

Maine Department of Health and Human Services Office of Aging and Disability Services

PASRR COVID-19 Stakeholder Call

May 15, 2020 10:00-11:00AM



Agenda

- DHHS Introductions
- Review of 1135 PASRR changes
- Discussion of Process related to PASRR
- Next Steps

Introductions- Program Team

Nicole Rooney- Long Term Services and Supports Program Manager

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1135 Waiver

When the President declares a disaster or emergency under the Stafford Act or National Emergencies Act and the HHS Secretary declares a public health emergency under Section 319 of the Public Health Service Act, the Secretary is authorized to take certain actions in addition to her regular authorities. For example, under section 1135 of the Social Security Act, he/she may temporarily waive or modify certain Medicare, Medicaid, and Children's Health Insurance Program (CHIP) requirements to ensure that sufficient health care items and services are available to meet the needs of individuals enrolled in Social Security Act programs in the emergency area and time periods and that providers who provide such services in good faith can be reimbursed and exempted from sanctions (absent any determination of fraud or abuse). Examples of these 1135 waivers or modifications may include:

- Conditions of participation or other certification requirements
- Program participation and similar requirements
- Preapproval requirements
- Requirements that physicians and other health care professionals be licensed in the State in which they are providing services, so long as they have equivalent licensing in another State (this waiver is for purposes of Medicare, Medicaid, and CHIP reimbursement only – state law governs whether a non-Federal provider is authorized to provide services in the state without state licensure)
- Emergency Medical Treatment and Labor Act (EMTALA)
- Stark self-referral sanctions
- Performance deadlines and timetables may be adjusted (but not waived).
- Limitations on payment for health care items and services furnished to Medicare Advantage enrollees by non-network providers

These waivers under section 1135 of the Social Security Act typically end no later than the termination of the emergency period, or 60 days from the date the waiver or modification is first published unless the Secretary of HHS extends the waiver by notice for additional periods of up to 60 days, up to the end of the emergency period.

March 13, 2020 the President of the United States declared the US to be in a state of emergency.

Maine's 1135 Waiver

- Maine submitted its 1135 waiver on April 2, 2020
- Maine's 1135 Waiver was approved on April 7, 2020
- A copy of Maine's Approved 1135 waiver can be found at:
<https://www.maine.gov/dhhs/oms/COVID-19.shtml>

1135 Approved Application re: PASRR

Suspend Pre-Admission Screening and Annual Resident Review (PASRR) Level I and Level II Assessments for 30 days

Section 1919(e)(7) of the Act allows Level I and Level II assessments to be waived for 30 days. All new admissions can be treated like exempted hospital discharges. After 30 days, new admissions with mental illness (MI) or intellectual disability (ID) should receive a Resident Review as soon as resources become available.

Additionally, please note that per 42 C.F.R. § 483.106(b)(4), new preadmission Level I and Level II screens are not required for residents who are being transferred between nursing facilities (NF). If the NF is not certain whether a Level I had been conducted at the resident's evacuating facility, a Level I can be conducted by the admitting facility during the first few days of admission as part of intake and transfers with positive Level I screens would require a Resident Review.

The 7-9-day timeframe for Level II completion is an annual average for all preadmission screens, not individual assessments, and only applies to the preadmission screens (42 C.F.R. § 483.112(c)). There is not a set timeframe for when a Resident Review must be completed, but it should be conducted as resources become available.

Emergency Rule

Chapter 1 MaineCare Benefits Manual- Section 5 COVID-1 Public Health Emergency
Services Established: 3/20/2020

Emergency Rule #2 Effective 5/13/2020

The federal Preadmission Screening and Resident Review (PASRR) requirements under the MBM, Ch. II, Section 67.05-1, Nursing Facility Services are waived for 30 days. All new admissions can be treated like exempted hospital discharges. After thirty (30) days, new admissions with mental illness or intellectual disability should receive a Resident Review as soon as resources become available.

The emergency rule can be found:

<https://www.maine.gov/dhhs/oms/rules/emergency.shtml#anchor2535718>

Best Practices and Recommendations

- Facilities will be responsible for ensuring all residents admitted to the NF are referred for preadmission screening and resident review 30 days from admission.
- While not required, facilities may choose to submit a Level I screen for individuals upon admission as a way to track individuals who might later require a Level II.
- Submitting the Level I upon admission will decrease the time an individual may be subject to a delay in service for those who qualify for specialized services.
- In order to expedite processing of PASRR assessments, NF's should request hospital records prior to admission to the LTC facility.
- Maine ASA has the recourse to continue to conduct both Level I and Level II assessments within contractual timeframes, currently conducting assessments telephonically.

Questions re: MaineCare Program Requirements related to COVID-19

Please submit any formal request to waive or suspend any
MaineCare program requirement to:

COVID19MaineCare@maine.gov

Questions?