

## **NF-Based Level of Care Waivers, Specialized Recovery Services Program, MyCare Ohio & Medicaid Managed Care Provider Protocol**

Response to COVID- 19: Updated April 6, 2020

The Department of Aging (ODA) and the Department of Medicaid (ODM) provided initial guidance to implement emergency protocols as part of the State's response to COVID-19. This is a companion document to answer specific questions. All guidance and protocols must be forwarded and shared with all appropriate staff.

Please note, many of the protocols require emergency rule changes and are subject to approval from the Federal Centers for Medicare and Medicaid Services (CMS). If it is determined the changes implemented are not supported by CMS, the State will provide notification to discontinue the practice immediately and provide additional guidance. Please note, this is intended to be a living document and will be updated periodically.

### **Participant Directed Provider Enrollment:**

1. **In the PASSPORT waiver, should contacts required for enrolling participant-directed providers occur telephonically?**
  - a. Yes, all contacts required for enrollments are to be completed telephonically. Any enrollment scheduled to be done in-person will be completed telephonically. This includes enrollment with the FMS as well.

### **Background Checks/Criminal Records Checks:**

2. **It has been reported many sites are closed for background check fingerprinting. What should a provider do, if their employee cannot get background check?**
  - a. According to the Ohio Attorney General's Office, sites may close due to COVID-19. Have the employee call the webcheck location or their local law enforcement office to see if they are open and performing background checks as the office may be closed or have modified hours. The following link provides a directory of all the webcheck locations in the state: <https://www.ohioattorneygeneral.gov/Business/Services-for-Business/WebCheck/Webcheck-Community-Listing>.
3. **What if a provider's employee results have not come in within 60 days of the conditional hire?**
  - a. ODA requests PAAs to notify the Provider Network Management team at [Provider\\_Network\\_Mgmt@age.ohio.gov](mailto:Provider_Network_Mgmt@age.ohio.gov), if you learn of results taking more than 60 days.

**Provider Capacity/Access to Services:**

- 4. What if a provider is short on staff and can only see a limited number of individuals in a day?**
- Providers must work with the case managers and prioritize individuals with no natural supports in the home based on their needs (highest need to lowest) and case management direction. Provider staff should make case managers aware of any provider shortages. For PASSPORT, please notify ODA as soon as possible at [Provider\\_Network\\_Mgmt@age.ohio.gov](mailto:Provider_Network_Mgmt@age.ohio.gov); and for ODM email [BureauNetworkManagement@medicaid.ohio.gov](mailto:BureauNetworkManagement@medicaid.ohio.gov).
- 5. What if a provider suspends service to individuals until after the COVID-19 emergency has passed or ceases doing business?**
- FOR ODA: If a provider suspends serving individuals until after the COVID-19 emergency, the PAA shall document in PIMS the provider ceased doing business during the COVID-19 emergency. For providers who wish to terminate their PASSPORT or Assisted Living certification, the PAA shall accept it and end date the provider agreement and email ODA. After the COVID-19 emergency, ODA and the PAAs will discuss whether to reach out to the provider and/or revoke provider certifications permanently.
- FOR ODM: PNM will follow a similar process when a provider completely closes with notice. ODM considers these voluntary provider closures and withdrawals and in such cases, terminates the provider agreement. Providers can reapply at any time.
- 6. Are PAAs supposed to continue business as usual regarding provider operations?**
- Yes, see ODA notice 0320486. ODA will update the notice and this guidance based on operational needs.

**Rates:**

- 7. Are we still having provider rate increases authorized in HB 166? If yes, how do we get the providers to sign the agreements?**
- Yes. For PAAs, they may operationalize the agreement signature using fax, email, USPS, FED EX or any other means to deliver the agreement to the provider.
- 8. What if a provider requests reimbursement for gloves or masks, in order to go into an individual's home?**
- This is the cost of doing business, they must provide their own PPE.
- 9. The State will permit waiver providers with an active Medicaid provider agreement to provide waiver services across delivery systems without being subject to additional provider standards and certification processes specific to waiver programs. How will this work?**
- ODA is working with ODM on process and guidance and will provide additional information when available.

