



CABINET FOR HEALTH AND FAMILY SERVICES
Department for Medicaid Services

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Medicaid COVID-19 FAQs

PLEASE NOTE: The Federal Public Health Emergency has been extended and is currently scheduled to expire on January 15, 2022, unless it is terminated earlier by the federal government. At the conclusion of the public health emergency, these flexibilities will be ended.

Under federal law, the federal Health and Human Services (HHS) Secretary can only extend the public health emergency 90 days at a time. To this end, the federal government has recently indicated that they “have determined that the PHE will likely remain in place for the entirety of 2021” and that “HHS will provide states with 60 days’ notice prior to termination”. Over the course of the pandemic, the federal strategy has been to extend the PHE by 90 days closer to the end date in order to take full advantage of the 90 day emergency period. Due to HHS’ representations, the Department for Medicaid Services currently anticipates that the federal PHE will continue to be extended through at least the end of 2021.

This document has been updated to address telehealth, MCO-related, laboratory specific, and miscellaneous reimbursement FAQs that have been received. The MCO FAQs begin on page 16 of this document. The laboratory specific FAQs begin on page 21 of this document. The miscellaneous reimbursement provisions begin on page 22 of this document.

The department received authority from the federal government to implement additional flexibilities within the Medicaid program via a Section 1135 Flexibilities letter. That letter and additional information may be viewed here: <https://chfs.ky.gov/agencies/dms/Documents/1135Flexibilities.pdf>

Pursuant to 907 KAR Chapter 17 and the DMS – MCO contracts, DMS has directed the contracted MCOs to comply with and implement these FAQs.

Provider Telehealth FAQs:

The March 17, 2020 Behavioral Health Provider letter addressed multiple medical and behavioral health issues relating to telehealth. In addition, future executive orders and administrative regulations to expand telehealth services are expected. As additional guidance, DMS is offering this FAQ document for providers and recipients.



**KENTUCKY CABINET FOR
HEALTH AND FAMILY SERVICES**

1. What behavioral health services are now allowable via telehealth that were not before? (UPDATED) (UPDATED 7/7/2020 to remove Applied Behavior Analysis which is currently available via telehealth and will continue to be available via telehealth after the conclusion of the emergency pursuant to 907 KAR 3:170).

Within 907 KAR Chapter 15, these services are restricted to face-to-face only. However, for the duration of this declared emergency, the following services are permissible as synchronous telehealth or as a telecommunication mediated health service:

- Peer support services
- Intensive outpatient program services
- Group outpatient therapy
- Service planning
- Partial hospitalization
- Targeted case management
- Mobile crisis services
- Comprehensive Community Support Services
- Therapeutic Rehabilitation Program
- Day Treatment

2. What services are now available via telehealth or via a telehealth-like service throughout the entire Medicaid program?

DMS is making system changes to allow for all provider types to bill for telehealth services. To the extent possible, providers should provide all services via telehealth. If a service could have been provided via telehealth, but the individual or provider does not have the capability to deliver or participate in the service via telehealth, the service may be delivered via telephone as a “telecommunication or other electronically mediated health service”. If service delivery is audio-only but the service would normally be dependent on the exchange of visual information, the provider should facilitate appropriate electronic or other data exchanges to support any treatment delivered.

3. How should I comply with HIPAA in delivering telehealth?

For the duration of this current COVID-19 nationwide public health emergency, the Office for Civil Rights (OCR) at the Department of Health and Human Services (HHS) has relaxed its enforcement of HIPAA for certain non-public facing applications. This means that OCR will not enforce penalties for the *good faith provision* of telehealth. Specifically included popular applications that are *currently exempted* include, but are not limited to, these services:

- Apple FaceTime
- Facebook Messenger video chat
- Google Hangouts video
- Skype

For current or future reference, these services advertise as being currently HIPAA-compliant video communication (providers may need to conduct additional verification with these services). DMS and CHFS are not endorsing any of these products and only include them for informational purposes:

- Skype for Business
- Zoom for Healthcare
- BlueJeans
- Vidyo
- VSee
- Doxy.me
- thera-Link
- Updox
- Google G Suite Hangouts Meet

Public facing services are specifically not allowed by OCR and should *not* be used for the provision of telehealth. These include, but are not limited to:

- Facebook Live
- Twitch
- TikTok

You may wish to further review this communication from the OCR here: <https://www.hhs.gov/hipaa/for-professionals/special-topics/emergency-preparedness/notification-enforcement-discretion-telehealth/index.html>

4. (UPDATED) How can I utilize the telephone or other audio-only technology during this emergency?

