Level of Care Determination (LOCD) Changes
MSA 18-48
January 2019

“Working to protect, preserve and promote the health and safety of the people of Michigan by listening, communicating and educating our providers, in order to effectively resolve issues and enable providers to find solutions within our industry. We are committed to establishing customer trust and value by providing a quality experience the first time, every time.”

-Provider Relations
Agenda

- LOCD Overview
- LOCD Follows the Person
- LOCD at Admission
- Adoption of a LOCD
- LOCD Start and End Dates
- Verification Review (LOCD-VR)
- LOCD Secondary Review
- Passive Redetermination
- PACE
- Freedom of Choice (FOC) form
LOCD Overview
The LOCD tool is an eligibility tool used to determine functional eligibility for individuals seeking long-term care services in a Medicaid-certified nursing facility, MI Choice Waiver, PACE, and MI Health Link.

- Medicaid Financial Eligibility
- Functional Eligibility
- Program Eligibility
LOCD Follows the Person
LOCD Follows the Person

- The LOCD is now associated with the individual, rather than the provider or program who conducted it.

- If the beneficiary is seeking admission or enrollment into a program and has a current LOCD in CHAMPS the provider may choose to adopt the existing LOCD.

- The provider may also choose to conduct a new LOCD.

- No longer dependent on Medicaid eligibility or pending eligibility.
LOCD at Admission
LOCD Day of Admission

- The LOCD must be conducted prior to or the day of an individual’s admission to a nursing facility or enrollment in MI Choice Waiver Program, PACE, or MI Health Link Home and Community Based Services (HCBS) Waiver Program.

- LOCD is a point-in-time assessment
  - Look-Back Period versus Observation Period
  - Interview questions, supporting documentation, caretakers observation, etc.
  - LOCD Field Definition Guidelines.
    - [https://www.michigan.gov/mdhhs/0,5885,7-339-71547_4860_78446_78448-103102--00.html#Field_Define](https://www.michigan.gov/mdhhs/0,5885,7-339-71547_4860_78446_78448-103102--00.html#Field_Define)
Welcome to Michigan’s Medicaid Nursing Facility Level of Care Determination

Sections 1919a, 1915c and 1934 of the Social Security Act provide legal authority for State Medicaid Agencies to develop their own definition of nursing facility level of care. The Michigan Medicaid Nursing Facility Level of Care Determination (LOCD) is Michigan’s medical/functional assessment that determines an applicant’s eligibility to receive Medicaid reimbursed long term care (LTC) services. Applicants seeking LTC services from a Medicaid-certified nursing facility, MI Choice Home and Community Based Waiver for the Elderly and Disabled (MI Choice), the Program of All Inclusive Care for the Elderly (PACE) or MI Health Link must meet criteria outlined in the LOCD.

The LOCD is conducted face-to-face by a licensed healthcare professional on behalf of the State of Michigan for MI Choice, PACE, MI Health Link, and Nursing Facility applicants.

The LOCD consists of seven Doors of possible eligibility. Each Door addresses a specific set of criteria through which an applicant may be assessed.

Information necessary to conduct an accurate assessment of the applicant’s medical/functional self-performance abilities must be obtained through direct observation and communication with the applicant and, if applicable, their designated representative(s). Additional medical documents such as physician or hospital records may be reviewed to assist in establishing whether or not the applicant meets LOCD criteria.

Medicaid-certified nursing facilities may contact the Michigan Peer Review Organization (MPRO) to request an NF LOC Exception process review on behalf of an LOCD ineligible beneficiary. MPRO’s toll free telephone number is 800-727-7223. MPRO may be contacted between the hours of 8:00 A.M. and 5:00 P.M., Monday through Friday. Select LTC Care exception criteria’ from MPRO’s phone menu.

The LOCD meets HIPAA compliance and is available seven days a week, 24 hours per day. Policy specific to the LOCD requirements and application is available in the Medicaid Provider Manual.
Adoption of a LOCD
Adoption of a LOCD

- The LOCD is now associated to the individual, if that individual seeks admission to or enrollment in a program, and has a current LOCD in CHAMPS, that provider may adopt that LOCD.
- When adopting a LOCD the adopting provider must print out the Freedom Of Choice (FOC) form date, sign and retain in beneficiary file.
- The provider may also choose to conduct a new LOCD.
- A new LOCD must be conducted if the current LOCD is no longer an accurate representation of the beneficiary’s current functional status.
LOCD Start and End Dates
LOCD Start and End Dates

- LOCD Conducted Date: The date the healthcare professional conducted the Face-to-Face assessment.

