

## **NF-Based Level of Care Waivers, Specialized Recovery Services Program, MyCare Ohio & Medicaid Managed Care**

### **Provider Emergency Protocol: Response to COVID-19**

#### **April 30, 2020**

On March 15<sup>th</sup>, 20<sup>th</sup>, 30<sup>th</sup>, and April 7<sup>th</sup>, 9<sup>th</sup>, and 13<sup>th</sup>, the Ohio Department of Aging (ODA) and the Ohio Department of Medicaid (ODM) provided guidance to implement emergency protocols as part of the State's response to COVID-19. This document is a combination of the previous guidance and FAQ *and replaces all previously issued Emergency Protocols and FAQ documents.* The State expects this document to be shared with all appropriate staff.

Please note, many of the protocols require emergency rule changes and are subject to approval from the Federal Centers for Medicare and Medicaid Services (CMS). If it is determined the changes implemented are not supported by CMS or by emergency rules, the State will provide notification to discontinue the practice immediately and provide additional guidance. Please note, this is intended to be a living document and will be updated.

### **Provider Enrollment**

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- A. Provider enrollment activities for all provider types may be completed telephonically with document review through a desk review to determine if a provider meets the requirements for the service they are applying for.
- B. **For ODA Applicants:** ODA will permit flexibility to PAAs with meeting timelines outlined in Ohio Administrative Code (OAC) rule [173-39-03](#).
  - a. If a delay is determined to be the best course of action, the provider application/enrollment will remain in a pending status until an on-site review may be completed. The PAA staff shall document the delay in PIMS using the following language: **Precertification review delayed due to COVID-19 emergency as directed by ODA.**
- C. ODM Provider Enrollment on-line application can be accessed at <https://medicaid.ohio.gov/Provider/EnrollmentandSupport/ProviderEnrollment>.
- D. Applicants are advised to contact webcheck locations or their local law enforcement office prior to visiting these locations to complete their criminal records check. This will enable the applicant to confirm if the location is open and performing criminal records checks. The following link provides a directory of all the webcheck locations in the state: <https://www.ohioattorneygeneral.gov/Business/Services-for->

[Business/WebCheck/Webcheck-Community-Listing](#). If provider oversight agencies learn of delays in completing the criminal records checks, please email ODA at [Provider Network Mgmt@age.ohio.gov](mailto:Provider_Network_Mgmt@age.ohio.gov).

### **Deeming Providers**

- A. ODA, ODM, and DODD are currently working to develop processes and guidance to permit providers to deliver comparable services across systems. The agencies will provide additional information when available.

## **Provider Oversight**

### **Annual Structural Compliance Reviews**

- A. **For ODA Providers:** Annual structural reviews have been suspended for 90-days beginning April 9, 2020, unless otherwise notified by ODA. Please see Notice 0420503.
- B. **For ODA Providers:** Annual structural reviews in progress may be completed via desk review.
- C. **For ODM Providers:** ODM's Provider Oversight Contractor, Public Consulting Group, is completing structural reviews through a desk review process currently.

### **Compliance**

- A. The COVID-19 emergency does not change a provider's responsibility to meet program conditions of participation and any service specific requirements.
- B. Each area of provider non-compliance should be reviewed on a case-by-case basis to determine if disciplinary action is warranted. Consideration will be given for providers having difficulty requesting criminal records checks, if the provider has shown a good faith effort.
- C. **For ODA Providers:** Evidence of compliance and/or plan of correction due dates for disciplinary actions which have already been issued related to criminal records checks may be extended for 90-days, unless otherwise notified by ODA.
  - a. New disciplinary action issued will follow the same evidence of compliance and/or plan of correction due dates in OAC 173-39-05. The PAAs are to work with providers on a case-by-case basis regarding compliance dates for criminal records checks.

