

Date: 3/18/2020

COVID-19 Response-Memo #3

From: Jason Cornwell, DDS Division Director



To: All DDS Waiver Providers and Stakeholders:

ATTACHED RESOURCES:

NOTIFICATION OF ENFORCEMENT DISCRETION FOR TELEHEALTH

CORONAVIRUS AND COVID-19 GUIDANCE TO DDNA MEMBERS

NM PUBLIC HEALTH TESTING TRAVEL

COVID-10 GER REPORTING GRID

DDSD COVID RESPONSE MEMO #1

DDSD COVID RESPONSE MEMO #2

AMENDED PUBLIC HEALTH EMERGENCY ORDER LIMITING MASS GATHERINGS

PUBLIC HEALTH EMERGENCY ORDER TO TEMPORARLIY LIMIT NURSING HOME VISITATION

As we all grapple with the COVID-19 pandemic, I would like to communicate the response plan for the DD Waiver, Mi Via Waiver and Medically Fragile Waiver and Stakeholders:

- 1) **Appendix K Update:** The Human Services Department (HSD) in coordination with the Department of Health (DOH), is submitting Appendix K of the Developmental Disabilities, Mi Via and Medically Fragile Waivers (the Developmental Disabilities Supports Division's three 1915 (c) waivers) to the Centers for Medicare and Medicaid Services (CMS) the week of March 16, 2020 to address the COVID 19 crisis in New Mexico.
 - a. Appendix K is a standalone appendix to the 1915 (c) waiver application that was developed by CMS to be utilized by the state during emergency situations. Appendix K may be retroactively approved by CMS as needed.
 - b. New Mexico is seeking temporary changes to the approved Developmental

Disabilities, Mi Via and Medically Fragile Waivers to accommodate potential issues, staffing shortages, and need for service provision outside of approved service descriptions to ensure participant health and safety needs can be accommodated during the national public health emergency associated with COVID-19.

- HSD and DOH are requesting temporary modifications outlined below:
 - a. Increasing the pool of providers who can render services
 - b. Expanding settings where services may be provided
 - c. Permitting payment for a short-term service in a hospital or institutional stay
 - d. Modifying service scope
 - e. Paying retainer payments for habilitation services
 - f. Extending service plans if needed

2) **Fingerprints and Caregiver Criminal History Screening:** Various fingerprint locations are closing down statewide in observance of the Public Health Orders. Law enforcement agencies are also declining to fingerprint in certain jurisdictions. Due to the fluidity of the situation, there is no one comprehensive list of active locations.

- a. Caregiver Criminal History Screening (CCHS) is not being waived at this time.
- b. Providers can order fingerprint kits online and take fingerprints in-house if there are no locations in their area.
- c. If a provider needs fingerprint cards, or guidance on how to take prints- they can call DOH CCHS at 1-505-476-0801.
- d. A DOH CCHS Customer Service Rep will call them back to assist.

3) **Mi Via waiver**

- a. DDSD is not allowing vendor agencies on the Mi Via Waiver to bill with payment Request Forms (PRFs) that are not signed by the EOR. To do so could be construed as Medicaid fraud.
- b. The role and accessibility of Employer of Records has not changed. If you are having difficulty with an EOR, please notify the corresponding Consultant. If there is

concern for disruption of services, please contact the Consultant. If you have any difficulty with a Consultant, please contact your DDSD Mi Via representative.

4) DD Waiver Use of Therap

a. COVID-19 Reporting Options in Therap

- In response to the need to report incidents involving COVID-19 at NM DDW agencies, the Quality Assurance team and Therap GER Project Manager have been communicating with Therap regarding how to best use the system to report incidents in response to this pandemic. To address this need, Therap created the following incident type for New Mexico to use: Event- Other, Event Type- Communicable Disease, Sub-type- COVID-19. Given time constraints, this was the best available approach to enter COVID-19 data into the system. This is effective 3/18/2020.
- Therap will be providing a training call for providers on how to enter this data and answer any questions there might be. As soon as there is a confirmed date and time, an email will be sent.
- Please see attached PDF for guidelines on how to enter information into Therap (COVID 19 GER Reporting Grid)

b. Clarification on Memo #2 Acuity Reports

- DD Waiver agencies can access the [Provider e-CHAT Report: Management Tool](#) in Therap by going to their Agency Reports and searching for Provider e-CHAT Management. When pulling data do not exceed a 13-month period.

5) Telehealth:

- ##### a. The United States Department of Health and Human Services (HHS) released guidance on telehealth remote communication during the COVID19 nationwide public health emergency:

<https://www.hhs.gov/hipaa/for-professionals/special-topics/emergency-preparedness/notification-enforcement-discretion->

telehealth/index.html?fbclid=IwAR1fkk9wQDhEmjZOVl7RUu9TqJW_5JBy_dX3nmZmMzINWU%E2%80%A6

- b. Also see Bulletin 202-005 dated 3/17/20 from the NM Office of Superintendent of Insurance re: Utilization and Reimbursement of Telemedicine During COVID-19 Public Health Emergency at:
<https://drive.google.com/file/d/10oLriJ50vrRPznjtgV7JEDuu5p7Mxjlo/view>
- c. NM is seeking telehealth options for the provisions of Occupational Therapy, Physical Therapy, Speech and Language Pathology and Behavior Support Consultation
- d. This does not change prior approval of telephonic visits by case managers detailed in COVID Response Memos #1 and #2.
- e. This is NOT an allowance for the Health Insurance Portability and Accountability Act (HIPAA) rules to be disregarded or broken under any other circumstances at this time.
- f. Under this Notice, however, Facebook Live, Twitch, TikTok, and similar video communication applications are public facing, and should not be used in the provision of telehealth by covered health care providers.
- g. The list below includes some vendors that represent that they provide HIPAA-compliant video communication products and that they will enter into a HIPAA business associate agreements (BAA):
 - Skype for Business
 - Updox
 - VSee
 - Doxy.me
 - Zoom for Healthcare
 - Google G Suite Hangouts Meet
 - Other platforms may be added as information resources become available.

Lastly, should stakeholders have specific questions, concerns, and/or scenarios, contact your Regional Director. The situation is fluid and will evolve. Guidance will be provided accordingly.