DMS has filed an emergency regulation to allow for “telecommunication or other electronically mediated health services” to be used throughout the Medicaid program. DMS envisions that these services will be utilized as a “telehealth-like” service wherever appropriate.

If they are real-time conversations, telephonic services - where it is not appropriate or possible for a visual video connection to be utilized - will be treated as synchronous telehealth. For further information about Medicare G codes, please see FAQs #8, #47, and #50 below.

If a service could have been provided via telehealth, but the individual or provider does not have the capability to deliver or participate in the service via telehealth, the service may be delivered via telephone as a “telecommunication or other electronically mediated health service”. If service delivery is audio-only but the service would normally be dependent on the exchange of visual information, the provider should facilitate appropriate electronic or other data exchanges to support any treatment delivered.

5. Can some telehealth services be delivered by behavioral health associates under the supervision of a licensed behavioral health provider?

Yes. This will also be dependent on if the licensure board allows the practice or if the licensure board is overruled by an executive order. DMS will construe any emergency order, and the March 17 Behavioral Health letter as broadly as possible in allowing for telehealth to be provided by all behavioral health and medical providers.

6. (UPDATED CONTACT INFO) Will payers be required to honor all telehealth or telecommunication codes and modifiers?

Yes. The Medicaid MCOs will be expected to follow Medicaid policy during the state and national health emergency. Providers should report problems to ProviderMCOInquiry@ky.gov if MCOs are not complying with this direction. In addition, this form can be utilized: <https://chfs.ky.gov/agencies/dms/dpqo/mco-cmb/Documents/DMSFillableComplaintFormUpdate2017.pdf>

7. Are BHSOs and CMHCs included in the March 17 Behavioral Health Provider letter?

This phrase from the notification modifies all current Chapter 15 Behavioral Health telehealth restrictions: “Therefore, licensed behavioral health providers can deliver services via telehealth, with the exception of residential substance use disorder treatment services and residential crisis services.”

The department is interpreting this letter to include the CMHC itself as a licensed behavioral health provider that can – through its licensed behavioral health providers or provider equivalents – perform any behavioral health service via telehealth, with the exception of the letter’s limitation of residential SUD or RCSU services.

The department is assuming that BHSOs and CMHCs are hiring and utilizing licensed behavioral health providers to the extent possible.

8. (UPDATED) How should the G2012 and G2010 Services be used in relation to the ability to provide a telehealth or telecommunication service with a place of service modifier?

DMS recommends utilizing the description within the G2012 and G2010 service when providing that service. If the health service being provided is more expansive than the definition in the G2012 or G2010 code, then DMS recommends still providing the service via synchronous telehealth or via a telecommunications or electronically mediated health service but noting how that service was delivered.

DMS expects that the G code rate will reimburse less than the appropriate service code rate, and would recommend using the appropriate service code with place of service modifier instead of the G code in most circumstances.

The G codes are limited in relation to the more expanded “telehealth-like” service option that DMS is utilizing for the duration of this emergency.

These codes (G2010 and G2012) are typically limited to MDs, APRNs, and DOs or other providers who code for evaluation and management codes. DMS is reimbursing these codes the same as Medicare.

DMS, however, has attempted to go beyond the G codes in allowing the use of telephones or audio-only internet connections. DMS has done this by suspending our own documentation and service requirements in Title 907 KAR via creation of the “telecommunication or electronically mediated health service” in 907 KAR 3:300. DMS is referring to this service as a “telehealth-like service”. In lieu of the G codes, a “telehealth-like” service should be used when a video conference or more traditional telehealth service couldn’t be used due to provider or recipient Internet access or ability. These “telehealth-like” services should be billed as if they were the regular service, but with the telehealth POS of 02. If this is done, the provider should not also bill for the G code, because there is no additional reimbursement. For additional information about G code claims submitted prior to 4/1/2020, please see #50 below.

