fire marshal inspections.
Link	https://hhs.texas.gov/about-hhs/communications-events/news/2020/05/covid-19-faqs-icfiid-providers

Home and Community-based Services and Texas Home Living

Date	May 15, 2020
Summary	<p>HHS published a Home and Community-based Services (HCS) and Texas Home Living (TxHmL) FAQs related to COVID-19. Topics include:</p> <ul style="list-style-type: none"> • General policies and procedures • Grocery store letters • Essential services • Provider transfers • Documentation requirements • Auto-renewals of individual plan of care (IPC) • Provider rate increases and billing for services • Consumer directed services • Day habilitation • Local Intellectual and Developmental Disability Authorities • Electronic visit verification • Personal protective equipment • General questions for HCS, TxHmL and ICF/IID
Link	https://hhs.texas.gov/about-hhs/communications-events/news/2020/05/home-community-based-services-hcs-texas-home-living-txhtml-questions-related-covid-19

HHSC Summarizes Top 10 Flexibilities

Date	May 13, 2020
Summary	<p>HHSC has implemented multiple flexibilities to support patients and providers in response to COVID-19. HHSC posted a file summarizing the “top ten” flexibilities for Medicaid and CHIP providers:</p> <ol style="list-style-type: none"> 1. Texas Health Steps checkups and telemedicine 2. Teleservices 3. Testing and treatment for COVID-19 4. Coding for COVID-19 5. Prior authorizations 6. Possible drug shortages 7. Medication refills 8. Provider enrollment 9. CHIP co-payments waived 10. Appeals and fair hearings <p>HHSC noted this is not a comprehensive list and that guidance is subject to change.</p>

Link | https://www.tha.org/Portals/0/files/COVID-19/COVID-19_Provider_Flexabilities-Top_10_Highlights_UPDATED_FINAL_05132020.pdf?ver=2020-05-14-224347-080

Housing Needs Survey

Date	May 15, 2020
Summary	HHSC is seeking input on the housing needs of people with mental health conditions, substance use histories and/or intellectual and developmental disabilities. HHSC understands that most people are currently focused on the COVID-19 pandemic but believes it is important to distribute the survey at this time as housing is a critical component of a person's health and well-being. HHSC is seeking input from people in this target population, their families/caregivers, providers, service agencies and organizations. The survey is currently open and will conclude on June 15, 2020.
Link	https://www.surveygizmo.com/s3/5381252/Housing-Survey-2020

HHSC Receives \$3 Million For Family and Domestic Violence Prevention Services

Date	May 14, 2020
Summary	HHSC received more than \$3 million in federal funding to provide shelter and services to survivors of family and domestic violence during the COVID-19 pandemic. This federal funding will support 78 HHSC-funded local family violence centers that provide survivors with immediate shelter, supportive services, and access to community-based programs. The grant will also support a wide range of supportive services that are instrumental in helping survivors become self-sufficient. These services include temporary 24-hour shelter, counseling, mobile advocacy, telehealth, peer support, rental assistance, and relocation expenses. The funding also assists family violence centers to cover the costs of providing remote services to those in need. These funds were made available through the CARES Act.
Link	https://gov.texas.gov/news/post/governor-abbott-hhsc-announce-3-million-for-family-and-domestic-violence-prevention-services

Federal Updates

Paycheck Protection Program FAQs and Forgiveness Application

Date	May 19, 2020
Summary	<p>The Small Business Administration (SBA) released updated FAQs, clarifying how it reviews borrowers' required good-faith certification for Paycheck Protection Program (PPP) loan requests.</p> <p>SBA also posted the application that borrowers must submit to the lender servicing their PPP loan to request forgiveness for some or all of the loan. The application contains worksheets to calculate whether the borrower qualifies for loan forgiveness and, if so, how much of the loan may be forgiven based on the value of the loan received, relevant payroll and non-payroll costs for the loan period as well as any adjustments to the number of employees and compensation.</p>
Links	<p>FAQs: https://home.treasury.gov/system/files/136/Paycheck-Protection-Program-Frequently-Asked-Questions.pdf</p> <p>Application: https://home.treasury.gov/system/files/136/3245-0407-SBA-Form-3508-PPP-Forgiveness-Application.pdf</p>

Funding to Expand Testing Capacity

Date	May 18, 2020
Summary	<p>The Department of Health and Human Services (HHS) announced it will award \$10.25 billion from the Paycheck Protection Program and Health Care Enhancement Act to states, localities, and territories to support COVID-19 testing and surveillance activities. Texas will receive more than \$473 million, while the city of Houston will receive \$62.2 million. To view the full list of funding recipients, please visit here.</p>
Link	https://www.cdc.gov/media/releases/2020/p0518-hhs-funding-expand-testing-states.html

CMS Releases Additional Waivers for Hospitals and Ground Ambulance Organizations

Date	May 15, 2020
Summary	<p>The Centers for Medicare and Medicaid Services (CMS) continues to release waivers for the healthcare community that provide the flexibility needed to take care of patients during the COVID-19 public health emergency. CMS recently provided additional blanket waivers for the duration of the emergency that:</p> <ul style="list-style-type: none"> • Modify existing physical environment waivers to allow for increased flexibilities for surge capacity and patient quarantine at hospitals, psychiatric hospitals, and critical access hospitals as a result of COVID-19; and • Modify the data collection period and data reporting period for ground ambulance organizations.
Link	https://www.cms.gov/newsroom/press-releases/cms-news-alert-may-19-2020

HHS Announces Framework and Leadership for 'Operation Warp Speed'

