



Commonwealth of Massachusetts
Executive Office of Health and Human Services
Office of Medicaid
www.mass.gov/masshealth

MassHealth
Continuous Skilled Nursing Agency
Bulletin 9
January 2023

TO: Continuous Skilled Nursing Agencies Participating in MassHealth

FROM: Mike Levine, Acting Assistant Secretary for MassHealth

RE: **Updates to CSN Overtime Policy effective January 1, 2023**

Introduction

In July 2022, the Executive Office of Health and Human Services (EOHHS) issued [Continuous Skilled Nursing Agency Bulletin 7](#) which extended the temporary allowance for Continuous Skilled Nursing (CSN) agencies to bill MassHealth at the CSN overtime (OT) rates established in 101 CMR 361.00 for individual providers, through December 2022.

This bulletin amends CSN Agency Bulletin 7 by making access to the CSN OT rates established under 101 CMR 361.00 permanent.

This bulletin is effective for dates of service beginning January 1, 2023.

All CSN services, including those reimbursed at an overtime rate, must be delivered in accordance with all applicable program requirements and regulations as set forth in 130 CMR 438.000: *Continuous Skilled Nursing Agency*.

CSN Agency Overtime Authorization and Program Integrity Process

Authorization of CSN Agency Overtime

MassHealth will establish OT units for CSN services on each MassHealth member's CSN prior authorization (PA). OT CSN units will be designated as a one-time additional allocation equivalent to one week's worth of the member's CSN services as authorized by MassHealth for the CSN agency. The CSN agency may submit claims for OT only when the requirements described in this bulletin are met. The OT units are not to be used to provide additional CSN services to the member over and above the number of services authorized per week by MassHealth for the member and CSN agency. Such use could be subject to sanction or overpayment per 130 CMR 450.000: *Administrative and Billing Regulations*.

CSN agencies that require additional CSN OT units for a member's PA must request a change to the member's PA by emailing commcase@umassmed.edu. The email must include the number of units that the CSN agency needs to have added to each modifier line on the PA. MassHealth will modify the PA through its typical process. All reimbursement rules established under the CSN Agency Manual, including service codes and reimbursement rates, apply.

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Expansion of MassHealth-funded Payers to Qualify a Nurse for OT

Effective July 1, 2022, MassHealth permits overtime hours worked by the nurse providing services to a member in a MassHealth managed care plan (ACO, MCO, SCO, OneCare, and PACE) to count in meeting the threshold to request and use CSN OT rates.

Required Documentation for CSN Agency Overtime Usage and Related Program Integrity

CSN agencies may only submit claims for OT when the following requirements are met:

1. No other nurses are available and employed by the agency that can adequately provide the CSN services without exceeding 40 hours (through the submission of a signed attestation); and
2. CSN services are provided to MassHealth fee for service or managed care members by the same agency nurse and exceed 40 hours in a given calendar week.

In accordance with 130 CMR 438.417 and 130 CMR 403.421, CSN agencies must participate in any quality management and program integrity processes as requested by MassHealth. Accordingly, CSN agencies will be required to maintain documentation demonstrating that the above requirements are met. MassHealth may ask to have this documentation submitted to MassHealth or its designee at any time. Failure to submit requested documentation to MassHealth, and in the timeframe requested, may result in administrative sanction in accordance with 130 CMR 450.238.

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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