

Bulletin Number: MSA 20-35

Distribution: Durable Medical Equipment, Prosthetics, Orthotics and Supplies (DMEPOS) Providers, Home Health Agencies, Hospice Agencies, Hospitals, Practitioners, Pharmacies, Medicaid Health Plans (MHPs), Integrated Care Organizations (ICOs)

Issued: July 21, 2020

Subject: Medicaid Compliance with Interim Final Rule CMS-5531: Improving Care Planning for Medicaid Home Health Services; COVID-19 Response: Temporary Waiver of Beneficiary Signature for Home-Delivered DMEPOS

Effective: March 1, 2020

Programs Affected: Medicaid, Healthy Michigan Plan, Children's Special Health Care Services (CSHCS)

Consistent with public health emergency conditions at both the state and federal level related to COVID-19, the Michigan Department of Health and Human Services (MDHHS) is issuing this policy effective March 1, 2020. Changes within this policy related to Interim Final Rule CMS-5531 are permanent. Given the circumstances, the temporary policy related to waiver of beneficiary signature for home-delivered DMEPOS items is intended to be time-limited, and MDHHS will notify providers of its termination.

Medicaid Compliance with Interim Final Rule CMS-5531: Improving Care Planning for Medicaid Home Health Services

Home Health Agencies (HHAs) and DMEPOS Providers

Interim Final Rule CMS-5531 permanently amends 42 CFR 440.70 (a)(2) to allow non-physician practitioners (NPPs) (i.e., nurse practitioner [NP], clinical nurse specialist [CNS], and physician assistant [PA]), within their scope of practice, to order Medicaid home health services. This permanent change applies to all services covered under the Medicaid home health benefit (i.e., home health nursing and aide services, medical supplies, equipment and appliances, and therapy services). The Interim Final Rule further codifies that the ordering NPP may perform the face-to-face encounter for the beneficiary for whom they ordered home health services. In accordance with the Affordable Care Act (ACA), all other home health face-to-face rules remain unchanged.

For further information regarding home health and medical supplier face-to-face policy, refer to the Home Health and Medical Supplier chapters of the MDHHS Medicaid Provider Manual located at www.michigan.gov/medicaidproviders >> Policy, Letters & Forms and the list of

DMEPOS face-to-face items located at www.michigan.gov/medicaidproviders >> Billing & Reimbursement >> Provider Specific Information >> Medical Suppliers.

Providers are reminded that the ACA face-to-face rule does not apply to MHPs or ICOs.

Temporary Waiver of Beneficiary Signature for Home-Delivered DMEPOS Items

To encourage social distancing and align with Medicare, MDHHS is waiving the required beneficiary signature as proof of delivery for DMEPOS delivered to the beneficiary home during the COVID-19 emergency. This applies to items delivered directly by the DMEPOS provider or by use of a third-party shipping/delivery service. The DMEPOS provider must document the date of delivery and that the beneficiary's signature was not available due to COVID-19. This information must be kept in the beneficiary's file and made available upon MDHHS request. The provider must be able to document enough information in the beneficiary's file to link the delivered item(s) to the beneficiary. The DMEPOS provider may communicate delivery confirmation to the beneficiary via text, e-mail or by telephone (including telephone voice message). All other delivery requirements indicated in current policy remain unchanged.

The temporary waiver of beneficiary signature policy applies to MHPs and ICOs. The DMEPOS provider should refer to the beneficiary's specific MHP or ICO for further documentation guidance.

Public Comment

The public comment portion of the policy promulgation process is being conducted concurrently with the implementation of the change noted in this bulletin. Any interested party wishing to comment on the change may do so by submitting comments to Lisa Trumbell via e-mail at Trumbelll@michigan.gov.

Please include "Compliance with Interim Final Rule CMS-5531/Temporary Waiver of Beneficiary Signature for Home Delivered DMEPOS" in the subject line.

Comments received will be considered for revisions to the change implemented by this bulletin.

Manual Maintenance

Providers should retain this bulletin until the applicable information is incorporated into the Medicaid Provider Manual.

Questions

Any questions regarding this bulletin should be directed to Provider Inquiry, Department of Health and Human Services, P.O. Box 30731, Lansing, Michigan 48909-8231, or e-mailed to ProviderSupport@michigan.gov. When you submit an e-mail, be sure to include your name, affiliation, NPI number, and phone number so you may be contacted if necessary. Providers may phone toll-free 800-292-2550.

Approved

A handwritten signature in black ink, appearing to read 'K. Massey', with a long horizontal line extending to the right.

Kate Massey, Director
Medical Services Administration