



**MassHealth**  
**Adult Day Health Bulletin 36**  
**April 2023**

**[TO:** Adult Day Health Providers Participating in MassHealth

**FROM:** Mike Levine, Assistant Secretary for MassHealth

**RE: COVID-19 Flexibilities Expiring after the End of the Federal Public Health Emergency**

## **Background**

On January 31, 2020, the United States Secretary of Health and Human Services determined that a nationwide public health emergency had existed since January 27, 2020. The Secretary renewed the FPHE on April 21, 2020, July 23, 2020, October 2, 2020, January 7, 2021, April 15, 2021, July 19, 2021, and October 13, 2022. On January 30, 2023, the Secretary announced that the FPHE will end on May 11, 2023.

Due to the decision by the Secretary to end the FPHE, MassHealth is issuing this bulletin, effective May 12, 2023. It replaces all prior FPHE-related bulletins, specifically Adult Day Health (ADH) Bulletins 28 and 29.

## **Introduction**

This bulletin communicates ADH provider requirements that were suspended during the FPHE and that will be enforced after the FPHE ends. It applies to members receiving ADH services on a fee-for-service basis, including members enrolled in the Primary Care Clinician (PCC) Plan who are receiving MassHealth-covered ADH services.

## **Flexibilities Ending May 11, 2023**

### **Service Provision Outside the Congregate Setting**

Effective May 12, 2023, ADH services must be provided in the congregate setting, as follows:

- All ADH care plans must be amended to reflect the member's needs and services at the ADH provider's congregate site.
- All required assessments must be completed in the ADH provider's congregate setting.
- The following flexibilities end:
  - services provided remotely, either outside or inside the member's home
  - the provision of ADH services in a member's residence, and
  - assessments conducted at locations outside the ADH program site.

Members receiving services under a flexibility may choose whether to return to the congregate setting.

- For members who want to return to ADH in the congregate setting but who are not returning immediately, the provider must continue to maintain the member on the daily attendance roster and continue to complete all necessary documentation, including noting

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that the member remains on a leave of absence, whether personal or medical. See 105 CMR 158.040.

- Members who do not want to return to ADH in the congregate setting must be surveyed by the provider. If discharge planning is indicated, it must be done in accordance with 105 CMR 158.034(F): *Discharges*, and the provider must proceed with discharge planning, ensuring that necessary services are aligned to meet the member's needs.

### **Prior Authorization**

Effective May 12, 2023, all Primary Care Provider (PCP) Order Forms must be signed by the member's PCP for all prior authorization (PA) types. Any PAs submitted with an unsigned PCP Order Form will be deferred.

If a provider is unable to get the signed PCP Order Form before the end of the current PA, the provider must submit an extension PA. This extension is valid for up to 90 days and cannot be renewed or extended. Please note: Extension PAs are in place for extenuating circumstances and cannot be used exclusively to avoid PCP signature requirements.

All PCP Order Forms must be dated within 90 days of submission of PA.

### **Admissions to Adult Day Health**

Effective May 12, 2023, ADH providers must adhere to the ADH program regulations and PA requirements of MassHealth for all new admissions to the program. All required assessments and care plan documents must be completed in accordance with MassHealth and DPH regulations and guidance.

All initial PAs must include the required Aging Service Access Point (ASAP) ADH eligibility notice. There is no requirement on the date of the notice.

### **COVID-19 MassHealth Reporting**

Effective May 12, 2023, providers are no longer required to submit positive COVID-19 reports to MassHealth.

### **MassHealth Website**

This bulletin is on the [MassHealth Provider Bulletins](#) web page.

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### **Questions**

If you have questions about the information in this bulletin, please contact the Long Term Services and Supports (LTSS) Provider Service Center.

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