- LOCD Created Date: The date the LOCD was entered into the CHAMPS system.

- Compliant LOCD: LOCD entered into CHAMPS within 14 days of Conducted Date
  - End Date = Conducted Date + 365 days

- Non-compliant LOCD: LOCD entered into CHAMPS more than 14 days from Conducted Date
  - End Date = Created Date + 365 days from Conducted Date
LOCD Start and End Dates cont.

- Providers are responsible for reassessing LOCD eligibility prior to the End Date of the current LOCD or when there is a significant change in condition.
Verification Review (LOCD – VR)
The purpose of the verification review (LOCD-VR) is to determine if the LOCD was conducted properly according to policy and resulted in the correct determination of eligibility.

- A randomly selected sample of LOCDs will be reviewed by MDHHS or its designee.
- CHAMPS will immediately notify the provider if the LOCD was selected for review through a real-time “pop-up” notification.
  - The LOCD verification status will be changed to “Selected”
- Documents must be uploaded electronically in CHAMPS within one business day of the LOCD being selected for verification review in CHAMPS.
  - Upload functionality in LOCD
- MDHHS or its designee will make determination within 2 business days of receipt of supporting documentation
  - Verification status will change depending on findings
Verification Review cont.

- LOCDs selected for Verification Review are not considered complete until MDHHS or its designee informs the provider of the result of the review in CHAMPS.

- When the individual is found not to meet LOCD criteria, an adequate action notice will be provided by MDHHS or its designee to the individual (or their legal representative) and the provider.
| Actions | Application ID | Member ID | First Name | Last Name | Provider ID/NPI | Provider Name | Conducted Date | Created Date | Start Date | End Date | Created By | Modified Date | Program Type | LOCD Method | Review Type | Application Status | Verification Status | Operational Status |
|---------|----------------|-----------|------------|-----------|----------------|--------------|----------------|--------------|------------|----------|-----------|-------------|-------------|-------------|-------------|------------|------------------|-------------------|------------------|
| Action  | 75906646       |           |            |           |                |              | 01/29/2019     | 01/30/2019   | 01/29/2019 | 01/29/2020| 01/30/2019| PACE         | Admin        | LOCD         | Completed   | Not Selected | Active            |
| Action  | 75906650       |           |            |           |                |              | 01/30/2019     | 01/30/2019   | 01/30/2019 | 01/30/2020| 01/30/2019| MICHIOCE     | Face To Face Review | LOCD         | Completed   | Selected    | Active            |
| Action  | 75906648       |           |            |           |                |              | 01/29/2019     | 01/30/2019   | 01/29/2019 | 01/29/2020| 01/30/2019| MICHIOCE     | Face To Face Review | Admin        | Completed   | Selected    | Active            |
| Action  | 75906649       |           |            |           |                |              | 01/30/2019     | 01/30/2019   | 01/30/2019 | 01/30/2020| 01/30/2019| PACE         | Admin        | LOCD         | Completed   | Not Selected | Active            |
| Action  | 75906628       |           |            |           |                |              | 01/24/2019     | 01/24/2019   | 01/24/2019 | 01/28/2019| 01/30/2019| MICHIOCE     | Face To Face Review | LOCD         | Completed   | Selected    | Active            |
| Action  | 75906643       |           |            |           |                |              | 01/28/2019     | 01/28/2019   | 01/28/2019 | 01/28/2020| 01/28/2019| MI Health Link | Face To Face Review | LOCD         | Completed   | Selected    | Active            |
| Action  | 75906642       |           |            |           |                |              | 01/28/2019     | 01/28/2019   | 01/28/2019 | 01/28/2020| 01/28/2019| Nursing Facility | Face To Face Review | Verification | Completed   | Documents Not Available | Active            |
| Action  | 75906636       |           |            |           |                |              | 01/28/2019     | 01/28/2019   | 01/28/2019 | 01/28/2020| 01/28/2019| MICHIOCE     | Face To Face Review | LOCD         | Completed   | Selected    | Active            |
| Action  | 75906635       |           |            |           |                |              | 01/28/2019     | 01/28/2019   | 01/28/2019 | 01/28/2020| 01/28/2019| MICHIOCE     | Face To Face Review | LOCD         | Completed   | Not Selected | Active            |
| Action  | 75906625       |           |            |           |                |              | 01/24/2019     | 01/24/2019   | 01/24/2019 | 01/24/2020| 01/24/2019| MICHIOCE     | Face To Face Review | LOCD         | Completed   | Not Selected | Active            |
LOCD Secondary Review
LOCD Secondary Review

