



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

Nursing Facility Bulletin 187

DATE: July 2024

TO: Nursing Facilities Participating in MassHealth

FROM: Mike Levine, Assistant Secretary for MassHealth

RE: Update to COVID-19 Preparedness Program Payments

Background

This bulletin updates the eligibility criteria for COVID-19 Preparedness Payments. This content only applies to nursing facilities that received payments for quality improvements through COVID-19 preparedness ("COVID-19 Preparedness Payments").

This bulletin is being issued under [101 CMR 206.10\(18\): Payments for Quality Improvements through COVID-19 Preparedness](#) and supersedes [Nursing Facility Bulletin 178](#).

Updated Eligibility Criteria for COVID-19 Preparedness Payments

For a nursing facility to be eligible for a COVID-19 Preparedness Payment under 101 CMR 206.10(18)(b): *Eligibility Criteria*, the facility must meet the following criteria:

1. MassHealth determines, based on publicly available data accessed through the federal Payroll Based Journal reporting tool, that the nursing facility either
 - a. had an average hours per patient day (HPPD) of 3.58 or higher for at least one calendar quarter from October 1, 2022, through December 31, 2024; or
 - b. achieved a minimum 10% improvement in HPPD in at least one calendar quarter from January 1, 2023, through December 31, 2024, as compared to the calendar quarter ending December 31, 2022;
2. MassHealth determines, based on nursing facility survey data received from the Department of Public Health (DPH), that the nursing facility has had no infection control deficiencies of an F-level or higher, identified by DPH surveys required by CMS, from April 2023, through June 30, 2023;
3. MassHealth determines, based on data accessed through the National Healthcare Safety Network (NHSN), that at least one of the following two thresholds has been met:
 - 90% of the nursing facility's staff were up to date with their COVID-19 vaccination based on a minimum of one weekly NHSN report submitted between January 1, 2023, and March 19, 2023; or
 - 60% of the nursing facility's staff were up to date with their COVID-19 vaccination based on a minimum of one weekly NHSN report submitted between January 1,

2023, and March 19, 2023. Under 101 CMR 206.10(18)(c), facilities that met the 90% vaccination threshold had their Medicaid days multiplied by three when determining their pro-rata supplemental payment as compared with facilities that met the 60% vaccination threshold. Facilities that met the 90% threshold were subject to a \$700,000 cap. Facilities that met the 60% threshold were subject to a \$300,000 cap.

4. The nursing facility must meet the 75% Direct Care Cost Quotient (DCC-Q) threshold established under 101 CMR 206.12(1) for rate year 2023; and
5. The nursing facility completed and timely submitted the Nursing Facility Provider Attestation included in Appendix A to Nursing Facility Bulletin 178 effective April 2023.

Enforcement for Noncompliance

Any nursing facility that received a COVID-19 Preparedness Payment is subject to audits, inspections, or requests for information or documentation by MassHealth or Department of Public Health (DPH) for its compliance with the criteria established in this bulletin and in 101 CMR 206.10(18).

If a nursing facility is determined to be out of compliance with the criteria in this bulletin, MassHealth will recoup the paid COVID-19 Preparedness Payments as an overpayment, per 130 CMR 450.237: *Overpayments: Determination*.

For example, recoupments will be implemented in late 2025 for any facility that received a COVID-19 Preparedness Payment, but failed to achieve an HPPD of 3.58 or higher for at least one calendar quarter from October 1, 2022, through December 31, 2024; or fails to achieve a minimum 10% improvement in HPPD in at least one calendar quarter from January 1, 2023, through December 31, 2024, as compared to the calendar quarter ending December 31, 2022. Nothing in this bulletin precludes DPH from taking further enforcement action against a nursing facility, in accordance with its own rules and regulations.

Also, 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 such provider under 130 CMR 450.238: *Sanctions: General*. MassHealth will also refer such providers to the Medicaid Fraud Division in the Attorney General's Office, as appropriate.

MassHealth Website

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Questions

If you have questions about the information in this bulletin, please

- Contact the MassHealth Customer Service Center at (800) 841-2900, TDD/TTY: 711, or
- Email provider@masshealthquestions.com.

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