- 10. Is the “Modified Supervisory Schedule” only acceptable for subsequent supervisory visits (required no later than every 60 days)? The initial start of care supervisory visit (to initiate an activity plan) still needs to be a face to face visit by the provider, correct?**
- a. Correct, the initial supervisory visit must be completed in-person. All subsequent visits may be completed telephonically.
- 11. Does the “Modified Service Validation/Signature Requirement” also apply to PERS delivery and initial setup? We have had several PERS providers contact us to let us know they are suspending the in-home installation process. Products will be shipped directly to individuals, then installers will contact individuals by telephone to guide them through the installation process.**
- a. Correct, completion by telephone is appropriate.

### **Updated 3/27/2020**

#### **Telephonic Counseling:**

- 12. Can the social work service be provided telephonically?**
- a. The use of telephonic counseling is currently permitted. The Counselor, Social Worker and Marriage and Family Therapist Board has recommendations and requirements on their website at: <https://cswmft.ohio.gov/Whats-New>, regarding services during the COVID-19 emergency.

#### **Disciplinary Action:**

- 13. Will disciplinary action still need to be issued, if provider is not able to staff individuals, as required?**
- a. Each occurrence of discipline needs to be addressed on a case-by-case basis. Not having enough staff is different than a staff person who is scheduled and didn't show-up without any notification. We are hopeful the prioritizing of individuals will ease the burden on providers.

#### **Webcheck Locations:**

- 14. Originally in a conference call, ODA said that 90-day conditional hire was ok. Providers would be required to clearly document. If the provider reports that 90 days has passed with no letter, we are to let ODA know. The guidance issued on 3/20 now says that we are to notify ODA if results take more than 60 days. Can ODA please clarify?**
- a. Q&A already provided in March 20th, release: Question 2. Under the emergency protocol, Background Checks/Criminal Record Checks, what should a provider do, if their employee cannot get a background check?
- According to the Ohio Attorney General's Office sites may close due to COVID-19. Direct employees to call the webcheck location or their local law enforcement office to determine if they are performing background checks. The following link, <https://www.ohioattorneygeneral.gov/Business/Services-for-Business/WebCheck/Webcheck-Community-Listing>, provides a directory of all the webcheck locations in the state.
  - PAAs, please follow guidance in notice 0320489.

**15. If a Participant Directed Provider is due for a 5-year re-check, but cannot find a location (we have instructed them to search the AG's website), does ODA want to be notified of this?**

- a. PAAs, please follow guidance in notice 0320489.

**PERS Providers:**

**16. Will Emergency Response System providers be able to bill an installation fee should they choose to mail the units and provide telephonic instruction for installation?**

- a. For PAAs: The provider shall bill for installation.

**Modified Supervisory Schedule:**

**17. Does any guideline exist for homecare agency during pandemic now to stop supervisory in person 60 days visit for non- skilled at the client's homes? Could we perform it over the phone? It seems passport case managers and MyCare Ohio case managers no longer visit people in person. Homecare agency did not receive any directions as of today. What about t opening new nonskilled Medicaid cases for home health aides? Are they postponed or not? As an agency we could not screen all nurses and aides daily, the protective gears also in questions. Please check with proper authorities.**

- a. This question previously addressed in March 15th release: Question 4: State Provider Service Delivery, Modified Supervisory Schedule: The State will permit providers to perform supervisory visit(s) telephonically if a supervisory visit is required by the waiver service.
- The modified supervisory schedule must be documented in the individual's service plan by the provider's nurse supervisor.
  - The provider shall notify the case manager if they elect to perform the supervisory visit telephonically.
  - The provider will be required to meet requirements for initial care plan development in rule, as applicable.
  - PAA refer to notice: 0320486

**Updated 4/6/2020**

**Modified Supervisory Schedule:**

Does any guideline exist for homecare agency during pandemic now to stop supervisory in person 60 days visit for non- skilled at the client's homes? Could we perform it over the phone? It seems passport case managers and my car Ohio case managers no longer visit people in person. Homecare agency did not receive any directions as of today. What about t opening new nonskilled Medicaid cases for home health aides? Are they postponed or not? As an agency we could not screen all nurses and aides daily, the protective gears also in questions. Please check with proper authorities.

- a. This question previously addressed in March 15th release: Question 4: State Provider Service Delivery, Modified Supervisory Schedule: The State will permit providers to perform supervisory visit(s) telephonically if a supervisory visit is required by the waiver service.
  - The modified supervisory schedule must be documented in the individual's service plan by the provider's nurse supervisor.
  - The provider shall notify the case manager if they elect to perform the supervisory visit telephonically.
  - **UPDATED:** The provider is permitted to complete the initial assessments by phone.
  - PAA refer to notice: 0320486.

