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ICF/IID Provider Payments for 90 days of Leave Due to the COVID-19 Pandemic

Training

Introduction

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Agenda

- Overview
- Emergency Rule
- Attestation
- Form HHS 1598-ICF
- Form and Claim Submission Procedures



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Overview (1 of 2)

- HHSC is authorized to make payments to ICF/IID providers for reserving beds for residents for up to 90 days for an individual who took leave between March 20, 2020 and October 23, 2020 to reduce the risk of COVID-19 transmission.
- This leave, known as COVID-19 therapeutic leave, is in addition to days of therapeutic leave and extended therapeutic leave that may have been taken by a resident during Calendar Year 2020.



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Overview (2 of 2)

- For an ICF/IID provider to receive payment for COVID-19 therapeutic leave, a resident's individual program plan must provide that the leave was taken to reduce the risk of COVID-19 transmission.
- HHSC staff realize this instruction is being given after many individuals have taken leave related to COVID-19.
 - The documentation can be completed along with the attestation and leave entry process.
- An IDT is not required to document the reason for leave on the IPP.



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Emergency Rule (1 of 2)

26 Texas Administrative Code §261.351, Emergency Rule Related to Leave During the COVID-19 Pandemic.

- This rule supports the Governor's March 13, 2020 proclamation certifying that the COVID-19 virus poses an imminent threat and declaring a state of disaster for all counties in Texas.
- The emergency rule allows HHSC to pay a program provider for reserving a bed in a facility for an individual who takes COVID-19 therapeutic leave to reduce the risk of COVID-19 transmission.



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Emergency Rule (2 of 2)

26 Texas Administrative Code §261.351, Emergency Rule Related to Leave During the COVID-19 Pandemic.

- The rule sets forth the requirements that a provider must attest to and acknowledge when requesting payable COVID-19 therapeutic leave.
- The emergency rule provides that HHSC recoups payments from a provider if HHSC determines the provider did not comply with the rule or makes an attestation that is inaccurate.



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List of Attestations (1 of 4)

The program provider attests that:

- During the time period for which payment for COVID-19 therapeutic leave is requested, they did not have any staff members who were not working because they were laid off due to lack of work, not work performance.
- During the time period for which payment for COVID-19 therapeutic leave is requested, they paid staff members wages and benefits at the levels that existed on March 19, 2020.



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List of Attestations (2 of 4)

The program provider attests that:

- They have not received funding from any other source to pay for the days of COVID-19 therapeutic leave for which payment is requested.



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List of Attestations (3 of 4)

- The program provider did not receive revenue in the quarter of March - May, June - August, or September - November 2020, that exceeds revenue received during the quarter of December 2019 – February 2020, or an alternative pre-pandemic period authorized in writing by HHSC based on a request from the program provider.



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List of Attestations (4 of 4)

The program provider acknowledges that:

- HHSC may recoup payments for COVID-19 therapeutic leave if HHSC determines, based on a federal, state or third-party review or audit, that an attestation made by the program provider is inaccurate or that the program provider did not comply with 26 TAC §261.351.



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Additional Acknowledgement

An ICF/IID provider must also acknowledge that payment will be subject to recoupment if a federal, state, or third-party review or audit identifies that the provider is not in compliance with the emergency rule or the provider made an attestation that was inaccurate.



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Form HHS 1598-ICF

An ICF/IID provider must complete and electronically submit an [HHS 1598-ICF](#) ICF/IID Bed Hold/Retainer Payment Attestation form on or before the date the provider submits a claim for COVID-19 therapeutic leave.



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Form & Claim Submission (1 of 7)

To submit COVID-19 therapeutic leave

- Providers enter the leave on the TMHP Long-Term Care (LTC) Online Portal using the ASA code after completing and returning the required attestation.
- HHSC will limit the use of the ASA code to 90 days per individual by creating a client Hold record in the HHSC Service Authorization System (SAS).



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Form & Claim Submission (2 of 7)

To submit COVID-19 therapeutic leave

- To submit the ASA code when an individual has not returned from extended leave, a Individual Movement (IMT) Return must be entered for the current ATH and AEV combined leave so the provider can submit the ASA COVID-19 therapeutic leave IMT for the same day.
- If the individual returned to the facility and there is already a return date entered, the provider can submit the COVID-19 therapeutic leave IMT using the ASA code.