- Secondary Review is available only when a LOCD is entered in CHAMPS and results in a Door 0, indicating ineligibility.
- Old Process: Exception/Immediate Review – Frailty Criteria
- New Process: Secondary Review
  - Provider or Beneficiary may request review
  - Review is for all Doors 1-8, not just door 8
  - Up to three business days to make request (following adverse action notice)
  - MDHHS or its Designee will contact provider to inform them to upload documentation.
LOCD Secondary Review cont.

- Determined eligible
  - MDHHS will notify the provider and the individual (or their legal representative)
    - MDHHS or its designee will enter the appropriate LOCD in CHAMPS following the Secondary Review

- Determined ineligible
  - MDHHS will notify all parties and issue an adverse action notice to the individual (or their legal representative)
Passive Redetermination
Passive Redetermination

- When assessment data is available, MDHHS will apply an algorithm that uses common assessment items to allow CHAMPS to generate a new LOCD for the beneficiary via Passive Redetermination.

- Where the data comes from:
  - MDS- Minimum Data Set
  - iHC – Inter RAI Home Care Assessment
Passive Redetermination cont.

In order for the Passive Redetermination process to occur, the beneficiary must have an active qualifying LOCD:

- A passive redetermination cannot find a beneficiary ineligibile.
Passive Redetermination cont.

- A qualified licensed health professional is:
  - Physician,
  - Registered Nurse,
  - Licensed Practical Nurse,
  - Clinical Social Worker (Limited License Bachelor of Social Work, Limited License Master Social Worker, Licensed Bachelor Social Worker, or Licensed Master Social Worker),
  - Physician’s Assistant, Nurse Practitioner,
  - Licensed and Limited Licensed Licensed Psychologist,
  - Physical Therapist,
  - Respiratory Therapist,
  - Occupational Therapist or Speech Therapist
Passive Redetermination - Conditions

- Assessment date cannot be greater than 180 days from the CHAMPS date
- Assessment date cannot be greater than current CHAMPS date
- Assessment type (MDS located in field A0310)
  - Will not include null, Zero, 99
- Existing active LOCD doors 4, 7 and 8
- Must have a current admission or enrollment
- Must have record in Enrollment File (beneficiaries who are member of Health Plans)
Passive Redetermination - Doors

- The correspondence between MDS and iHC assessment items and LOCD items is extensive but not complete.
- The algorithm used for the passive redetermination is not able to verify eligibility through all LOCD Doors.
Passive Redetermination - Doors cont.

- Door 1: Activities of Daily Living  Yes
- Door 2: Cognitive Performance  Yes
- Door 3: Physician Involvement
  - MDS  Yes
  - iHC  No
- Door 4: Treatments and Conditions  No
- Door 5: Skilled Rehabilitation Therapy  Yes
- Door 6: Behavior
  - MDS  Yes
  - iHC  Partial
- Door 7: Service Dependency  No
- Door 8: Frailty  No
Passive Redetermination – Doors cont.

- When a beneficiary is currently eligible through a door 4, 7, or 8 that the passive redetermination cannot confirm LOCD eligibility through a different door, the passive redetermination will be bypassed and the current door’s (4, 7, or 8) end date will remain.
When the passive redetermination process occurs but the process cannot confirm eligibility based on MDS or iHC data, CHAMPS will create a LOCD Door 87, with an End Date of 45 days later or the current LOCD End Date whichever is sooner.
To Search member's LOCD records, complete one of the following criteria:
- Application ID of the LOCD record, OR
- Member ID of the beneficiary, OR
- First Name, Last Name, and Last 4 digits of the SSN, OR
- First Name, Last Name, and DOB, OR
- First Name, DOB, and the Last 4 digits of the SSN, OR
- Last Name, DOB, and the Last 4 digits of the SSN, OR
- DOB and the Last 4 digits of the SSN
The System will not display any records if the filter by combinations match to more than one member.

