



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

MassHealth
Nursing Facility Bulletin 155
November 2020

TO: Nursing Facilities Participating in MassHealth
FROM: Daniel Tsai, Assistant Secretary for MassHealth 
RE: **Reporting on Staff Hours and Staffing Preparedness for Nursing Facilities**

Background

In accordance with 101 CMR 206.13: *Average Staffing Hours Incentive*, MassHealth is requiring nursing facilities to report on its staffing levels, including information demonstrating the facility's average staffing hours per patient day, on a bi-weekly basis, and whether the facility holds a signed contract with one or more temporary nursing agencies registered with the Department of Public Health (DPH), as described more fully below.

The requirements described in this bulletin are in effect beginning November 5, 2020, and apply to nursing facilities that are enrolled as MassHealth providers.

These reporting requirements are meant to align with and supplement the quarterly reporting on staffing levels required by 42 CFR 483.70(q) and, beginning January 1, 2021, will be used to determine facilities' standard rate adjustments under 101 CMR 206.13(2).

Definitions

For the purposes of this bulletin, the terms listed below will have the following meanings.

Contract hours. Hours worked by individuals under contract as well as individuals who provide services through organizations that are under contract (e.g. temporary nursing agencies).

Day. Each 24-hour period from 12:00 a.m. (midnight) through 11:59 p.m.

Exempt hours. Hours worked by employees of the nursing facility who are not subject to the federal Fair Labor Standards Act and who are therefore not entitled to overtime pay.

Non-exempt hours. Hours worked by employees of the nursing facility who are subject to the federal Fair Labor Standards Act and who therefore may be entitled to overtime pay.

Reporting period. Each two-week period reported as part of a single report submission, in accordance with the schedule attached to this bulletin as Appendix B.

Reporting week. Each Thursday at 12:00 a.m. (midnight) through the following Wednesday at 11:59 p.m.

Temporary Nursing Agency. Any person, firm, corporation, partnership, or association engaged for hire in the business of providing or procuring temporary employment in health care facilities for medical personnel and registered with DPH as a temporary nursing services agency under 105 CMR 157.00: *The Registration and Operation of Temporary Nursing Service Agencies*. A temporary nursing agency does not include a medical personnel staff arrangement set up by a healthcare facility solely for its own use in which the only costs are the salaries paid to such medical personnel; or an individual who engages only in providing his or her own services on a temporary basis to health care facilities.

Reporting Requirements and Attestation Requirements

All nursing facilities must complete the reporting requirements of this provider bulletin, as further described below.

As part of the report, each facility must provide the following information, which must be complete, accurate, and up-to-date as of the date of submission.

- The exempt hours, non-exempt hours, and contract hours worked each day of the two-week reporting period, as well as the total weekly exempt hours, non-exempt hours, and contract hours worked, by each of the following staff categories:
 - Registered nurses who are directors of nursing
 - Registered nurses who have administrative duties
 - Registered nurses who are not directors of nursing or administrators
 - Licensed practical nurses or vocational nurses who have administrative duties
 - Licensed practical nurses or vocational nurses who do not have administrative duties
 - Certified nursing assistants
 - Nurse aides in training¹
 - Medication aides or technicians
- The number of residents present in the facility on each day of the reporting period, not including residents on medical or non-medical leave of absence for the entire 24 hours of the day; and
- Whether the facility has a signed contract with at least one temporary nursing agency to provide the facility with staff in the event that the facility experiences a temporary staffing shortage, and the number of temporary nursing agencies with which the facility has such signed contracts.

The reporting requirements described above are intended to align, in an abbreviated form, with the quarterly staffing level reporting requirements under 42 CFR 483.70(q). Therefore, nursing facilities should follow the same guidelines for reporting that they do when submitting such quarterly reporting. Specifically, nursing facilities should refer to [guidance](#) issued by the Centers for Medicare & Medicaid Services, including the [Electronic Staffing Data Submission Payroll-Based Journal Long-term Care Facility Policy Manual, Version 2.5](#) for further details on data submission specifications for the data fields required by this bulletin.