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Form & Claim Submission (3 of 7)

- If an ICF/IID provider intends to submit claims for the available 90 days of COVID-19 therapeutic leave, in whole or in part, and the provider already submitted an Individual Movement (IMT) form using the therapeutic leave and extended therapeutic leave (codes ATH and AEV) for the same days, then the ICF/IID provider must back out IMTs and submit new IMTs.
- This is only necessary if the provider needs to bill COVID-19 therapeutic leave for days the provider has already entered the ATH and AEV leave code combination.



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Form & Claim Submission (4 of 7)

An ICF/IID provider must follow these steps to back out IMTs and submit new IMTs:

- Add a note to all IMTs that need to be backed out that says 'this record is invalid'.
- Contact Provider Claims Services (PCS) at 512-438-2200, Option 1, to receive a fax number to send a list of affected residents.
- Fax the complete list of all affected residents that includes the Client Name, Medicaid ID, CARE ID, Movement Type and Date.



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Form & Claim Submission (5 of 7)

Submitting new IMTs (cont.):

- After PCS staff notifies the provider that the applicable IMTs have been marked Invalid/Complete, submit new IMTs using the ASA code. PCS will provide this notification via phone call.
- Enter a note in field 98 Comments that says, 'ASA for COVID-19 related absence' on the new IMT Absence with absence type ASA.



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Form & Claim Submission (6 of 7)

Submitting new IMTs (cont.):

- Any paid claims for dates of service previously billed during the PHE timeframe will automatically adjust based on the new IMTs.
- An ICF/IID provider should monitor claims for reprocessing and must submit new claims for any dates of service not previously claimed.
- It is highly recommended to complete submission of new IMTs within the same week previous IMTs are backed out to avoid recoupment.



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Form & Claim Submission (7 of 7)

- To assist providers with leave entry, examples of how leave can be entered for different individual leave patterns is attached to IL21-05 and shared on the following slides.
- To avoid late billing denials, claims for March 2020 must be submitted on or before March 31, 2021 and all remaining claims must be submitted by April 30, 2021 as outlined in the emergency rules.



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Questions (1 of 7)

- Can I document in the IPP with the leave information at the same time that I complete and submit the attestation for payment of COVID-19 leave?

Response: IPP updates can be made at the same time attestations are submitted recognizing that providers did not anticipate extended leave patterns due to COVID-19.



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Questions (2 of 7)

- If I discover that I have erroneously billed, can I correct the issue and then rebill according to the Information Letter

Response: Providers can work with Provider Claims staff on any questions related to errors in billing and entry of COVID-19 leave.



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Questions (3 of 7)

- Why only 90-days? Is this a systems issue related to using the ASA (special leave code) or is this all that can be funded?

Response:

- HHSC received approval for 90 days of COVID-19 Therapeutic Leave.
- At this time, this is the limit on the number of additional leave days that can be entered for absences between March 20, 2020 and October 23, 2020.



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Questions (4 of 7)

- Will using the ASA code affect me later if I get audited because no services were delivered to the individual who was at home?

Response:

- HHSC is directing providers to use this code for COVID-19 therapeutic leave to expedite the billing.
- It is important for providers to indicate in the IMT form that the ASA code is being used for COVID-19 leave.



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Questions (5 of 7)

- Backing out leave seems burdensome—do we have to do this?

Response: As outlined in the leave entry examples attachment to information letter 2021-05, providers don't have to back out extended leave or therapeutic leave unless they want to bill COVID-19 therapeutic leave for the same days.



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Questions (6 of 7)

- If a provider receives federal funds for COVID-19 relief or other funding such as grants, can they enter COVID-19 leave and complete the attestation?

Response: In discussions with CMS, in general provision guidance released by CMS related to “Provider Relief” funds and in the HHSC rules and attestation document, a fundamental principle is funding cannot be duplicated. Providers will need to ensure that any other funding sources received will not represent a duplication if a provider seeks COVID-19 therapeutic leave reimbursement.



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Questions (7 of 7)

- **Response:** Providers must also consider if total revenue obtained during a specific period within the pandemic (quarter) will exceed revenue received before the pandemic. If a provider receives federal relief or other funds and additional leave reimbursement, will the pandemic period revenues show a positive increase in revenue over the pre-pandemic period.



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Additional Questions?



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Thank you

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