<p>| Actions | Application ID | Member ID | First Name | Last Name | Provider ID/NPI | Provider Name | Conducted Date | Created Date | Start Date | End Date | Created By | Modified Date | Program Type | LOCD Method | Review Type | Application Status | Verification Status | Operational Status |
|---------|----------------|-----------|------------|-----------|----------------|---------------|----------------|--------------|------------|----------|-----------|--------------|---------------|--------------|-------------|--------------|-----------------|-------------------|---------------------|
| Action  |                |           |            |           |                |               | 1             |              |            |          |           |               |               |              |             |              |                 |                   |</p>
<table>
<thead>
<tr>
<th>Alert Type</th>
<th>Alert Message</th>
<th>Alert Date</th>
<th>Due Date</th>
<th>Read</th>
</tr>
</thead>
<tbody>
<tr>
<td>Passive Redetermination</td>
<td>Passive Redetermination was not able to establish LOCD eligibility for Member and a face to face LOCD must be conducted. See Member's LOCD List Page for more information.</td>
<td>02/11/2019</td>
<td>03/13/2019</td>
<td>N</td>
</tr>
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<td>Ineligibility</td>
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<td>03/13/2019</td>
<td>N</td>
</tr>
</tbody>
</table>
PACE
PACE Deeming - Door 67

- Applies only to PACE providers.
- Is a payable LOCD for PACE providers only.
- It is not adoptable.
- Current process of requesting deeming will continue.
- If MDHHS approves deeming, a Door 67 will be created in CHAMPS by PACE contract manager.
- All Door 67s will have an end date in CHAMPS and a new face-to-face LOCD will need to be conducted when the Door 67 is ending.
| Actions | Application ID | Member ID | First Name | Last Name | Provider ID/NCIPI | Provider Name | Conducted Date | Created Date | Start Date | End Date | Created By | Modified Date | Program Type | LOCD | Review Type | Status | Verification Status | Operational Status |
|---------|----------------|-----------|------------|-----------|-------------------|---------------|----------------|--------------|------------|----------|-----------|-------------|--------------|--------------|-----|--------------|--------|-----------------------|---------------------|
| Action  | 75866646       |           |            |           |                   |               | 67             | 01/26/2019  | 01/26/2019 | 01/29/2019| 01/26/2020| 01/30/2019  | PAC            | Admin         | LOCD | Completed   | Not Selected | Active                 |
| Action  | 75866650       |           |            |           |                   |               | 1              | 01/29/2019  | 01/30/2019 | 01/30/2019 | 01/30/2020| 01/30/2019  | MICH            | Face Review   | LOCD | Completed   | Selected     | Active                 |
| Action  | 75866648       |           |            |           |                   |               | 1              | 01/29/2019  | 01/30/2019 | 01/30/2019 | 01/29/2019| 01/30/2019  | MICH            | Face Review   | Admin | Completed   | Active       | Active                 |
| Action  | 75866649       |           |            |           |                   |               | 67             | 01/30/2019  | 01/30/2019 | 01/30/19   | 01/30/2020| 01/30/2019  | PAC             | Admin         | LOCD | Completed   | Not Selected | Active                 |
| Action  | 75866628       |           |            |           |                   |               | 0              | 01/24/2019  | 01/24/2019 | 01/24/19   | 01/29/2019| 01/30/2019  | MICH            | Face Review   | LOCD | Verification | Completed   | Documents Not Available | Active |
| Action  | 75866643       |           |            |           |                   |               | 1              | 01/28/2019  | 01/28/2019 | 01/28/19   | 01/28/2019| 01/29/2019  | MICH            | Face Review   | LOCD | Completed   | Selected     | Active                 |
| Action  | 75866642       |           |            |           |                   |               | 4              | 01/28/2019  | 01/28/2019 | 01/28/19   | 01/28/2019| 01/28/2019  | MICH            | Face Review   | LOCD | Verification | Completed   | Documents Not Available | Active |
| Action  | 75866636       |           |            |           |                   |               | 1              | 01/28/2019  | 01/28/2019 | 01/28/19   | 01/28/2019| 01/28/2019  | MICH            | Face Review   | LOCD | Completed   | Not Selected | Active                 |
| Action  | 75866635       |           |            |           |                   |               | 1              | 01/28/2019  | 01/28/2019 | 01/28/19   | 01/28/2019| 01/28/2019  | MICH            | Face Review   | LOCD | Completed   | Not Selected | Active                 |
| Action  | 75866625       |           |            |           |                   |               | 1              | 01/24/2019  | 01/24/2019 | 01/24/19   | 01/24/2019| 01/24/2019  | MICH            | Face Review   | LOCD | Completed   | Not Selected | Active                 |
APPLICATION INFORMATION