The administrator or other appropriate representative from each nursing facility must submit a report, including all of the information described above using the prescribed reporting form via the [CHIA Submissions web portal](#) **by 12:00 p.m. (noon) every other Friday, reflecting the previous bi-weekly reporting period, with the first submission due by 12:00 p.m. (noon) on Friday, November 27, 2020.** The first submission on November 27, 2020, will be for the reporting period from November 5th, 2020, through November 18, 2020. A login is not required to access the CHIA Submissions web portal.

¹ Resident care assistants may be included in the nurse aides in training category until the latter of the end of the federal state of emergency, declared due to the novel coronavirus disease 2019 (COVID-19) outbreak, or the end of the state of emergency declared in the Commonwealth, due to COVID-19.

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The administrator or other appropriate representative from each nursing facility must also submit, on a quarterly basis, a signed and scanned copy of the executed attestation, attached to this nursing facility bulletin as Appendix A. Within three business days after the end of each calendar quarter, CHIA will provide each facility with a summary of the information submitted by the facility over the previous quarter. Facilities will then have ten business days to review the summary, make any necessary corrections to their reports submitted in accordance with this bulletin for the previous quarter through the CHIA Submissions web portal, and attest through a signed and scanned copy of the attestation attached to this bulletin as Appendix A that the information submitted through such reports during the previous quarter is complete and accurate. This attestation must be submitted **no later than 11:59 p.m. on the 10th business day after CHIA sends the facility its quarterly report summary.**

For reference, attached to this bulletin in Appendix B is a schedule of the bi-weekly reporting periods and their submission deadlines through the end of calendar year 2021, as well as a schedule of the calendar quarters.

Non-compliance

All participating MassHealth nursing facility providers must submit the reporting and attestation forms required by this bulletin. Beginning January 1, 2021, the information reported and attested to, as required by this bulletin, will be used to determine the facility's average staffing hours per patient day for each calendar quarter. A facility that falls below an average of 3.58 staffing hours per patient day for the calendar quarter will receive a 2% downward adjustment on its standard per diem rates for that calendar quarter, in accordance with 101 CMR 206.13(2). Such downward adjustment will be recouped as an overpayment from a facility after each calendar quarter that the facility failed to meet the 3.58 staffing hours per patient day threshold established in 101 CMR 206.13(2).

Late submissions of any of bi-weekly reporting requirements of this bulletin will subject the facility to a reduction in its average staffing hours per patient day for the two-week reporting period covered by the late submission equal to 0.01 hours for each day the submission is late. Such reductions in the average staffing hours per patient day for late submissions will be included when determining if the facility met the required 3.58 average staffing hours per patient day in each quarter, under 101 CMR 206.13(2).

Furthermore, if MassHealth determines that a nursing facility provider has made false or misleading representations through the submissions required by this bulletin, MassHealth may pursue sanctions against the provider under 130 CMR 450.238: *Sanctions: General*. MassHealth reserves the right to request and review documentation, conduct on-site audits, or utilize any information available to it to determine if a facility is accurately representing its staffing levels through its submissions under this bulletin.

MassHealth will also refer providers to the Medicaid Fraud Division in the Attorney General's Office, as appropriate.

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. No text in the body or subject line is needed.

Questions

If you have questions about the information in this bulletin, please email your inquiry to CHIANursingFacilityData@massmail.state.ma.us.

**Appendix A
Nursing Facility Provider Attestation to
Staff Hours and Staffing Preparedness Reporting Accuracy**

I, _____, hereby certify under the pains and penalties of perjury that I am the administrator or other duly authorized officer or representative of _____, located at _____, (hereinafter “nursing facility”) and that the information provided in this attestation is a true and accurate representation.

Specifically, I represent and warrant that the information submitted to MassHealth for the previous quarter, from _____ to _____, via the Center for Health Information Analysis (CHIA) Submissions web portal, in accordance with the requirements of MassHealth Nursing Facility Bulletin 155, is a complete and accurate representation of the staff hours and staffing preparedness at my nursing facility over such previous quarter, measured by staffing hours per patient day and resident census at my nursing facility for each reporting period, as well as the existence of any signed contracts my nursing facility has with temporary nursing agencies.

Under the pains and penalties of perjury, I hereby certify that the above information is true and correct.