### **Criminal Records Checks**

- A. Providers are advised to contact webcheck locations or their local law enforcement office prior to visiting these locations. This will enable the provider to confirm if the location is open performing criminal records checks. The following link provides a directory of all the webcheck locations in the state:  
<https://www.ohioattorneygeneral.gov/Business/Services-for->

[Business/WebCheck/Webcheck-Community-Listing.](#)

**For ODA Providers:** If the provider is unable to request a criminal records check for an applicant, the provider **shall NOT** conditionally employ the applicant until the provider is able to request the criminal records check.

- B. If an applicant's criminal records check results do not come back within 60-days of when the provider requests the criminal records check, please email the ODA Provider Network Management team at [Provider Network Mgmt@age.ohio.gov](mailto:Provider_Network_Mgmt@age.ohio.gov).
- C. **For ODA Providers:** ODA-certified providers and direct-care employees required to have a criminal records check every 5-years, but who cannot have their criminal records check completed, are not required to stop serving Medicaid waiver enrollees.
- D. **For ODA and ODM Providers:**
  - a. If the provider or a provider's direct-care employee is unable to complete their 5-year criminal records check, they must notify the provider oversight entity (PAA or PCG).
  - b. If the provider is an agency provider, they must check local courts' websites for convictions of their direct-care employees. If any disqualifying offenses are found, the provider must determine if there are exclusion periods by reviewing OAC Chapter 173-9 for ODA providers or OAC rule 5160-45-07 for ODM agency providers.
  - c. Provider oversight entities shall document (For ODA: in PIMS) the provider is attempting to conduct the 5-year criminal records check and periodically contact the provider to ensure they continue their attempt to complete the 5-year criminal records check.

## General Requirements

### Virtual Provider Training

- A. Home Health Aide training may be conducted through virtual systems, such as Zoom. The trainee will still be required to complete the written testing and skills testing by return demonstration on-site by the provider.
- B. ODM Provider Trainings for Ohio Home Care Waiver providers are available on-line and can be found at <http://ohiohcbs.pcgus.com/>.

### Provider Capacity/Access to Services

- A. Providers must work with the case managers and prioritize individuals with no natural supports in the home based on their needs (highest need to lowest) and case management direction.
- B. Staff at provider oversight agencies are expected to notify case management staff and the State if they become aware of provider shortage(s)/capacity concerns.
  - a. **For ODA Providers:** The PAA provider staff shall contact appropriate clinical staff in the PAA. The PAA shall notify ODA by email at the following mailbox: [Provider Network Mgmt@age.ohio.gov](mailto:Provider_Network_Mgmt@age.ohio.gov);

- b. **For ODM Providers:** The provider oversight agency shall notify ODM at the following mailbox: [BureauNetworkManagement@medicaid.ohio.gov](mailto:BureauNetworkManagement@medicaid.ohio.gov).
- C. If a provider oversight agency learns of a provider suspending service delivery during the COVID-19 emergency, the provider oversight agency shall document the occurrence in the provider's electronic record, noting the provider ceased to do business.
  - a. After the COVID-19 emergency, the State will work with the provider oversight agency to determine if the provider wishes to remain a provider.
  - b. When a provider completely closes with notice, the State may consider this a voluntary provider closures and, in such cases, will terminate the provider agreement. Providers can reapply at any time.

### **Rates**

- A. ODA and ODM are aware providers face increased costs obtaining PPE for staff. At this time, the State is not proposing to modify provider rates. On March 23, 2020 rates for certain services did increase. Current fee-for-service waiver program rates (NF LOC waivers) can be found in the following rules:
  - a. For PASSPORT wavier rates review the Appendix to OAC rule [5160-1-06.1](#).
  - b. For Assisted Living waiver rates review the Appendix to OAC rule [5160-1-06.5](#).
  - c. For Ohio Home Care waiver rates review OAC rule [5160-44-06](#).