CHAMPS Provider ID:

Beneficiary Information

Medicaid ID:
Middle Initial:
Last Name:
Representative (if applicable):

LOCD Information

Door Type: DOOR 67 - PACE DEEMING
Provider ID:
Conducted Date: 02/01/2019
Start Date: 02/01/2019

Provider Name:
Reviewer Name:
End Date: 02/01/2020
Freedom of Choice (FOC)
Freedom of Choice

- The form is representation that the individual who meet the LOCD criteria are informed of all programs for which they qualify and allows them to make an informed choice about how they want to receive long-term services and supports (LTSS).
- Understanding the options an having ongoing access to information about settings and programs.
  - Signature is attestation the above was adequately provided
  - Date and signature of beneficiary are required
MICHIGAN MEDICAID NURSING FACILITY LEVEL OF CARE DETERMINATION (LOCD)

Provider's Name: ____________________________
Provider's ID/NPI: ____________________________
Applicant's Name: ____________________________
Date of Birth: ________________________________
Representative(if any): _________________________
LOCD Created-on Date: _________________________

SECTION I-MEDICAL/FUNCTIONAL ELIGIBILITY

Based on an LOCD medical/functional assessment of LTC needs conducted on 09/21/2018, the applicant indicated above:

☐ Does meet the LOCD medical/functional criteria for Medicaid NF Level of Care by scoring in Door 1.

☐ Does Not meet the LOCD medical/functional criteria for Medicaid NF Level of Care (please proceed to Section III)

Signature of healthcare professional completing or adopting LOCD ________________________________
Healthcare profession title ________________________________
Date ________________________________

SECTION II-FREEDOM OF CHOICE

I have been advised that I meet LOCD criteria and I am functionally eligible for any of the LTC programs listed below. I have received information about all LTC programs available in my area. I choose to receive services and supports from:

☐ MI Choice Waiver Program.
☐ Nursing Facility.
☐ PACE program.
☐ MI Health Link.

Other service option(s) and local referral(s) that do not require Medicaid Nursing Facility Level of Care:

______________________________________________

Signature of applicant ________________________________
Signature of applicant’s representative ________________________________
Date ________________________________

SECTION III-APPEAL RIGHTS

I have received a copy of a denial of Medicaid NF Level of Care service based on the LOCD and understand my right to appeal.

______________________________________________

Signature of applicant ________________________________
Signature of applicant’s representative ________________________________
Date ________________________________
Provider Resources

- **MDHHS website:** [www.michigan.gov/medicaidproviders](http://www.michigan.gov/medicaidproviders)

- **We continue to update our Provider Resources, just click on the links below:**
  - Listserv Instructions
  - Medicaid Alerts and Biller “B” Aware
  - Quick Reference Guides
  - Update Other Insurance NOW!
  - Medicaid Provider Training Sessions

- **Provider Support:**
  - [ProviderSupport@michigan.gov](mailto:ProviderSupport@michigan.gov) or 1-800-292-2550

Thank you for participating in the Michigan Medicaid Program
Provider Resources cont.

- **MI Choice Waiver**
  - [https://www.michigan.gov/mdhhs/0,5885,7-339-71547_2943_4857_5045-16263--00.html](https://www.michigan.gov/mdhhs/0,5885,7-339-71547_2943_4857_5045-16263--00.html)
    - Weylin Douglas
    - Heather Hill

- **MI Health Link**
  - [https://www.michigan.gov/mdhhs/0,5885,7-339-71551_2945_64077--,00.html](https://www.michigan.gov/mdhhs/0,5885,7-339-71551_2945_64077--,00.html)
  - integratedcare@Michigan.gov
  - Erika Poland
  - Rebecca Bradfield

- **PACE**
  - [https://www.michigan.gov/mdhhs/0,5885,7-339-71547_4860_78446_78448-87437--00.html](https://www.michigan.gov/mdhhs/0,5885,7-339-71547_4860_78446_78448-87437--00.html)
  - Aimee Khaled