

MEDICAID POLICY INFORMATION SHEET

Policy Analyst: Emily Frankman, PhD

Phone Number: frankmane@michigan.gov

Initial

Public Comment

Final

Brief description of policy:

This bulletin rescinds the options for the use of nursing facility beds detailed in bulletin MSA 20-16 and numbered letter L 20-44 and provides additional guidance on how to safely transition residents using beds affected by MSA 20-16 and L 20-44.

Reason for policy (problem being addressed):

Policies that provided flexibilities on the use of nursing facility beds are being rescinded due to the end of the Public Health Emergency (PHE).

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 - end of the PHE.

Does policy have operational implications on other parts of MDHHS?

No.

Does policy have operational implications on other departments?

Yes - the Department of Licensing and Regulatory Affairs (LARA)

Summary of input:

controversial (Explain)

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:	

DRAFT FOR PUBLIC COMMENT Michigan Department of Health and Human Services		
	Project Number: 2328-NF	Date: May 10, 2023

Comments Due: June 14, 2023
Proposed Effective Date: May 12, 2023
Direct Comments To: Emily Frankman, PhD
Address:
E-Mail Address: frankmane@michigan.gov
Phone:

Fax:

<p>Policy Subject: Reversal of Temporary COVID-19 Options for the Use of Nursing Facility Beds</p> <p>Affected Programs: Medicaid, MI Health Link, Program of All Inclusive Care for the Elderly (PACE) Hospice</p> <p>Distribution: Nursing Facilities, Medicaid Health Plans, Integrated Care Organizations, PACE Providers, Hospice Providers</p> <p>Policy Summary: This bulletin rescinds the options for the use of nursing facility beds detailed in bulletin MSA 20-16 and numbered letter L 20-44 and provides additional guidance on how to safely transition residents using beds affected by bulletin MSA 20-16 and letter L 20-44.</p> <p>Purpose: Policies that provided flexibilities on the use of nursing facility beds are being rescinded due to the end of the Public Health Emergency (PHE).</p> <p>Cost Implications: Budget neutral</p> <p>Potential Hearings & Appeal Issues: n/a</p>
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State Plan Amendment Required: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, date submitted:	Public Notice Required: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Submitted date:
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Tribal Notification: Yes No - Date:

THIS SECTION COMPLETED BY RECEIVER

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

Signature:	Phone Number
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Signature Printed:

Bureau/Administration <i>(please print)</i>	Date
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Bulletin Number: MMP 23-34

Distribution: Nursing Facilities, Medicaid Health Plans, Integrated Care Organizations, Program of All Inclusive Care for the Elderly (PACE) Providers, Hospice Providers

Issued: May 10, 2023

Subject: Reversal of Temporary COVID-19 Options for the Use of Nursing Facility Beds

Effective: May 12, 2023

Programs Affected: Medicaid, MI Health Link, PACE, Hospice

Bulletins MSA 20-16, MSA 21-43, HASA 22-04 and Numbered Letters L 20-44 and L 22-41 were issued to address the increasing demands on nursing facilities (NF) due to the COVID-19 Public Health Emergency (PHE). These bulletins and letters allowed for flexibilities in the use of NF beds and the use of non-available bed plans (NABP) for the quarantining and treatment of residents for reasons related to COVID-19. These changes were intended to be time limited. Recent communication provided a reminder of the end of the PHE and provided notification that this bulletin would be forthcoming.

The PHE is ending on May 11, 2023. Beginning May 12, 2023, the flexibilities in MSA 20-16 and L 20-44 will be rescinded, and NFs must end the use of the bed options outlined in bulletin MSA 20-16 and letter L 20-44. This policy is intended to serve as notification of the termination of these policies and provide additional guidance on how to safely transition residents using beds affected by the above-mentioned policies and letters. (Note: MSA 21-43, HASA 22-04, and L 22-41, which detail the use of NABPs, have an end date of September 30, 2024).

As stated in bulletin MSA 20-16, NF residents using beds that are affected by this policy may remain in those beds until a transfer does not pose a threat to the resident's health status. This includes COVID-19-positive residents that are being isolated and residents that may suffer from transfer trauma if moved to a new location. (Refer to MSA 21-43 and HASA 22-04 for information on isolating residents using NABPs.) NFs are advised to monitor residents for signs of transfer trauma within the facility as well as transfers to outside facilities. (Refer to the [MDHHS Medicaid Provider Manual](#), Nursing Facility Coverages chapter, Transfer Trauma subsection for more information.)

