



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

MassHealth
Nursing Facility Bulletin 161
March 2021

TO: Nursing Facilities Participating in MassHealth

FROM: Daniel Tsai, Assistant Secretary for MassHealth

RE: Termination of Coronavirus Disease 2019 (COVID-19) Isolated Spaces Program for Nursing Facilities

Background

In light of the state of emergency declared in the Commonwealth due to the 2019 novel coronavirus (COVID-19) outbreak, MassHealth established, first through [MassHealth Nursing Facility Bulletin 144](#) and subsequently through [MassHealth Nursing Facility Bulletin 150](#), [MassHealth Nursing Facility Bulletin 156](#), and [MassHealth Nursing Facility Bulletin 159](#), an isolation space program for eligible nursing facilities to provide care in designated COVID-19 isolation spaces and receive supplemental payments for providing such services under 101 CMR 206.10(3): *COVID-19 Isolation Space Supplemental Payment*.

In accordance with 101 CMR 206.10(3)(e)3, MassHealth may terminate this program by issuing a bulletin and providing at least 20 days' notice to facilities before its termination.

This bulletin is being issued in accordance with 101 CMR 206.10(3): *COVID-19 Isolation Space Supplemental Payment* and supersedes MassHealth Nursing Facility Bulletin 144, MassHealth Nursing Facility Bulletin 150, MassHealth Nursing Facility Bulletin 156, and MassHealth Nursing Facility Bulletin 159. However, the eligibility criteria established in MassHealth Nursing Facility Bulletin 159 shall continue to apply to all participating facilities until the final date of the isolation space program, and are incorporated herein for such purpose. This bulletin applies to all nursing facilities participating in the MassHealth program.

The Massachusetts Executive Office of Health and Human Services (EOHHS) may issue additional guidance on this topic as informed and directed by the Massachusetts Department of Public Health (DPH), the Centers for Medicare & Medicaid Services (CMS), and the federal Centers for Disease Control and Prevention (CDC). Nursing facilities themselves should also closely monitor updates from these agencies.

Termination of Isolation Space Program

Due to reduced demand, MassHealth is ending the isolation space program for nursing facilities as of April 1, 2021. In accordance with 101 CMR 206.10(3)(e)3, on March 1, 2021, MassHealth notified all nursing facilities that March 31, 2021, is the last day the isolation space program will be in effect. Accordingly, March 31, 2021, is the last date of service for which a nursing facility operating a qualifying isolation space may receive supplemental payments under 101 CMR 206.10(3)(d): *Calculation of Supplemental Payment*. Furthermore, no new nursing facilities will be accepted into the program, effective immediately. A facility seeking reapproval after losing eligibility due to a DPH admissions freeze will not be readmitted, effective immediately.

A facility operating a qualifying isolation space should notify area hospitals, including hospitals listed on the attestation it submitted to establish a qualifying isolation space, that the isolation space program is ending.

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All nursing facilities must continue to separate residents who are COVID-19-positive from residents who do not have COVID-19 or who have an unknown COVID-19 status, in accordance with all [DPH guidelines](#) and infection-control practices for long-term-care facilities.

Requirements for Transfers and Discharges

Facilities that intend to transfer or discharge residents who reside in a qualifying isolation space must comply with all relevant state and federal discharge and transfer requirements with respect to such residents, including but not limited to those under 130 CMR 456.701: *Notice Requirements for Transfers and Discharges Initiated by a Nursing Facility*, 130 CMR 456.702: *Time Frames for Notices Issued by Nursing Facilities*, and 42 CFR Part 483: *Requirements for States and Long Term Care Facilities*. Facilities are advised that the federal requirements under 42 CFR Part 483: *Requirements for States and Long Term Care Facilities* also apply to Medicare residents. CMS has issued blanket waivers, applicable in limited circumstances, for nursing facility transfer and discharge requirements under 42 CFR 483. You can review the most up-to-date waiver information at <https://www.cms.gov/files/document/summary-covid-19-emergency-declaration-waivers.pdf>.

Continued Verification of Compliance

A nursing facility provider that attested to its facility's compliance with isolation space criteria will continue to be subject to audits, inspections, or requests for information or documentation by EOHHS, DPH, or MassHealth regarding its compliance with isolation space program requirements while they are in effect. If MassHealth determines that a nursing facility provider made false or misleading representations through the submissions required by the MassHealth nursing facility bulletins governing isolation spaces, MassHealth may pursue sanctions against such provider under 130 CMR 450.238: *Sanctions: General*.

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

Additional Information

For the latest Massachusetts-specific information, visit the following link: www.mass.gov/resource/information-on-the-outbreak-of-coronavirus-disease-2019-covid-19.

The latest CMS guidance is available at the following link: www.cms.gov/About-CMS/Agency-Information/Emergency/EPRO/Current-Emergencies/Current-Emergencies-page.

The latest CDC guidance for health care professionals is available at the following link: www.cdc.gov/coronavirus/2019-ncov/hcp/index.html.

The latest CDC guidance for nursing homes and other long-term-care facilities is available at the following link: www.cdc.gov/coronavirus/2019-ncov/hcp/long-term-care.html.

Questions

If you have any questions about the information in this bulletin, please email your inquiry to Christine Kim at christine.kim@mass.gov.

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MassHealth Website

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