



**Commonwealth of Massachusetts**  
**Executive Office of Health and Human Services**  
**Office of Medicaid**  
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**MassHealth**  
**Continuous Skilled Nursing Agency**  
**Bulletin 10**  
**April 2023**

**TO:** Continuous Skilled Nursing Agencies Participating in MassHealth

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

**RE:** **COVID-19 Flexibilities 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 Federal Public Health Emergency (FPHE) on April 21, 2020, July 23, 2020, October 2, 2020, January 7, 2021, April 15, 2021, and July 19, 2021. 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 will replace all prior FPHE-related bulletins, specifically Home Health Agency Bulletins 64 and 66 and Continuous Skilled Nursing Agency Bulletin 4.

### **Introduction**

This bulletin communicates CSN provider requirements that were suspended during the FPHE and that will be enforced after the FPHE ends. This bulletin also communicates changes in requirements implemented during the FPHE that will continue past the end of the FPHE.

This bulletin applies to members receiving CSN services on a fee-for-service basis, including members enrolled in the Primary Care Clinician (PCC) Plan who are receiving MassHealth-covered CSN services.

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

#### **Comprehensive Needs Assessment Conducted via Telehealth**

Effective May 12, 2023, MassHealth will end this flexibility and members will receive in-person comprehensive needs assessments. This applies to members seeking Community Case Management (CCM) services and for members requiring reevaluation for CCM services.

#### **MassHealth Telehealth Policy for CSN Services**

Effective May 12, 2023, this flexibility allowing for the use of telehealth for consultative CSN services will end. CSN services should continue to be delivered according to 130 CMR 438.000.

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## **Flexibilities Continuing on May 12, 2023**

### **Timeframe to Get Signatures on Plans of Care**

Following the end of the FPHE, this flexibility will continue under the authority of this bulletin until MassHealth has updated CSN agency provider regulations at 130 CMR 438.000 to codify these allowances. Providers must get a member's signed plan of care either before the first claims submission or within 90 days from the first claims submission.

### **Face-to-Face Encounters via Telehealth**

Following the end of the FPHE, consistent with the federal Consolidated Appropriations Act of 2023, MassHealth will continue to allow telehealth services for face-to-face visits through December 31, 2024, or such other time specified by MassHealth via regulation or by Congress. See Consolidated Appropriations Act, 2023, H.R.2617, Sec. 4113, 117th Cong. (2022).

### **MassHealth Website**

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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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