### **Modified Supervisory Visit Schedule**

- A. Initial supervisory visits for hands on waiver services including personal care and homemaking services (to initiate an activity plan) may be completed telephonically.
- B. All subsequent supervisory visits may be completed telephonically.
- C. If the initial and/or supervisory visit is completed telephonically:
  - a. The modified supervisory schedule must be documented in the individual's activity plan.
  - b. The provider must notify the case manager when performing the supervisory visit telephonically.
  - c. The provider is still required to meet requirements for initial activity plan development as outlined in applicable OAC rules.

### **Modified Signature Requirements – NOTE POLICY CHANGE**

- A. Effective April 30, 2020: An individual's signature is required for services to validate service delivery. If the individual is unable to provide the signature at the time of the service delivery, the individual must submit an electronic signature or standard signature via regular mail, or otherwise provide a signature in no instance any later than at the next face-to-face visit with the provider. This is applicable to the following services:
  - a. Home Medical Equipment and Supplies/Supplemental Adaptive and Assistive Device Services.
  - b. Home Delivered Meals.

- B. The State will issue future guidance regarding the documentation of services delivered prior to this policy change.

#### **Personal Emergency Response System (PERS) Providers**

- A. PERS providers may ship products directly to individuals and conduct installation telephonically, via skype, or any other means available to both the provider and individual. PERS providers completing the installation remotely:
  - a. May still bill for installation upon successful activation of the bill for installation.
  - b. If an item, such as a medicine dispenser, is being delivered, the provider must complete the installation in-person.
  - c. The provider must obtain documentation to demonstrate the completed installation in accordance with OAC rules governing PERS. This may include obtaining electronic signature or signature via regular mail.
- B. PERS providers may send new units and provide installation instructions telephonically when existing units malfunction and require replacement.
  - a. The PERS provider may manually retrieve the malfunctioning unit after the COVID-19 emergency is over.
  - b. The PERS provider may also utilize pre-paid packaging for the individual to return the malfunctioning unit by mail.

#### **Telephonic Counseling**

- A. The use of telephonic counseling for social work services is permitted. The Counselor, Social Worker and Marriage and Family Therapist Board has recommendations and requirements regarding services during the COVID-19 emergency. Information can be found on their website at: <https://cswmft.ohio.gov/Whats-New>.

#### **Essential Worker Form**

- A. Staff are not required to produce essential worker form documentation. Individuals providing healthcare services are essential workers under the Ohio Department of Health stay at home order. The order can be reviewed at the following link: [https://content.govdelivery.com/attachments/OHOOD/2020/03/22/file\\_attachments/1407840/Stay%20Home%20Order.pdf](https://content.govdelivery.com/attachments/OHOOD/2020/03/22/file_attachments/1407840/Stay%20Home%20Order.pdf).

#### **Ohio Board of Nursing – Temporary License**

- A. Information on obtaining initial nursing licensure (for temporary licenses and volunteer nurses) can be found on the Ohio Board of Nursing website: <https://nursing.ohio.gov/wp-content/uploads/2020/03/General-Information-COVID-19-2.pdf>.

#### **Medical Transportation – Application & Renewal Process**

- A. Vehicle inspections currently have a temporary application and renewal process. Please see the following link on the EMS web page for details: <https://www.ems.ohio.gov/medical-transportation.aspx>.

**Assisted Living Providers – COVID-19 Positive/Probable Notification Requirement**

- A. Assisted living service providers are required by the Ohio Department of Health to notify residents and their sponsor and/or guardian if an individual at the setting is COVID-19 positive or probable.
- B. If the setting is also certified by the Ohio Department of Aging to provide assisted living services, the provider is also required to contact the PAA and MyCare Ohio plans in that region (if appropriate).
- C. This requirement applies regardless if the individual who is COVID positive or probable is a waiver enrollee.
- D. Additional guidance concerning this requirement and communicating can be found online:
  - a. The Department of Health's order can be found at the following web page: <https://coronavirus.ohio.gov/static/publicorders/SignedNursingHomeOrder-041520.pdf>
  - b. ODA Notification to assisted living providers will be posted after it is issued to assisted living providers.