

September 14, 2023

<Provider Name>
<Provider Address 1>
<Provider Address 2>
<Provider City> <State> <zipcode5-zipcode4>

Dear Provider:

RE: MI Choice Enrollment and Re-enrollment After Nursing Facility (NF) Discharge

The Michigan Department of Health and Human Services (MDHHS) is issuing this letter to provide clarification regarding the Nursing Facility Level of Care Determination (LOCD) tool and the related Freedom of Choice (FOC) form and requirements for re-enrollments in the MI Choice program after discharge from a nursing facility (NF).

LOCD policy requires that the clinician confirm the individual meets LOCD eligibility on the day of or prior to enrollment. This includes signature by the clinician on the FOC form. If the MI Choice waiver agency conducts a LOCD with the individual, this must be done within seven calendar days prior to or the day of the re-enrollment in MI Choice. The supports coordinator must keep the completed FOC form in the case record. The seven-day requirement applies to all individuals who are enrolling or re-enrolling in MI Choice after the discharge from the NF. This is because a discharge from the NF may be indicative of a change in status for the individual which may affect their medical/functional status and therefore their LOCD eligibility.

MDHHS allows a clinician to adopt the current valid LOCD in the Community Health Automated Medicaid Processing System (CHAMPS) if the clinician agrees that the LOCD is an accurate representation of the individual's medical/functional status. The LOCD adoption may occur after discussing the individual's function with a clinician at the NF who is familiar with the individual. A face-to-face visit does not need to occur in the NF within seven calendar days of the individual's discharge from the facility in order to adopt the LOCD. If the clinician chooses to adopt the current LOCD, the clinician needs to sign the FOC for the adopted LOCD on or before the date of enrollment in MI Choice. If the waiver agency wants to re-enroll an individual without conducting a new LOCD, the current LOCD in CHAMPS must be adopted with the FOC signed by the clinician within seven calendar days prior to or the day of discharge from the NF. If adopting the current LOCD, the supports coordinator must keep the completed FOC form in the case record and document the adoption in a progress note.

It is reasonable to assume there was a change in condition both when a MI Choice participant is admitted to a NF and when they are ready to discharge from that NF. Due to this, evaluation of the individual's current functioning and service needs is critical to ensure appropriate services and supports are in place at home after the NF discharge. The waiver agency has seven calendar days after the NF discharge to perform a reassessment, complete the appropriate documentation, conduct and enter a new LOCD if needed (or when a passive redetermination is not expected to confirm functional eligibility), and obtain necessary signatures on the FOC form. Appropriate documentation must be placed in the individual's case record and progress notes. Please refer to Section 3.8 of the Nursing Facility Level of Care Determination Chapter in the MDHHS Medicaid Provider Manual for more information about which LOCD doors can be confirmed by passive redetermination.

The aforementioned requirements are a minimum standard. Best practice would be to visit the individual at the NF and do proper discharge planning to ensure requirements are met and the individual receives supports and services consistent with current need upon discharge. When possible, to establish or maintain the individual's potential LOCD eligibility through Door 7, the waiver agency should avoid interruptions in enrollment between the NF and MI Choice.

If there is no valid LOCD with no active MI Choice enrollment, there is potential for encounters to reject if attempts are made to submit them.

Though not an exhaustive list, below are some scenarios to help waiver agencies understand the requirements mentioned in this letter.

Scenario 1

A NF discharges an individual over a weekend or without the waiver agency's prior knowledge and the waiver agency is unable to adopt or conduct a LOCD.

- Waiver agency cannot re-enroll without first adopting or conducting the LOCD. The date of enrollment/re-enrollment cannot precede the LOCD adoption or conducted date.
- Waiver agencies need to ensure the individual is medically/functionally eligible for the program prior to enrollment.
- If the waiver agency cannot or does not adopt the LOCD before enrollment, then the enrollment cannot occur until the LOCD is conducted or adopted, and it is confirmed that the individual meets level of care.

Scenario 2

The MI Choice waiver agency chooses to not adopt the current LOCD in CHAMPS and instead conducts a new LOCD that determines the individual is eligible.

- The new LOCD is entered into CHAMPS.
- MI Choice enrollment is entered with a start date equal to the start date of the LOCD unless the individual is still residing in the NF. The individual cannot enroll in MI Choice while admitted to a NF.

Scenario 3

The MI Choice waiver agency does not adopt an LOCD and does not attempt to enroll until conducting a new LOCD. Services have not begun. The new LOCD indicates the individual is ineligible.

- Individual has the right to appeal the LOCD decision.
- Since services have not begun, the waiver agency would provide adequate notice and there would be no services to continue during appeal.

Scenario 4

The Supports Coordinator meets with the individual face-to-face in the NF more than seven calendar days prior to discharge (began discharge planning early or discharge was delayed). Does the SC need to do another face-to-face in the NF within seven calendar days prior to discharge?

- Another face-to-face visit is not necessary, although the SC must ensure the individual still meets LOCD within seven calendar days of the discharge. This can be done by discussing the individual's function with a knowledgeable clinician from the NF.

An electronic version of this document is available at www.michigan.gov/medicaidproviders
>> Policy, Letters & Forms.

Sincerely,



Meghan E. Groen, Director
Behavioral and Physical Health and Aging Services Administration