

## LOCD Q&A

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**October 23, October 30 & November 1, 2018**

Q: I have a resident that no longer qualifies through any doors, we're being denied payment, how do we get paid for the 90 days?

A: Please refer to the [Biller Be Aware posted on October 31, 2018](#) for instructions.

Q: Can a LOCD be conducted now before the Medicaid application is registered?

A: LOCD's may be conducted for applicants without Medicaid eligibility and enter the LOCD in CHAMPS prior to Medicaid eligibility being established.

Q: Does a LOCD and Freedom of Choice (FOC) need to be done when there's a payer change?

A: No, that's no longer a requirement.

Q: Can you explain not back dating for retro coverage?

A: With the ability to enter the LOCD with no eligibility requirements the need would no longer be there. MDHHS still has the ability to make corrections, and will be reviewed on a case by cases basis.

Q: If a facility underwent a CHOW are the LOCD's that were completed hard copy required to be redone in 365 days?

A: Once you enter your hard copy LOCD into CHAMPS it will assign a 365-end date, you would be required to renew that LCOD prior to its expiration date.

Q: Certified Nursing Aides are not listed under Health Care Professionals, are they supposed to be?

A: LPN and RT's are being added to the approved health care professionals in the LOCD.

Q: Business Office Managers can enter the information into CHAMPS correct?

A: Yes, a licensed health care professional must conduct the assessment face to face, but non-health care staff can enter the information into CHAMPS.

Q: Is the signing of the FOC included as part of completing the LCOD assessment that is required to be done by a health care professional?

A: Yes.

Q: Our MDS says that when they conduct the LOCD if there was already one done, then it would pick up the current LOCD and not allow them to use their new one? We would want to use the new online LOCD to get 365 days from our date.

A: If there's an active LOCD that your LOCD would end date, the system does give you a soft error telling you there is one and give you the option to cancel or continue.

Q: Will we be able to resubmit older claims that were previously denied due to the LOCD determined as invalid?

A: No, MSA 18-39 policy is effective November 1, 2018.

Q: How are we notified a LOCD is due to expire?

A: A CHAMPS my inbox notification is sent to all LOCD-TEC profiles associated to the NPI (or provider ID?) on day 45, 30 and 15 from the LOCD expiration date.

Q: How are we supposed to be able to do the face to face and engage the resident in all the tasks required for the LOCD?

A: There have been no changes to the LOCD tool. Therefore, such as before, a licensed and qualified health professional can conduct the LOCD with guidance from the LOCD Field Definition Guidelines.

Q: Will all the other programs be conducting their LOCD's on admit? MiHealth Link, PACE, MI Choice?

A: They have the option to just like Nursing Facilities.

Q: If the LOCD was not conducted until day 6 after admission to SNF will Medicaid pay from day of admission?

A: If the LOCD was entered in CHAMPS within 14 days, yes it will go back to your date of admission until January 1, 2019.

Q: If a resident discharge from hospice who had an active LOCD prior to hospice, and the LOCD end date is in the future, does a new LOCD need to be conducted?

A: You would conduct a new LOCD if there was a significant change in condition.

Q: How can we do the LOCD on date of admission when there's a 7 day look back?

A: With the new policy changes, there have been no changes to the LOCD tool. Therefore, such as before, a licensed and qualified health professional can conduct the LOCD with guidance from the LOCD Field Definition Guidelines. The lookback period is dissimilar to an observation period. The provider does not need to witness the activities that took place during the lookback period. Interview and documentation support are enough to complete the LOCD.

Q: Is LOCD required for swing beds?

A: Yes, this policy requirement has not changed.

Q: What is door zero?

A: Door zero is when an applicant does not qualify through any of the doors within the LOCD and does not meet medical functional qualifications to received LTC services.

Q: If a resident discharge from a SNF for 6 months and readmits, does a new LOCD need to be conducted?

A: If resident has an active LOCD and you agree with the door in which he/she qualified through, and it's not expired you would not need to conduct a new LOCD.

Q: When a LOCD is conducted by a SNF then ICO goes out to complete LOCD (upon enrolment) how do the dates assign in CHAMPS? Is it necessary for the ICO to do another and submit LCOD documents to the State?

A: If a resident of a NF changes from FFS to ICO, the ICO has the option of adopting the NF LOCD if they agree with the door the individual qualified through and the LOCD is not expired. A new FOC form does need to be completed. While previously an ICO could adopt a NF LOCD for up to one year, they will now be able to adopt only up until the end date of the NF LOCD. When the ICO conducts a new LOCD they must continue to submit LOCD documents to the State.

Q: If there's an existing LOCD and the facility chooses to adopt it, how do we ensure payment?

A: The LOCD now follows the person, if you choose to adopt a current LOCD, you must agree with the current LOCD, print off a computer generated FOC to capture proper signatures, and retain in beneficiary records. You are also responsible for ongoing functional eligibility and monitoring the expiration date.

Q: When a resident OPTS out of ICO, are we required to conduct a new LOCD?