Printed Name: _____
Title: _____
Signature: _____
Date: _____

Please submit a scanned copy of the executed attestation via the [CHIA Submissions web portal](#) by the attestation submissions deadline established in MassHealth Nursing Facility Bulletin 155.

The nursing facility should maintain the original executed copy of each submitted attestation, along with the bi-weekly reports from the reporting periods in each quarter and any accompanying documentation, in its files.

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Appendix B

I. Calendar Quarter Schedule

First Quarter	January 1 – March 31
Second Quarter	April 1 – June 30
Third Quarter	July 1 – September 30
Fourth Quarter	October 1 – December 31

**II. Nursing Facility Provider Staff Hours and Staffing Preparedness
Reporting Submission Schedule through Calendar Year 2021**

Reporting Period (Thursdays at 12:00 a.m. through the second following Wednesday at 11:59 p.m.)		Submission Deadline (12:00 p.m. every second Friday after each Reporting Period)
Start Date	End Date	
Thursday, November 5, 2020	- Wednesday, November 18, 2020	Friday, November 27, 2020
Thursday, November 19, 2020	- Wednesday, December 2, 2020	Friday, December 11, 2020
Thursday, December 3, 2020	- Wednesday, December 16, 2020	Friday, December 25, 2020
Thursday, December 17, 2020	- Wednesday, December 30, 2020	Friday, January 8, 2021
Thursday, December 31, 2020	- Wednesday, January 13, 2021	Friday, January 22, 2021
Thursday, January 14, 2021	- Wednesday, January 27, 2021	Friday, February 5, 2021
Thursday, January 28, 2021	- Wednesday, February 10, 2021	Friday, February 19, 2021
Thursday, February 11, 2021	- Wednesday, February 24, 2021	Friday, March 5, 2021
Thursday, February 25, 2021	- Wednesday, March 10, 2021	Friday, March 19, 2021
Thursday, March 11, 2021	- Wednesday, March 24, 2021	Friday, April 2, 2021
Thursday, March 25, 2021	- Wednesday, April 7, 2021	Friday, April 16, 2021
Thursday, April 8, 2021	- Wednesday, April 21, 2021	Friday, April 30, 2021
Thursday, April 22, 2021	- Wednesday, May 5, 2021	Friday, May 14, 2021
Thursday, May 6, 2021	- Wednesday, May 19, 2021	Friday, May 28, 2021
Thursday, May 20, 2021	- Wednesday, June 2, 2021	Friday, June 11, 2021
Thursday, June 3, 2021	- Wednesday, June 16, 2021	Friday, June 25, 2021
Thursday, June 17, 2021	- Wednesday, June 30, 2021	Friday, July 9, 2021
Thursday, July 1, 2021	- Wednesday, July 14, 2021	Friday, July 23, 2021
Thursday, July 15, 2021	- Wednesday, July 28, 2021	Friday, August 6, 2021
Thursday, July 29, 2021	- Wednesday, August 11, 2021	Friday, August 20, 2021
Thursday, August 12, 2021	- Wednesday, August 25, 2021	Friday, September 3, 2021
Thursday, August 26, 2021	- Wednesday, September 8, 2021	Friday, September 17, 2021
Thursday, September 9, 2021	- Wednesday, September 22, 2021	Friday, October 1, 2021
Thursday, September 23, 2021	- Wednesday, October 6, 2021	Friday, October 15, 2021
Thursday, October 7, 2021	- Wednesday, October 20, 2021	Friday, October 29, 2021

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Reporting Period (Thursdays at 12:00 a.m. through the second following Wednesday at 11:59 p.m)		Submission Deadline (12:00 p.m. every second Friday after each Reporting Period)
Start Date	End Date	
Thursday, October 21, 2021	- Wednesday, November 3, 2021	Friday, November 12, 2021
Thursday, November 4, 2021	- Wednesday, November 17, 2021	Friday, November 26, 2021
Thursday, November 18, 2021	- Wednesday, December 1, 2021	Friday, December 10, 2021
Thursday, December 2, 2021	- Wednesday, December 15, 2021	Friday, December 24, 2021
Thursday, December 16, 2021	- Wednesday, December 29, 2021	Friday, January 7, 2022
Thursday, December 30, 2021	- Wednesday, January 12, 2022	Friday, January 21, 2022