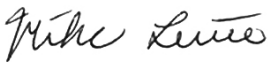




**Commonwealth of Massachusetts**  
**Executive Office of Health and Human Services**  
**Office of Medicaid**  
[www.mass.gov/masshealth](http://www.mass.gov/masshealth)

**MassHealth**  
**Nursing Facility Bulletin 183**  
**October 2023**

**TO:** Nursing Facilities Participating in MassHealth

**FROM:** Mike Levine, Assistant Secretary for MassHealth 

**RE:** **Nursing Facility Access and Identifying Nursing Facility Residents Who May Be Potential Candidates to Discharge from a Nursing Facility and Transition to the Community**

## **Background**

MassHealth and its designated agents, the Massachusetts Rehabilitation Commission (MRC), the Department of Developmental Services (DDS), the Executive Office of Elder Affairs (EOEA), and ForHealth Consulting at UMass Chan Medical School, perform outreach in nursing facilities to inform residents about home- and community-based services options as well as the possibility of receiving care in a less restrictive setting.

As discussed in more detail below, nursing facilities are required to grant nursing facility access to MassHealth and its agents, as well as aid in the process of identifying residents who may have the potential to discharge from facility and transition to the community as participants in the Money Follows the Person Demonstration (MFP Demo) and/or a Home- and Community-based Services (HCBS) Waiver, in particular, the Acquired Brain Injury (ABI) and Moving Forward Plan (MFP) Waivers.

## **Facility and Resident Access**

Nursing Facilities must allow designated staff from MassHealth or its agent or designee, such as those listed above, to:

- enter the facility and/or its buildings to speak with staff and residents;
- meet with residents to provide information about the MFP Demo, HCBS Waivers, and any programs that support transition to the community;
- access private meeting space for interviews with residents;
- meet with residents to discuss community housing options; and
- participate in discharge-planning meetings.

Nursing facilities continue to be subject to MassHealth regulations, including [130 CMR 456.000: Long Term Care Services](#); Department of Public Health regulations, including 105 CMR 150: Standards for Long-Term Care Facilities; and the federal PASRR regulations at 42 CFR 483.100. Pursuant to these regulations, nursing facilities are required to create care plans and perform care coordination and discharge planning for all residents. Facilities that fail to comply with the requirements outlined in this bulletin may be subject to sanctions under 130 CMR 450.238, et seq.

## **Resident Medical Records**

Nursing facilities must assist designated staff from MassHealth or its agent or designee in obtaining necessary Releases of Information for each resident identified as a potential MFP Demo or HCBS Waiver candidate. Upon receipt of a medical records request supported by a valid Release of Information, facilities must provide records that describe the extent, quality, and medical necessity of services provided by the facility to such residents, at no cost to MassHealth or its agent or designee. Examples include (not an all-inclusive list):

- medical records;
- current and past care plans;
- behavior-monitoring sheets and/or social service notes, risk assessments, or other related documentation;
- documentation related to the discharge or potential discharge of the resident, including facility discharge-planning efforts;
- information that fully documents the type and extent of services provided by a facility to the resident, and the name of the attending physician responsible for the resident's care;
- documentation from hospitalizations;
- information about the resident's legal guardian, health care proxy, and/or power of attorney;
- records or other documentation that would assist in determining an appropriate community placement for the resident;
- any other information related to the ability of the resident to safely reside in the community; or
- a copy of the SC-1 and any other required discharge information.

Facilities must provide all relevant records specified in this bulletin to MassHealth or its agent or designee in a timely manner, and no later than 14 calendar days from the date of the original request, and no later than seven calendar days for all supplemental medical records requests. Electronic transmission of the medical record is preferred, and the record must be sent securely in accordance with applicable privacy rules.

As participating providers in the MassHealth program, facilities must cooperate with medical records reviews, as well as maintain and retain any records necessary to disclose the extent, quality, and medical necessity of services provided to MassHealth members. These records must, upon request, be made available and provided to the MassHealth agency or its agent or designee (see, for example, 130 CMR 450.205). Failure to comply with the recordkeeping and disclosure requirements of this bulletin may constitute MassHealth program violations, and may be subject to sanctions under 130 CMR 450.238, et seq.

## **Additional Information**

More information about the Money Follows the Person Demonstration is available on MassHealth's website at the following web address: [www.mass.gov/money-follows-the-person-demonstration](http://www.mass.gov/money-follows-the-person-demonstration).

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More information about the ABI and MFP waivers is available on MassHealth's website at the following web addresses.

- Acquired Brain Injury (ABI) Waivers: [www.mass.gov/info-details/acquired-brain-injury-abi-waivers](http://www.mass.gov/info-details/acquired-brain-injury-abi-waivers)
- Moving Forward Plan (MFP) Waivers: [www.mass.gov/info-details/moving-forward-plan-mfp-waivers](http://www.mass.gov/info-details/moving-forward-plan-mfp-waivers)

## **Questions**

If you have additional questions about these waiver programs, please contact the ABI and MFP Waiver Unit at (86) 281-5602 or (855) 499-5109.

## **MassHealth Website**

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

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