

Testimony on Amendments to 130 CMR 414.000

Independent Nurse

Effective Date: August 30, 2024

May 17, 2024

## **Introduction**

Good morning. My name is Annie Kazarnovksy, and I am the Program Manager of Continuous Skilled Nursing Services, Office of Long Term Services and Supports, at the Executive Office of Health and Human Services (EOHHS). I am here to present staff testimony on the proposed amendments to regulation 130 CMR 414.000: *Independent Nurse*. The proposed regulation is planned to go into effect no sooner than August 30, 2024.

## **Background**

130 CMR 414.000 governs MassHealth independent nurses who provide continuous skilled nursing (CSN) services and provides program requirements and conditions of payment for the provision of CSN services by independent nurses to MassHealth members.

## **Description of Proposed Amendments**

The proposed amendments to 130 CMR 414.000 include the following changes:

1. Making appropriate grammatical and technical changes throughout the regulation.
2. Updating definitions relevant to independent nurse services, including the definition for *primary natural caregiver* (to better capture complex care members' main caregivers) and the definition for *ordering non-physician practitioners* (to align with guidance from the Centers for Medicare & Medicaid Services).
3. Reorganizing sections of the regulation to improve readability and administrative simplicity.
4. Updating 414.404, *Provider Eligibility*, to include participating in provider orientation and training and responding to periodic audits by the MassHealth agency or its designee.
5. Clarifying requirements under 414.408(A), *Clinical Eligibility for Continuous Skilled Nursing Services*.
6. Updating clinical criteria for nursing services under 414.408(B)(4) to clarify skilled nursing assessment requirements;
7. Amending requirements under 414.409(A), *Place of Service*, to clarify that the MassHealth agency does pay for CSN services when an independent nurse must accompany a member in transport to or from an institutional setting and does not pay for CSN services when a member is under the care of an institutional setting.
8. Updating the requirements under 414.409(B), *Limit of Hours*, to include instances when an independent nurse may work more than 12 hours and up to 16 hours in a 24-hour period.
9. Updating 414.409, *Conditions of Payment*, to add CSN high-tech rate add-on payment requirements.

Testimony on Amendments to 130 CMR 414.000

Independent Nurse

Effective Date: August 30, 2024

May 17, 2024

10. Adding requirements to 414.412, *Plan of Care*, including requiring the independent nurse to make the plan of care available to the member and/or their representative and specifying the content of the plan of care, the certification period for the plan of care, and requirements for physician verbal orders.
11. Adding requirements to 414.414, *Notice of Approval or Denial or Prior Authorization*, including the notice of denial or modification and right of appeal and the notice of discontinuation and right of appeal.
12. Updating 414.416, *Overtime*, to expand allowances for independent nurses to access CSN overtime rates.
13. Adding requirements for keeping incident and accident records under 414.417(H).
14. Establishing 414.420, *Prohibited Marketing Activities*.
15. Establishing 414.421, *Providing Continuous Skilled Nursing Services out of State*.

The proposed regulation is planned to go into effect no sooner than August 30, 2024.

This concludes my testimony.

Thank you.