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Administrative Bulletin 20-48

101 CMR 206.00: Standard Payments to Nursing Facilities

Effective May 12, 2020

Supplemental Payment Methodology Applicable to Certain Nursing Facilities During the Coronavirus Disease 2019 (COVID-19) Public Health Emergency

Purpose, Scope, and Effective Period

The Executive Office of Health and Human Services (EOHHS) is issuing this administrative bulletin pursuant to the authority of [COVID-19 Order No. 20: Order Authorizing the Executive Office of Health and Human Services to Adjust Essential Provider Rates During the COVID-19 Public Health Emergency](#) and [Executive Order 591: Declaration of State of Emergency to Respond to COVID-19](#). In light of the state of emergency declared in the Commonwealth due to COVID-19, EOHHS, which administers the Massachusetts Medicaid program known as “MassHealth,” is establishing supplemental payments for certain nursing facilities, notwithstanding 101 CMR 206.00: *Standard Payments to Nursing Facilities*, as further described in this administrative bulletin.

The supplemental payments established by this administrative bulletin will remain effective for the duration of COVID-19 Order No. 20, provided that notwithstanding the expiration of COVID-19 Order No. 20, the supplemental payments described in this bulletin shall continue to be paid to eligible nursing facilities in accordance with the methodology described herein.

Disclaimer: This administrative bulletin is not authorization of a provider’s eligibility for the supplemental payments described herein. Eligibility for qualifying signing bonus supplemental payments made by nursing facilities are pursuant to *MassHealth Nursing Facility Bulletin 147: Signing Bonuses for Nursing Facility Staff*.

Background

As a result of the COVID-19 public health crisis, nursing facilities are facing higher patient volume and acuity, and staffing shortages are significant due to the increased patient needs and the increased risk of contracting the virus for staff providing such direct care. EOHHS recognizes that these factors have led to additional costs associated with hiring necessary direct care staff during this public health crisis. Accordingly, EOHHS is establishing supplemental payments for eligible nursing facilities that have paid qualifying signing bonuses to new employees, as described below.



In order to qualify for supplemental payments under this administrative bulletin, a nursing facility provider must meet the substantive criteria established in MassHealth *Nursing Facility Bulletin 147* and submit an attestation of compliance with those criteria in the form and manner specified in MassHealth *Nursing Facility Bulletin 147*.

Calculation and Distribution of Supplemental Payments

EOHHS will calculate the payment for each eligible nursing facility provider as follows:

1. An eligible nursing facility's supplemental payment will be based on the number of new direct care staff who received qualifying signing bonus payments from the nursing facility as well as the days and hours each new direct care staff member worked. The number of qualified signing bonus payments will be determined based on the successful submission of an attestation of compliance (which is ultimately accepted by MassHealth) and the number of qualifying hires listed in Table A submitted by the nursing facility in accordance with *Nursing Facility Bulletin 147*.
2. The supplemental payment for each eligible nursing facility will be calculated as follows:
 - a. The number of qualifying signing bonus payments paid by the facility for staff who worked for at least 64 hours at the facility within 15 days but who did not work 128 hours at the facility within 30 days multiplied by \$500.
 - b. The number of qualifying signing bonus payments paid by the facility for staff who worked for at least 128 hours at the facility within 30 days multiplied by \$1,000.
 - c. The supplemental payment for each eligible nursing facility will be equal to the sum of the products calculated in 2.a and 2.b.
3. EOHHS will disburse supplemental payments to eligible nursing facility providers, calculated under Paragraph 2, above, on or about August 15, 2020.

Public Comment

EOHHS will accept comments on the payment methodologies established via this administrative bulletin through May 26, 2020. Individuals may submit written comments by emailing: ehs-regulations@state.ma.us. Please submit written comments as an attached Word document or as text within the body of the email with the name of this bulletin in the subject line. All submissions of comments must include the sender's full name, mailing address, and organization or affiliation, if any. Individuals who are unable to submit comments by email may mail written comments to EOHHS, c/o D. Briggs, 100 Hancock Street, 6th Floor, Quincy, MA 02171.

EOHHS may adopt a revised version of this administrative bulletin taking into account relevant comments and any other practical alternatives that come to its attention.