Date	May 15, 2020
Summary	<p>HHS announced the appointment of Moncef Slaoui as chief advisor and General Gustave F. Perna as chief operating officer of Operation Warp Speed (OWS), the national program to accelerate the development, manufacturing, and distribution of COVID-19 vaccines, therapeutics, and diagnostics. OWS is a public-private partnership to facilitate the development, manufacturing, and distribution of COVID-19 countermeasures, between components of HHS, including CDC, the Food and Drug Administration (FDA), National Institutes of Health (NIH), and the Biomedical Advanced Research and Development Authority (BARDA); the Department of Defense; private firms; and other federal agencies, including the Department of Agriculture, the Department of Energy, and the Department of Veterans Affairs. It will coordinate existing HHS-wide efforts, including the NIH's ACTIV partnership for vaccine and therapeutic development, NIH's RADx initiative for diagnostic development, and work by BARDA.</p>
Links	https://www.hhs.gov/about/news/2020/05/15/trump-administration-announces-framework-and-leadership-for-operation-warp-speed.html

FDA Informs Public About Possible Accuracy Concerns with Abbott ID NOW Point-of-Care Test

Date	May 14, 2020
Summary	FDA alerted the public to early data that suggest potential inaccurate results from using the Abbott ID NOW point-of-care test to diagnose COVID-19. Specifically, the test may return false negative results. FDA said the test can still be used and can correctly identify many positive cases in minutes but negative results may need to be confirmed with a high-sensitivity authorized molecular test. FDA will continue to review data as Abbott conducts post-market studies to better understand the cause.
Link	https://www.fda.gov/news-events/press-announcements/coronavirus-covid-19-update-fda-informs-public-about-possible-accuracy-concerns-abbott-id-now-point

Framework for Healthcare Systems Providing Non-COVID-19 Clinical Care During the COVID-19 Pandemic

Date	May 12, 2020
Summary	CDC added framework information for the delivery of non-COVID-19 clinical care during the pandemic. Because the effects of COVID-19 vary among communities, healthcare systems will also need to consider the local level of COVID-19 transmission when making decisions about the provision of medical services. This document provides a framework for the delivery of non-COVID clinical care during the COVID-19 pandemic. Given the dynamic nature of the pandemic, considerations may change over time and vary by practice type and setting.
Link	https://www.cdc.gov/coronavirus/2019-ncov/hcp/framework-non-COVID-care.html

Medicaid FAQ on Testing Price Transparency

Date	May 12, 2020
Summary	<p>CMS has issued FAQs regarding the CARES Act requirement that providers of COVID-19 diagnostic tests make public the cash price for the tests on their website during the public health emergency. The FAQs answer the following:</p> <ul style="list-style-type: none"> • What price transparency requirement was passed in the CARES Act? • For how long is this price transparency requirement in effect? • How does the price transparency requirement to post the cash price of COVID-19 diagnostic testing relate to other provisions in the CARES Act and the Families First Coronavirus Response Act (FFCRA)?

Link | <https://www.cms.gov/files/document/covid-ffs-price-transparency-faqs.pdf>

Mid-Year Elections for Health Coverage

Date	May 12, 2020
Summary	The Internal Revenue Service (IRS) has announced new guidance that expands the ability of taxpayers to make mid-year elections for health coverage and health flexible spending arrangements in response to changing needs due to the COVID-19 pandemic.
Link	https://www.irs.gov/newsroom/irs-provides-tax-relief-through-increased-flexibility-for-taxpayers-in-section-125-cafeteria-plans

SAMHSA Guidance for Law Enforcement and First Responders Administering Naloxone

Date	May 8, 2020
Summary	As the COVID-19 pandemic has spread, Substance Abuse and Mental Health Services Administration (SAMHSA) has received reports that some first responders and law enforcement officers have been more reluctant to administer naloxone due to fear of potentially contracting the coronavirus. Further, SAMHSA has received reports that law enforcement and emergency services management has, in some cases, discontinued the carrying of naloxone by responders. SAMHSA recognizes the concerns about COVID-19 exposure and made recommendations for promoting first responder safety.
Link	https://www.samhsa.gov/sites/default/files/guidance-law-enforcement-first-responders-administering-naloxone.pdf

American Hospital Association Behavioral Health Resources

Summary	The American Hospital Association (AHA) has posted a collection of COVID-19 stress and coping resources to share strategies and resources on managing mental well-being during the pandemic. The website contains resources for clinical staff to manage their own mental health as well as information for behavioral health care providers and the community.
Link	https://www.aha.org/behavioralhealth/covid-19-stress-and-coping-resources

Agency for Healthcare Research and Quality Guidance for Obtaining Telehealth Consent

Summary

The Agency for Healthcare Research and Quality (AHRQ) released guidance on how to obtain consent for telehealth. The purpose of consent forms is to document that a discussion took place and that the patient was informed and able to understand the information provided.

Link

<https://www.ahrq.gov/health-literacy/obtain-consent-telehealth.html>

Updated Provider Relief Fund FAQs, Potential for Additional High-Impact Funding

Summary

HHS updated its [FAQs](#) related to the Provider Relief Fund. The update includes information about the general distribution funds and how the targeted distributions for rural and high-impact areas were allocated. Providers should update their capacity and COVID-19 census data to ensure that HHS can make timely payments if the provider becomes a high-impact provider. Providers can update their information through their CDC National Healthcare Safety Network account. During the initial disbursement, payments to hospitals in high-impact areas were based on serving 100 or more COVID-19 patients as of April 10, 2020.

Link

<https://www.cdc.gov/nhsn/index.html>