



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

MassHealth
Personal Care Attendant Program
Bulletin 15
April 2023

TO: Personal Care Attendant Program

FROM: Mike Levine, Assistant Secretary for MassHealth

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

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 will end on May 11, 2023.

Due to the decision by the Secretary to end the FPHE, MassHealth is issuing this bulletin, effective May 12, 2023. It replaces all prior FPHE-related bulletins, specifically Personal Care Attendant (PCA) Program Bulletins 9 and 10.

Introduction

This bulletin communicates provider requirements that were suspended during the FPHE and that will be enforced after the FPHE ends. It also communicates changes in requirements implemented during the FPHE that will continue past the end of the FPHE.

This bulletin applies to certain services covered by the MassHealth PCA program and received on a fee-for-service basis, including services received by members enrolled in the Primary Care Clinician (PCC) Plan who are receiving MassHealth-covered PCA services.

Flexibilities Ending May 11, 2023

Suspension of Noncompliance Process for Failing to Adhere to Overtime Prior Authorization

Effective May 12, 2023, all PCA Consumers will be required to request an Overtime Prior Authorization, as submitted by the Personal Care Management (PCM) agency, before scheduling their PCAs to work more than 50 hours per week, per 130 CMR 422.418. MassHealth will work with PCM agencies to ensure that members adhere to the overtime limits (weekly hour limits). As of May 12, 2023, MassHealth will begin enforcement of its overtime noncompliance rules, described at 130 CMR 422.418(A), when Consumers schedule PCAs to work overtime hours without having received Overtime Prior Authorizations from MassHealth.

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PA Adjustments: School Hours and Day Program Hours

Effective May 12, 2023, MassHealth will not maintain a separate process for adjusting prior authorizations (PAs) for reasons related to COVID-19. PCM agencies will be required to submit requests for PA adjustments according to the PCA program regulations at 130 CMR 422.000.

PA Extensions

Effective May 12, 2023, MassHealth will not allow PA extensions in excess of 90 days for reasons related to COVID-19.

Standard Documentation to Include with a PA Request for PCA Services

Effective May 12, 2023, PCM agencies will be required to submit standard documentation, as listed on the [PCA-SD form](#), when requesting a PA for PCA services. As of May 12, 2023, PCM agencies will also be required to submit a Consumer Assessment to Manage PCA Services form with each PA request. PCM agencies will be required to request PA according to the PCA program regulations at 130 CMR 422.000.

Consumer/Surrogate/Legal Guardian Signature Requirements

Effective May 12, 2023, PCM agencies will be required to get signatures from Consumers, Surrogates, or Legal Guardians on all required forms and documentation, including (but not limited to) Initial Clinical Evaluations, Clinical Reevaluations, Consumer Assessments, Service Agreements, and Overtime Prior Authorization Requests, according to the PCA program regulations at 130 CMR 422.000.

PCM Agency Telehealth Guidance

Effective May 12, 2023, PCM agencies must conduct initial clinical evaluations and reevaluations as well as all in-person functional skills training sessions in person as required in 130 CMR 422.000. Any subsequent updates related to telehealth visits will be communicated to PCM agencies and codified, as appropriate, through amendments to 130 CMR 422.000 or the Personal Care Management Functions Contract.

Flexibilities Continuing with Modification on May 12, 2023

Clinical Signature Requirements for PA Requests

Effective May 12, 2023, PCM agencies are required to get physician/nurse practitioner/physician assistant signatures to complete an *initial* evaluation for PCA services, in accordance with 130 CMR 422.422(C)(3) and 422.416. As of May 12, 2023, PCM agencies are not required to get physician/nurse practitioner/physician assistant signatures to complete a *reevaluation* for PCA services, in accordance with 130 CMR 422.422(D) and 422.416, except for the following circumstance:

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- If a PCM agency determines, following a clinical reevaluation for PCA services, that a Consumer's functional needs have changed significantly since the last evaluation, the PCM agency must get a physician/nurse practitioner/physician assistant signature to complete the clinical reevaluation.
- For purposes of this signature requirement, a "significant change" is defined as a clinical change to a Consumer's functional needs resulting in an increase or decrease of 14 or more PCA hours per week, as compared to the current PA.
 - For instance, if a Consumer currently has 20 day/evening hours of PCA services but during a reevaluation for an upcoming PA, the PCM nurse determines that the Consumer's symptoms have worsened and the Consumer now requires 35 day/evening hours of PCA services, the PCM agency will need to get a signature from the Consumer's physician/nurse practitioner/physician assistant to complete the reevaluation.

Note: Nonclinical changes to a Consumer's PCA hours, such as a change in living situation or other in-home programming, does not meet the criteria for a "significant change" for purposes of this signature requirement, even if the nonclinical change results in the addition or subtraction of 14 or more PCA hours per week.

In cases where a PCM agency does not require a physician/nurse practitioner/physician assistant signature, in accordance with the above rules, the PCM agency must clearly document the reason a signature is not required in the member record and in the form and format as required by MassHealth.

MassHealth Website

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Questions

If you have questions about the information in this bulletin, please contact the LTSS Provider Service Center.

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