



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

MassHealth
Independent Nurse Bulletin 11
April 2023

TO: Independent Nurse Providers 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 Independent Nurse Bulletin 4 and Home Health Agency Bulletin 66.

Introduction

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

Flexibilities Ending May 11, 2023

Temporary Change to Limit of Hours

The flexibility expanding the maximum limit of hours as described in 130 CMR 414.409(C) ends with the FPHE. Effective May 12, 2023, Independent Nurse providers will be limited to providing 60 hours of Continuous Skilled Nursing (CSN) services in a consecutive seven-day period and 12 hours in a consecutive 24-hour period.

Comprehensive Needs Assessment Conducted via Telehealth

The flexibility allowing for a complex care member's Comprehensive Needs Assessment to be conducted via telehealth ends with the FPHE. Effective May 12, 2023, complex care 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.

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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 must continue to be delivered according to 130 CMR 414.000.

Flexibilities Continuing on May 12, 2023

The following flexibilities will continue after the FPHE ends under the authority of this bulletin until MassHealth has updated the Independent Nurse provider regulations at 130 CMR 414.000 to codify these allowances.

Change to Overtime Requirements

Following the end of the FPHE, MassHealth will continue this flexibility and will not require Independent Nurses to contact a minimum of two other CSN providers to try to find other nurses to fill CSN hours that exceed 40 hours for a complex care member. If an Independent Nurse provides services that are otherwise in accordance with 130 CMR 414.416, MassHealth will provide an authorization for the overtime rate for up to 90 consecutive days, notwithstanding any durational limitations in the regulation, following review and approval by MassHealth.

Providers Qualified to Order Services and Establish a Plan of Care

The flexibility expanding the practitioners who may direct, order, and certify CSN services provided by Independent Nurse providers will continue following the end of the FPHE. This means that, in addition to physicians, a nurse practitioner, a clinical nurse specialist, or a physician assistant may:

- direct CSN services provided by an Independent Nurse;
- order CSN services;
- establish and periodically review a member's plan of care for CSN services (e.g., sign the plan of care); and
- certify and recertify the members plan of care.

Timeframe to Acquire Signatures on Plans of Care

Following the end of the FPHE, MassHealth will continue this flexibility allowing Independent Nurses to get a member's signed plan of care either before the first claims submission or within 60 days from the first claims submission.

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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