A: If you agree with and choose to adopt the ICO active LOCD, no.

Q: How can we view LOCD's conducted by other programs or facilities in CHAMPS?

A: You filter by the Medicaid ID number, or the unique filter criteria listed on the upper left-hand side of the LOCD list page.

Q: After the 365<sup>th</sup> day will the LOCD need to be re-done?

A: All LOCD have a 365-end date assigned, one would need to be done prior to expiring.

Q: Is there something that triggers a significant change?

A: Providers should refer to program definition of significant change of condition.

Q: Is the facility required to do a face to face if they plan to adopt a previous facilities LOCD? Is that how they determined that they agree with the current door of eligibility?

A: Yes.

Q: When should a new LOCD be completed on a current resident (admitted prior to November 1)?

A: All active qualifying LOCD's should have a LOCD end date assigned, you would need to conduct one prior to the end date, unless a significant medical /functional change occurs.

Q: Please explain how a LOCD must be conducted and if the applicant qualifies through one of the doors, they must choose and note on the form which program they choose. What if we don't enter the LOCD into CHAMPS until day 13, we won't have a FOC for them to sign until then?

A: A pdf version of the Freedom of Choice form is found on the MDHHS LOCD website.

Q: Does the RT need to be certified to conduct the LOCD?

A: Yes, the RT must be licensed.

Q: If we feel we answered one of the questions incorrectly on the LOCD, do we conduct a new one even if there's been no significant change in condition?

A: That would be up to your discretion.

Q: Does the new LOCD significant change in condition follow that MDS significant change workflow? Does a significant change in MDS trigger a new LOCD or the other way around?

A: Providers should refer to program definition of significant change of condition. Typically, the program assessment (MD or IHC) would first indicate a significant change of condition.

Q: How do you know when a resident has another current LOCD and how do you know from where and the dates?

A: You can filter by Medicaid ID number, or the search combinations listed in the upper left-hand corner of the LOCD List page.

Q: Is it required for Waiver agencies to enter LOCD's for those who are not financially eligible into CHAMPS?

A: While it is not required, it is recommended that the LOCD be entered in CHAMPS for non-Medicaid individuals since CHAMPS will assign the Medicaid ID number once it is established.

Q: When someone admits direct to the Nursing Facility from the hospital, we do not talk to them ahead of time to make sure they agree on Nursing Facility as their LTC choice, how can we do the LOCD when they get here and have them sign the FOC - that's not prior to initiating services.

A: Effective January 1, 2019, the LOCD must be conducted before or at admission. There have been no changes to the LOCD tool. Therefore, such as before, a licensed and qualified health professional can conduct the LOCD with guidance from the LOCD Field Definition Guidelines. The FOC is completed at the conclusion of the LOCD.

Q: When someone already has a qualifying LOCD and they have a significant change, but it is a decline in condition; do we still conduct a new LOCD or only in the case of improvement?

A: Please look to program rules and definitions regarding significant change. Policy states that an LOCD must be done if there is a significant change.

Q: With this new policy the back date for payment will only be up to 14 days correct?

A: If entered in the system within 14 days yes, the system will automatically back date it 14 days from conducted date. If additional back dating is required those will be reviewed by PRS on an individual basis. However, effective January 1, 2019, CHAMPS will no longer back date 14 days from the conducted date. An LOCD must be present with a qualifying Door for reimbursement to occur.

Q: On the FOC, how do we offer them the choice of other programs if we don't know if they're eligible for services from them?

A: The FOC is completed at the conclusion of the LOCD. Eligibility would be known at such time.

Q: If someone is not financially eligible for services but qualify through one of the doors in the LOCD, how can we offer them a choice of services they are not financially eligible for?

A: The FOC informs the individual of programs they functionally qualify for. Other factors, such as financial and program eligible would need to be considered as well.

Q: For PACE programs, if the LOCD is entered in CHAMPS prior to the 1<sup>st</sup> of the month for new participants, even if later than 14 days after conducting the assessment, would we still receive payment for the first month of enrollment? Or would the LOCD need to be entered by card cut-off?

A: The LOCD is required for PACE enrollment, so the LOCD must be entered by card cut off at the latest. PACE should follow policy and enter the LOCD into CHAMPS within 14 days of conducting.

Q: Once a person has entered the NF, if we do the FOC once they are here, and they don't choose Nursing Facility, will we still get paid while we transition them into the program they choose?

A: Yes.

Q: If someone is "functionally eligible" are they automatically eligible for services other than SNF placement?

A: Yes, the Long-Term Care support services choices are listed on the Freedom of Choice Form.

Q: Does the PACE staff enter the LCOD? They are the ones that enroll into that program?

A: PACE staff must enter all LOCDs that are conducted into CHAMPS. If a participant is currently enrolled with PACE and also receiving subcontracted services from a nursing facility, PACE is responsible for monitoring and conducting the LOCD for that participant.

Q: Do you do a LOCD on every single resident that enters the facility like Medicare or members receiving hospice?

A: Providers have that option yes.