9. Can DocuSign or similar programs be used to get e-signatures or consent releases for telehealth services?

Yes. DMS will accept electronic signatures for all purposes, and will require MCOs to comply.

10. My licensing board allows *more* telehealth than currently allowed via DMS administrative regulation, how should I proceed?

The department will construe any administrative regulations, executive orders, and provider letters as broadly as possible to allow for the most telehealth to be delivered as safely as possible to our members.

11. (UPDATED CONTACT INFO) An MCO or several MCOs will not allow a covered service for telehealth that is currently allowable via telehealth, how should I proceed?

DMS is requiring all Medicaid MCOs to cover all current services that are covered via telehealth during this time. In addition, DMS will require the MCOs to cover all services that are determined to be allowable via telehealth during this declared emergency. Providers should report problems to ProviderMCOInquiry@ky.gov if MCOs are not complying with this direction. In addition, this form can be utilized: <https://chfs.ky.gov/agencies/dms/dpqo/mco-cmb/Documents/DMSFillableComplaintFormUpdate2017.pdf>

12. What about 1915(c) waiver services and waiver providers and EPSDT Special Services?

DMS is completing changes to the 1915(c) waiver documents that will greatly expand telehealth within these services and waivers.

Pursuant to HHS’ guidance, DMS will allow home health and waiver providers to provide services via telehealth as long as the provider continues to operate within their scope of practice and in compliance with licensure regulations – unless otherwise waived by state law.

13. What about Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) benefit services and telehealth?

To the extent that a service can be provided via telehealth via this benefit and to this population, DMS will allow for and facilitate that service via telehealth or telecommunications.

14. What about initial in-person meetings required for services such as occupational therapy, physical therapy, and speech and language pathology or PT 76 services?

If appropriate consistent with the guidance in these FAQs, the March 17, 2020 Provider letter, or executive orders, PT 76 can use telehealth. To the extent allowed or not restricted by executive order or licensing board action, DMS will allow for these facilities and providers to provide services via telehealth or other telecommunication method.

15. What about a MSW under billing supervision for DMS purposes?

A CSW under billing supervision can conduct their customary services – as appropriate – via telehealth if under the clinical supervision of an LCSW.

16. What about dentistry services?

DMS will expand teledentistry – when using the POS 02 code to include: screenings (CDT code D0190), assessments (D0191), and/or examinations (CDT codes D0120, D0140, D0145, and D0150) via teledentistry.

17. Will these changes be permanent?

Currently, DMS plans to restrict telehealth to previous requirements after this current emergency has ended. However, DMS will carefully consider any new developments and innovations in service delivery that occur during this time and may expand current regulations or interpretations to encourage any new efficiencies that are discovered. When possible, DMS encourages providers to carefully document new approaches and efficiencies that improve outcomes and health of our members for future study.

New Entries as of 3-20-2020

18. What about vision services?

DMS will expand the services that can be utilized by vision services providers. When using POS 02, appropriate providers may bill using the following codes: 92002, 92012, 92004 and 92014.

19. What about any services that could be performed by telehealth within a BHSO III/residential AODE facility or a residential crisis stabilization unit?

DMS will allow for certain services provided within residential SUD or residential crisis stabilization units, clinical services provided within the residential service that are typically performed in person, to be done via telehealth.

Programs must remain compliant with licensure standards in terms of overall direct staffing. They are asked to engage in social distancing to the degree possible including limiting eliminating/reducing group activities, ending outside activities that are not therapeutically essential and restricting outside visitation. We also encourage screening of employees.

DMS would like to stress that services that are performed as part of the residential per diem are not eligible for additional reimbursement.

New Entries as of 3-23-2020:

20. What about pharmacy proof of delivery requirements or receipt of prescription requirements?

Pursuant to 907 KAR 3:300E, and the emergency declarations and orders issued during the month of March 2020, DMS is waiving enforcement of 907 KAR 23:010 Section 7 relating to signature requirements through the end of the day on March 28, 2020.