**Background and Webcheck:**

**If someone has a background check from one certified agency may they go to work in another certified agency without another background check?**

- a. For ODA certified providers, ORC 173.38(F)(1) requires the responsible party to conduct the background check. If the previous background check was conduct in the last 11 months, the employee may request a new report be sent to the new employer. The employee may access the form and instructions here: <https://www.ohioattorneygeneral.gov/Files/Forms/Forms-for-BCI-Criminal-Records-and-Background-Chec/Background-Check-Forms/Request-for-Copy-of-Ohio-BCI-Check.aspx>

**If an organization had employees with criminal records checks working in a non-waiver service area, may they be utilized in a waiver service area without another criminal records check? The original criminal records check code was not one currently accepted for waiver services.**

- a. Reason codes for BCIs are based on ORC, therefore the aide would have to be background checked under the required codes for the applicable waiver or Medicaid state plan service.

**Essential Worker Form**

**I am getting requests from Agency's and IP's about an essential worker form? One was relating to something they need to give to daycare to allow their children to continue going. I just told them right now to use their agency badges to verify they are essential healthcare workers, however, not sure what to have the individual/consumer directed workers use. Any guidance of knowledge of ""forms""?**

- a. Staff are not required to produce documentation if providing services essential services and operations, which includes home and community-based services. The order can be found here: [https://content.govdelivery.com/attachments/OHOOD/2020/03/22/file\\_attachments/1407840/Stay%20Home%20Order.pdf](https://content.govdelivery.com/attachments/OHOOD/2020/03/22/file_attachments/1407840/Stay%20Home%20Order.pdf)

### **Provider Precertification**

**What is the expectation for Pre-certification reviews that have not yet been conducted? Please include instruction for military applications.**

- a. Military applications will continue to be a priority for review.
- b. The rest of the Q&A already provided in March 15th, release under Provider Enrollment/Oversight, Pre-certification Site Visits (ODA providers).
  - The State will permit flexibility with required timelines for completion of the assigned pre-certification visits.
  - On-site requirements may be replaced with a desk review of administrative requirements (licenses, qualifications, BCI's etc.) and completed through telephonic or other electronic contact.
  - If enough information is not known, the reviewer may delay determination or request additional information to complete the review. If a delay is determined to be the best course of action, the provider application/enrollment will remain in a pending status until an on-site review may be completed. The PAA shall clearly document in the provider file and will submit a list of delayed pre-certification visits during the established timeframe.

### **Provider Training**

**Does ODA have any issues with a provider doing a Home Health Aide training virtually using Zoom then having the trainee come on site for skills comp and final test?**

- a. This is an acceptable way to train and limits risk to exposure during the COVID-19 emergency.

**We are exploring the option of doing a “virtual leaning” home health aide class for the next 3 months during this pandemic. The class would consist of 2 weeks of virtual learning, the class would come onsite for their skills comp and written testing. We would use technology like Zoom for the in class virtual learning time. I am reaching out to see if you can check to see if there is anything within our ODA guidelines that would prohibit us for modifying our curriculum this way due to the pandemic?**

- a. This is an acceptable way to train and limits risk to exposure during the COVID-19 emergency.

### **Miscellaneous**

**What will the provider rates be?**

- a. For ODA PASSPORT Waiver: See the appendix for OAC 5160-1-06.1 and current PASSPORT provider waiver rates.
- b. For ODA Assisted Living Waiver: See the appendix for OAC 5160-1-06.5 and current Assisted Living waiver provider rates.
  - PAAs see notice 0220481.

**How do providers obtain masks, gloves, protective gear, scanning thermometers?**

- a. They would follow there process they use today to acquire supplies.

**We wanted to make you aware we have one ADS in our region indicating they will remain in operations as census has declined and they now have fewer than 10 people on site. We are reaching back out to them as we understand this is not the Governor’s intent.**

- a. Thank you, the provider must be following the Governor's order.

**For ERS/PERS providers, how should they handle units not functioning? I suggested sending a new unit and doing instructions over the phone like being done for new units. They could pick up the nonfunctioning unit after we go back to normal routines. Of course, this may not answer if it is not the unit that is not functioning.**

- a. This is an acceptable way to manage the malfunctioning units, until the Covid-19 emergency is over.