Q: I just want to confirm a new LOCD is not required if a resident moves from one SNF to another and the door is the same and it's not expired.

A: If providers choose to adopt the LOCD a new one would not be required.

Q: Why is there special language for LOCD's entered compliant vs non-compliant when the end date is 365 from conducted on date regardless of whether it's entered compliantly or not?

A: If the LOCD is entered in CHAMPS after 14 days from the conducted date, the LOCD start date would begin on the day it was entered in CHAMPS, rather than the conducted date.

Q: If we adopt a LOCD form another entity, does that mean they still screen into the door the previous provider had them qualified through and all LOCD questions would have the exact same answer?

A: If you adopt the current LOCD then you are agreeing with the Door selection only.

Q: If we enter a LOCD and the resident discharges from our facility are we required to keep the LOCD updated by conducting a new one prior to it end dating?

A: No.

Q: If a LOCD is conducted to see if they meet functional eligibility and they're not in a qualified bed, once they're moved into a qualifying bed does another LOCD need to be conducted?

A: If the LOCD Door is current and accurate then no you would not need to conduct a new LOCD.

Q: Under a CHOW, does the new owner only conduct hard copy LOCD's for residents that need a LOCD (new admission, end dated LOCD significant change)? Please confirm MDHHS does not require all resident of a new facility to have a new LOCD completed due to the CHOW.

A: Hard copy LOCD's are only required for new admissions, end dated LOCD's and significant changes.

Q: After the FOC is printed is there a time limit for signature?

A: Required signatures should be obtained within a reasonable timeframe. If the provider is unable to obtain signatures, the provider should document their attempts with date, times, and explanation.

Q: Can you clarify if we adopt a LOCD if we agree on the eligibility door but not necessarily the individual criteria for the door? For example, if the existing LOCD qualifies the participant door 1 because of limited assist for transfers, but we found them to qualify because of extensive assist for transfers.

A: If you adopt the current LOCD then you are agreeing with the Door selection only.

Q: If we adopt a LOCD what would the start and end date be?

A: The LOCD you adopt would already have a start and end date assigned, they would remain the same.

Q: If we have a resident that on day 91 has not appealed, will we get paid for day 91 until new arrangements have been made for that resident?

A: On day 91, the facility should provide notice and appeal rights for involuntary discharge.

Q: If we have a resident or representative that refuses to sign the FOC, what would be the best approach in that even?

A: The facility should document their attempts.

Q: If a change in condition (MDS) is completed but the resident continues to fit under the same door, does a new LOCD need to be completed or only if it bumps them through a different door than their prior assessment?

A: The latter is correct.

Q: If no Medicaid ID number is present (no eligibility) at the time you conduct a LOCD once eligibility is given how will it be linked to the LOCD?

A: CHAMPS will search for Medicaid ID number up to 365 days prior to the LOCD going inactive. (Expire or inactive? Does an end dated LOCD go inactive?)

Q: If we completed a LOCD and the client didn't meet through any doors and currently has a door zero LOCD, but the resident is indeed needing assistance due to charting issues, can we re-do the LOCD or continue with adverse action process?

A: Charting issues? I do not understand. Charting issues should not be a concern if the provider is doing a true face to face assessment.

Q: From an ICO standpoint we typically complete the LOCD between days 7-14 of admission so we have that 7 day look back as required, has this process changed?

A: ICO's have 14 days from the start of the custodial stay (Medicaid-covered stay) to conduct the LOCD for enrollees in NF and 14 days from learning about the individual's potential need for waiver services for the MHL HCBS Waiver.

Q: If we do not conduct a LOCD by midnight of the day of admission can payment be withheld for that day?

A: In this scenario, the facility would use the early date as the conducted date of the LOCD (the date prior to midnight). The facility must enter the LOCD in CHAMPS within 14 days from the conducted date.

Q: Does the 365-end date reset every time you conduct a new LOCD?

A: Each qualifying LOCD is assigned a 365-end date (from conducted on or created on date depending on whether it's compliant or non-compliant).

Q: If I conduct a LOCD for a private pay resident on date of admission and they apply for Medicaid 3 months later and it's granted retro back to day of admission my LOCD would get a start date being that of day of admission correct? I would not need to contact Provider Support to back date?

A: That is correct.

Q: Does the quarterly MDS reset the 365 days?

A: No; however, please refer to Bulletin 18-48 regarding passive redetermination.

Q: Just to clarify I cannot rely on staff documentation regarding function, I have to actually go an access the person myself?

A: That is correct, it must be a face to face assessment. The assessment should not rely solely on paper documentation alone.

## Resources

- Medicaid Provider Training Webpage: [http://www.michigan.gov/mdhhs/0,5885,7-339-71551\\_2945\\_5100-127606--,00.html](http://www.michigan.gov/mdhhs/0,5885,7-339-71551_2945_5100-127606--,00.html)
- Provider Support  
Email: [ProviderSupport@Michigan.gov](mailto:ProviderSupport@Michigan.gov)