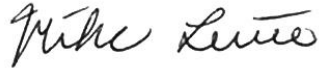




Commonwealth of Massachusetts
Executive Office of Health and Human Services
Office of Medicaid
www.mass.gov/masshealth

MassHealth
Independent Nurse Bulletin 13
July 2023

TO: Independent Nurse Providers Participating in MassHealth

FROM: Mike Levine, Assistant Secretary for MassHealth 

RE: **COVID-19 Flexibilities after the End of the Federal Public Health Emergency - Amended**

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 would end on May 11, 2023.

Due to the decision by the Secretary to end the FPHE, MassHealth issued Independent Nurse Bulletin 11, effective May 12, 2023. This bulletin replaces and supersedes IN Bulletin 11 by clarifying the providers qualified to order services and establish a plan of care.

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 Ended 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) ended with the FPHE. Effective May 12, 2023, Independent Nurse providers are 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 ended with the FPHE. Effective May 12, 2023, complex care members

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must 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, the flexibility allowing for the use of telehealth for consultative CSN services ended. CSN services must continue to be delivered according to 130 CMR 414.000.

Flexibilities Continuing on May 12, 2023

The following flexibilities 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 does 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, notwithstanding any service limits established in 130 CMR 414.409(C), an authorization for the overtime rate for up to 90 consecutive days 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 is modified following the end of the FPHE. As long as they have a collaborative practice agreement with a physician, nurse practitioners, clinical nurse specialists, and physician assistants 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 member's plan of care.

Timeframe to Acquire Signatures on Plans of Care

Following the end of the FPHE, MassHealth continued 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

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

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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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