Numbered Letter L 20-44 was issued to provide guidance on the use of non-Medicaid beds for Medicaid residents and instructed providers to use the spreadsheet titled Medicare or Licensed-Only Bed Use Report (COVID-19) to report the use of each Medicare or licensed-only bed for a Medicaid beneficiary. This spreadsheet, attached to L 20-44, is due by June 11,

2023 and should be emailed to MDHHS-NFISOLATION@michigan.gov (Note: this email is different than what was stated in L 20-44).

Facilities were notified in L 20-44 to begin moving Medicaid beneficiaries to Medicaid-certified beds after July 1, 2020. If an NF has Medicaid residents in non-Medicaid-certified beds on or after May 11, 2023, then MDHHS provides the following guidance:

1. NFs with a NABP with non-available beds must use offline Medicaid beds for Medicaid residents affected by MSA 20-16. Returning beds to service to move Medicaid residents out of non-Medicaid-certified beds satisfies the special circumstances criteria mentioned in bulletin MSA 21-43. Facilities must follow the instructions detailed in MSA 21-43 for notifying MDHHS of returning beds to services.
2. Medicaid residents in non-Medicaid-certified beds must be moved to the first available Medicaid bed in the facility. The NF should not admit any new Medicaid residents until these Medicaid beneficiaries are moved to the appropriate bed.
3. Medicaid Bed Certification Exception Requests

NFs may submit a Medicaid bed certification exception request to certify additional Medicaid beds. Beds certified through this exception process may be backdated to May 12, 2023, which differs from the typical Medicaid bed certification process. Instructions on how to submit a bed certification request can be found on the Department of Licensing and Regulatory Affairs (LARA) website at [Bed Changes \(michigan.gov\)](#).

NFs seeking an exception request may submit a request along with the documentation required to MDHHS Long Term Care Operations with the subject line "Medicaid bed certification exception request" at MDHHS-NFISOLATION@michigan.gov and LARA-BCHS-LTCSLS@michigan.gov no later than May 31, 2023. The request must include BCHS-HFD-100, Appendix D, and current and proposed floor plans. These requests will be reviewed based upon the criteria described in the [MDHHS Medicaid Provider Manual](#), Nursing Facility chapter, Certification, Survey and Enforcement Appendix.

Note that this exception process is in addition to the traditional bed certification process which has not changed. The traditional certification process continues to be due 45 days before the beginning of each quarter.

4. Provisional Enrollment Exception Request for Affected Residents

If the above options cannot resolve the non-Medicaid bed issue, facilities may request to enter a provisional enrollment exception with MDHHS. This provisional enrollment exception is intended to be time-limited and is specific to those residents in non-Medicaid-certified beds. As they are transitioned to Medicaid-certified beds, voluntarily discharged, or upon death, the provisional enrollment exception will end.

Facilities seeking this option will need to demonstrate they have explored options 1-3 above. This option is intended to allow additional support moving Medicaid residents to Medicaid-certified beds. To request this option, the facility must include a copy of the most recent midnight census report within an encrypted communication along with the application and required documentation listed in number 3 above.

To request to enter a provisional enrollment exception, email the MDHHS Long Term Care Operations Section at MDHHS-NFISOLATION@Michigan.gov with the subject line "Provisional Enrollment Exception." If a facility is unable to send an encrypted communication, they may fax it to 517-241-0066.

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 Emily Frankman at FrankmanE@michigan.gov.

Please include "Reversal of Temporary COVID-19 Options for the Use of Nursing Facility Beds" in the subject line.

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

Manual Maintenance

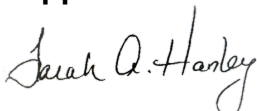
Information is time-limited and will not be incorporated into any policy or procedure manuals.

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. Typical Providers may phone toll-free 800-292-2550. Atypical Providers may phone toll-free 800-979-4662.

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

Approved



Farah Hanley
Senior Chief Deputy Director for Health