




**Commonwealth of Massachusetts**  
**Executive Office of Health and Human Services**  
**Office of Medicaid**  
[www.mass.gov/masshealth](http://www.mass.gov/masshealth)

**MassHealth**  
**Hospice Bulletin 17**  
**January 2021**

**TO:** Hospice Agencies Participating in MassHealth  
**FROM:** Daniel Tsai, Assistant Secretary for MassHealth   
**RE:** **COVID-19 Related Administrative Flexibilities for Hospice Providers**

### **Introduction**

In light of the March 10, 2020 Declaration of State of Emergency within the Commonwealth due to the 2019 novel Coronavirus (COVID-19) outbreak, MassHealth authorized certain COVID-19 related administrative flexibilities to long term services and supports (LTSS) providers. These flexibilities were communicated in a guidance document titled [MassHealth LTSS Provider Information: Updates Related to the Coronavirus Disease 2019 \(COVID-19\)](#) (hereinafter referred to as the 'MassHealth COVID-19 LTSS Flexibilities document').

The purpose of this bulletin is to update MassHealth's COVID-19 related flexibilities for providers of MassHealth covered hospice services, and with the goal of helping to ensure members retain access to appropriate hospice services, promote social distancing, and mitigate the spread of COVID-19. The guidance set forth in this bulletin replaces all previously issued guidance for MassHealth hospice providers described in the MassHealth COVID-19 LTSS Flexibilities document.

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

This bulletin describes COVID-19 related flexibilities for MassHealth providers of hospice services with the following effective periods.

- a. Flexibilities effective through March 31, 2021; and
- b. Flexibilities effective until the end of the federal emergency period.

### **Flexibilities Effective through March 31, 2021**

#### **Timeframe on Initial Certification of Terminal Illness**

Through March 31, 2021, if a member's physician is unable to complete and submit to the Hospice Agency Provider written certification of terminal illness for a member's initial 90-day certification period within two calendar days after the beginning of hospice services, as required by 130 CMR 437.411(A), the hospice provider may acquire an oral certification within 2 calendar days and the written certification before the hospice provider submits a claim for payment to the MassHealth agency.

**MassHealth  
Hospice Bulletin 17  
January 2021  
Page 2 of 3**

**Contracted Staff**

Through March 31, 2021, MassHealth is temporarily waiving certain provisions of 130 CMR 437.421(D) in order to allow Hospice providers to arrange for the provision of routine nursing services, medical social services, and counseling services specified in 130 CMR 437.000: *Hospice Services* on a contract basis to supplement hospice employees in order to meet members' needs under extraordinary or other non-routine circumstances, as defined in 42 CFR 418.64. If contracting is used, the hospice must continue to maintain professional, financial, and administrative responsibility for the services in accordance with current regulations and policy.

**Hospice Aide Supervision Requirements**

Through March 31, 2021, hospice providers may temporarily perform the hospice aide supervisory visits conducted by a registered nurse pursuant to 130 CMR 437.423(F) via telehealth (including telephone and/or live video) in accordance with the standards in [All Provider Bulletin 289](#). Additionally, MassHealth is expanding the timeframe for hospice aide supervisory visits set out in 130 CMR 437.423(F) from every two weeks to every 30 days.

**Flexibilities Effective through the End of the Federal Emergency Period**

**Volunteer Services**

Through the end of the federally declared public health emergency for COVID-19, in accordance with the federal waiver of the requirement at 42 CFR § 418.78(e) that hospices are required to use volunteers (including at least 5% of patient care hours), MassHealth is permitting hospice agencies to suspend the use of volunteers required under 130 CMR 437.421(E)(1).

**Expanded Timeframe for Updates to the Comprehensive Assessment**

Through the end of the federally declared public health emergency for COVID-19, in accordance with the federal waiver of certain requirements of 42 CFR § 418.54(d), MassHealth is modifying certain requirements related to updates of the comprehensive assessments of members. Hospices must continue to complete the required comprehensive assessments and updates, including corresponding review and revision of the plan of care. However, the timeframes for updating the assessment and completing the plan of care review, as set forth in 130 CMR 437.422(C), may be extended from 15 to 21 days.

**Waiver of Certain Non-Core Hospice Service Delivery**

Through the end of the federally declared public health emergency for COVID-19, in accordance with the federal waiver of the requirements at 42 CFR § 418.72 for hospices to provide physical therapy, occupational therapy, and speech-language pathology, MassHealth is temporarily suspending the requirement in 130 CMR 437.423(E) for hospices to provide physical therapy, occupational therapy, and speech-language pathology.

**MassHealth  
Hospice Bulletin 17  
January 2021  
Page 3 of 3**

**MassHealth Website**

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

To sign up to receive email alerts when MassHealth issues new bulletins and transmittal letters, send a blank email to [join-masshealth-provider-pubs@listserv.state.ma.us](mailto:join-masshealth-provider-pubs@listserv.state.ma.us). No text in the body or subject line is needed.

**Questions**

The MassHealth LTSS Provider Service Center is open from 8 a.m. to 6 p.m., Monday through Friday, excluding holidays. LTSS providers should direct questions about this bulletin or other MassHealth LTSS Provider questions to the LTSS Third Party Administrator (TPA) as follows:

**Contact Information for MassHealth LTSS Provider Service Center**

**Phone:** Toll-free (844) 368-5184

**Email:** [support@masshealthtss.com](mailto:support@masshealthtss.com)

**Portal:** MassHealthLTSS

**Mail:** MassHealth LTSS  
PO Box 159108  
Boston, MA 02215

**FAX:** (888)-832-3006

**LTSS Provider Portal:** Trainings, general Information, and future enhancements will be available at [www.MassHealthLTSS.com](http://www.MassHealthLTSS.com).