

October 18, 2021

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

Dear Provider:

RE: Long Term Supports and Services (LTSS) COVID-19 Response: Level of Care Determination (LOCD) Reminders- Nursing Facilities, Program of All-Inclusive Care for the Elderly (PACE), MI Choice, and MI Health Link Home and Community Based Services (HCBS) Waiver.

The purpose of this letter is to provide additional details regarding the LOCD through the duration of the COVID-19 public health emergency (PHE). The LOCD is an eligibility tool used to determine functional eligibility of individuals seeking LTSS in Medicaid-certified nursing facilities, PACE, MI Choice, and MI Health Link HCBS Waiver.

As stated in Numbered Letter [L 21-57](#), **Medicaid-certified nursing facilities and PACE programs must not conduct LOCDs for the duration of the PHE if there is an existing eligible LOCD in the Community Health Automated Medicaid Processing System (CHAMPS) for an admitted or enrolled beneficiary.** A beneficiary seeking services must meet LOCD Doors 1-8 (excluding 8-2019) and all other program requirements for admission or enrollment. Any Door 0s entered for these beneficiaries will be inactivated in CHAMPS monthly, and the previous eligible LOCD will be reinstated.

As stated in Numbered Letter [L 21-36](#), **MI Choice and MI Health Link HCBS Waiver programs are required to conduct LOCDs on all beneficiaries on or prior to the end date of the current LOCD record.** All eligible LOCDs (Doors 1-8, 67, 77) for beneficiaries enrolled with MI Choice and MI Health Link HCBS Waiver with an end date from March 1, 2021, through the duration of the PHE will have eligibility extended from 365 days to 730 days. LOCD records in CHAMPS will be updated as appropriate on a quarterly basis.

L 21-66

**For MI Choice**, if a currently enrolled beneficiary is found ineligible for the LOCD (Door 0), the provider must enter the record into CHAMPS and promptly request a secondary review. To request a secondary review call the Michigan Peer Review Organization at 1-800-727-7223. The Freedom of Choice Form should not be signed by the provider or beneficiary at this time. For these beneficiaries, the provider must not issue an advance action notice. The provider must upload supporting documentation for Door 0 and an additional document that states “LOCD eligibility maintained due to public health emergency.” After the secondary review is complete and LOCD eligibility is maintained, obtain signatures on the Freedom of Choice Form for the new LOCD.

**For the MI Health Link HCBS Waiver**, if the enrolled beneficiary does not meet Doors 1-7 or Door 8 (excluding 8-2019), the provider must enter LOCD Door 8 approval criteria “Frailty” and approval code “2019”. The provider must enter a comment that states “LOCD eligibility maintained due to public health emergency.” This supports a beneficiary’s right to maintain enrollment during the PHE.

The passive redetermination process continues to run during the PHE and may create a new eligible LOCD record in CHAMPS for a beneficiary. LOCD Door 8 records with approval criteria “frailty” and approval code “2019” cannot be adopted. **For more details on conducting or adopting LOCDs during the PHE, see Numbered Letters [L 21-37](#) and [L 21-36](#).**

At the conclusion of the PHE, Medicaid LTSS providers must ensure the beneficiary continues to meet eligibility requirements on an ongoing basis. The provider also retains responsibility for conducting a new LOCD after the termination of the PHE for any beneficiary when there is a significant change in the beneficiary’s condition during the PHE. **Further guidance will be provided regarding the termination of the PHE and resumption of normal operations.**

Enrolled beneficiaries may elect to voluntarily disenroll regardless of LOCD eligibility. Providers must offer discharge planning to beneficiaries who are considering voluntary disenrollment. Discharge planning must take into consideration issues unique to the coronavirus pandemic, including the beneficiary’s vaccination status prior to disenrollment. Providers must be aware of the current guidance from the Centers for Disease Control and Prevention (CDC) regarding coronavirus variants, vaccine efficacy and other community mitigation strategies-as these factors will be relevant to discharge planning.

Policy information for the LOCD can be found in the Nursing Facility Level of Care Determination Chapter of the MDHHS Medicaid Provider Manual at [www.michigan.gov/medicaidproviders](http://www.michigan.gov/medicaidproviders) >> Policy, Letters & Forms.

MDHHS strongly encourages providers to subscribe to COVID-19 updates at [www.Michigan.gov/coronavirus](http://www.Michigan.gov/coronavirus).

An electronic version of this document is available at [www.michigan.gov/medicaidproviders](http://www.michigan.gov/medicaidproviders)  
>> Policy, Letters & Forms.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Massey', followed by a horizontal line.

Kate Massey, Director  
Medical Services Administration