

**MEDICAID POLICY INFORMATION SHEET**

**Policy Analyst:** Michelle Tyus

**Phone Number:** 517-335-5246

Initial

Public Comment

Final

**Brief description of policy:**

This policy corrects information in bulletin MSA 20-35 under the section regarding Medicaid Compliance with Interim Final Rule CMS-5531: Improving Care Planning for Medicaid Home Health Services.

**Reason for policy (problem being addressed):**

To include information that was omitted from MSA 20-35.

**Budget implication:**

budget neutral

will cost MDHHS \$ , and (select one) budgeted in current appropriation

will save MDHHS \$

**Is this policy change mandated per federal requirements?**

Yes. Interim final Rule CMS-5531 Improving Care Planning for Medicaid Home Health Services.

**Does policy have operational implications on other parts of MDHHS?**

No

**Does policy have operational implications on other departments?**

No

**Summary of input:**

controversial

acceptable to most/all groups

limited public interest/comment

**Supporting Documentation:**

State Plan Amendment Required: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Public Notice Required: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, please provide status:	If yes, Submission Date:
<input type="checkbox"/> Approved <input type="checkbox"/> Pending <input type="checkbox"/> Denied	
Date:                      Approval                      Date:	

<b>DRAFT FOR PUBLIC COMMENT</b>  <b>Michigan Department of Health and Human Services</b>		
	<b>Project Number:</b> 2058-DMEPOS	<b>Date:</b> September 2, 2020

**Comments Due:** October 7, 2020  
**Proposed Effective Date:** March 1, 2020  
**Direct Comments To:** Michelle Tyus  
**Address:**  
**E-Mail Address:** [TyusM@michigan.gov](mailto:TyusM@michigan.gov)  
**Phone:** 517-335-5246 **Fax:**

<p><b>Policy Subject:</b> COVID-19 Response: Correction to Bulletin MSA 20-35</p> <p><b>Affected Programs:</b> Medicaid, Healthy Michigan Plan, Children’s Special Health Care Services (CSHCS)</p> <p><b>Distribution:</b> 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)</p> <p><b>Summary:</b> This policy corrects information in bulletin MSA 20-35 under the section regarding Medicaid Compliance with Interim Final Rule CMS-5531: Improving Care Planning for Medicaid Home Health Services.</p> <p><b>Purpose:</b> To include information that was omitted from MSA 20-35.</p> <p><b>Cost Implications:</b> Budget neutral</p> <p><b>Potential Hearings &amp; Appeal Issues:</b> N/A</p>
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<b>State Plan Amendment Required:</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <b>If yes, date submitted:</b>	<b>Public Notice Required:</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <b>Submitted date:</b>
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**Tribal Notification:** Yes  No  - **Date:**

**THIS SECTION COMPLETED BY RECEIVER**

<input type="checkbox"/> <b>Approved</b>	<input type="checkbox"/> <b>No Comments</b>
<input type="checkbox"/> <b>Disapproved</b>	<input type="checkbox"/> <b>See Comments Below</b>
	<input type="checkbox"/> <b>See Comments in Text</b>

<b>Signature:</b>	<b>Phone Number</b>
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**Signature Printed:**

<b>Bureau/Administration</b> <i>(please print)</i>	<b>Date</b>
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**Bulletin Number:** MSA 20-62

**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:** September 2, 2020

**Subject:** COVID-19 Response: Correction to Bulletin MSA 20-35

**Effective:** March 1, 2020

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

This bulletin is being issued as a correction to bulletin MSA 20-35 - 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 and retains that policy's original effective date of March 1, 2020. The **bolded** information below was not included in final bulletin MSA 20-35. All other policy language issued as part of bulletin MSA 20-35 remains as indicated in that bulletin.

### **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 (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 the ordering non-physician practitioner (NPP) may perform, **certify and document** the face-to-face encounter for the beneficiary for whom they ordered home health services **and is not required to communicate the clinical findings of the face-to-face encounter to the physician. Physician certification of the face-to-face encounter performed by a NPP is no longer required.** In accordance with the Affordable Care Act (ACA), all other home health face-to-face rules remain unchanged.

## 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 Michelle Tyus, Policy Specialist, via e-mail at [Tyusm@michigan.gov](mailto:Tyusm@michigan.gov).

Please include "COVID-19 Response: Correction to Bulletin MSA 20-35" in the subject line.

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

## Manual Maintenance

Retain this bulletin until the information is incorporated into the Michigan 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](mailto:ProviderSupport@michigan.gov). 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



Kate Massey, Director  
Medical Services Administration