



**Commonwealth of Massachusetts**  
**Executive Office of Health and Human Services**  
**Office of Medicaid**  
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**MassHealth**  
**Home Health Agency Bulletin 84**  
**April 2023**

**TO:** Home Health Agencies Participating in MassHealth

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

**RE:** **Conclusion of the Temporary Expansion of Home Health Aide Services  
COVID-19 Flexibility**

### **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 56, 57, and 65.

### **Introduction**

This bulletin communicates provider requirements that were suspended during the FPHE and that will be enforced after the FPHE ends.

With the end of the FPHE on May 11, 2023, the flexibility to use home health aides as personal care attendants (PCAs) will conclude. This bulletin describes how members can continue PCA services, as authorized, or transition PCA services to home health services following the end of this flexibility.

Members using this flexibility who are enrolled in the Community Case Management (CCM) program must work with CCM to adjust their services before the end of the FPHE.

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

### **Members Who Want to Maintain PCA Services**

Effective May 12, 2023, members who were previously using the home health aide flexibility may choose to maintain their PCA services, as authorized by MassHealth and in compliance with all PCA

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program rules. This includes having an approved PCA perform PCA services, in accordance with the member's PCA prior authorization (PA). As of May 12, 2023, however, members may not use home health aides to perform their authorized PCA services.

The member or member's legal representative can work with their personal care management (PCM) agency and home health agency to determine the steps needed to transition to PCA services before May 12, 2023, to ensure continuity of services. Home health agencies must discharge these members from PCA services in accordance with 130 CMR 403.422.000: *Personal Care Attendant Services*, before the end of the FPHE on May 11, 2023. Home health agencies can continue to provide home health services that are medically necessary and nonduplicative of PCA services where appropriate, as outlined next.

### **Members Who Want a Combination of Home Health Aide and PCA Services**

Effective May 12, 2023, members who were previously using this flexibility may choose to receive a combination of home health aide and PCA services, in accordance with all applicable rules governing such programs under 130 CMR 422.000 and 130 CMR 403.000: *Home Health Agency*. Please note that home health aide and PCA services may **not** be utilized in a manner that is duplicative or constitute a noncovered service.

Home health agencies will direct members to speak with their PCM agencies and discuss their intent to continue with both PCA and home health services. Home health agencies must work with the PCM agency to ensure that home health aide and PCA services are provided in a manner that complies with program rules. Home health agencies should get a copy of the member's current PA for PCA services and evaluate the member for any additional home health services the member may require.

Any additional home health services may not duplicate PCA services for which the member is authorized. The home health agency must communicate these hours to the member's PCM agency to ensure that the PCM agency can request appropriate adjustments to the PCA PA, as needed, to avoid duplication.

### **Members Who Want to Transition their PCA Services to Home Health Aide Services**

Effective May 12, 2023, members using this flexibility may choose to permanently transition to home health aide services, in lieu of receiving PCA services. Such members must work with both the PCM agency and home health agency to ensure continuity of services. The home health agency is responsible for coordinating the transition of care.

Home health agencies that continue to service these members must comply with all home health agency requirements in 130 CMR 403.000. This includes that the provider must get a physician's referral for home health services, in accordance with 130 CMR 403.423(C), and a new home health aide authorization in accordance with 130 CMR 403.410: *Prior Authorization Requirements*.

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Individuals hired by home health agencies in accordance with Home Health Agency Bulletins 56, 57, or 65, and who intend to continue as a member's home health aide after May 12, 2023, must complete a training and competency evaluation program and comply with supervision requirements in accordance with 130 CMR 403.416: *Home Health Aide Services* and 42 CFR 484.80.

Transitions to home health aide services must be completed no later than May 12, 2023, or before the initial start of care for home health aide services. The home health agency must communicate the start date of all home health services to the member's PCM agency, so the PCM agency can request termination of the member's PCA PA, as needed.

### **Billing Service Code 99509**

As of May 12, 2023, home health agency claims billed as 99509 home health aide services are non-payable services. Home health agencies must, before the end of the FPHE on May 11, 2023, request PA for transitions from PCA to home health aide services and bill using appropriate home health aide service codes as set forth in MassHealth Home Health Manual Subchapter 6.

### **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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