After March 28, 2020, compliance with 907 KAR 23:010 Section 7 will be considered met if the pharmacist, pharmacy intern, pharmacy tech, or delivery driver writes “COVID 19” or something of similar status to denote the delivery and receipt of prescriptions on the customary location for patient signature. Such confirmation should be documented and retrievable upon audit.

This alternative method of confirming receipt of prescription will expire 2 weeks after the expiration of the emergency declarations relating to COVID-19.

21. What about DME proof of delivery requirements or receipt requirements?

Pursuant to 907 KAR 3:300E, and the emergency declarations and orders issued during the month of March 2020, DMS is waiving enforcement of DME signature proof of delivery requirements or signature delivery requirements through the end of the day on March 28, 2020.

After March 28, 2020, compliance with DME signature proof of delivery requirements or signature delivery requirements will be considered met if the DME provider, appropriate staff person, appropriate provider, or delivery driver writes "COVID 19" or something of similar status to denote the delivery and receipt of prescriptions on the customary location for patient signature. Such confirmation should be documented and retrievable upon audit.

This alternative method of confirming receipt of DME will expire 2 weeks after the expiration of the emergency declarations relating to COVID-19.

22. What about billing supervision of providers?

DMS billing requirements relating to face-to-face supervision of staff may be done via telecommunications such as video conferencing or telephone if video conferencing is not available.

This alternative method of face-to-face supervision of staff will expire 2 weeks after the expiration of the emergency declarations relating to COVID-19.

23. What about therapeutic rehabilitation program as an allowable telehealth service?

DMS is including therapeutic rehabilitation as a service within 907 KAR Chapter 15 that may now be provided telehealth as appropriate. Please see the list on question 1 that has been updated to include this service.

24. My practice is just beginning to utilize telehealth can you provide additional guidance?

Please see the answer to #2 above. DMS also recommends reviewing information available from the CHFS Telehealth Program on their website, available here: <https://chfs.ky.gov/agencies/ohda/Pages/telehealth.aspx>

DMS has already acted to broaden the availability of telehealth over the last year. But, with the filing of 907 KAR 3:300E, the department is acting to further broaden the availability of telehealth or telehealth-like services to the extent allowed by the nature of the service itself, and the provider's licensing board.

Any provider type that is allowed by their licensure board to practice telehealth can deliver any appropriate service that is within their scope of practice via telehealth or telehealth-like services.

Any service provided via telehealth should be billed with a POS of 02.

25. Can federally qualified health centers (FQHCs) or rural health centers (RHCs) provide medical and behavioral health services via telehealth?

FQHCs and RHCs can provide every appropriate service via telehealth as long as it is an approved service that the individual provider's licensure board allows for the provider providing the service.

For an FQHC or RHC to generate the PPS rate, the appropriate provider must provide the service to trigger the payment. A zero pay services code will continue to zero pay regardless of whether it is provided in person or via telehealth or telehealth-like service. Zero pay services would continue to get recorded for data and cost reports.

New entries as of 3/24/2020

26. We are an EPSDT provider of ST, OT & PT services. With the closing of certain facilities because of the Coronavirus we are wanting to provide our services through Telehealth. Will our current authorizations on clients still be valid and sufficient for the use of the Telehealth?

Yes, DMS will require that current authorizations apply to services provided via telehealth.

27. Can a physical and occupational therapist provide services in a home setting?

Yes, with the changes made to telehealth services over the last year – including the previously existing allowances under 907 KAR 3:170 - a physical and occupational therapist can provide any service via telehealth unless that service is prohibited by the providers licensure and licensure board or if it is residential in nature.

28. Can the PASRR process described pursuant to 907 KAR 1:755 utilize telehealth?

Yes. The PASRR process is eligible to be conducted via telehealth.

29. (UPDATED) What about prior authorizations and telehealth?

Currently, DMS has directed the suspension of all prior authorizations for medical services from 2/4/2020 **until August 1, 2020**. Therefore, no med/surg claim, including behavioral health services, can be denied payment due to lack of prior authorization from DOS 2/4/20 **until August 1, 2020**.

UPDATE July 23, 2020: Effective with dates of service beginning 8/1/2020, MCOs may resume their respective prior authorization policies with the exception of Behavioral Health and Substance Use Disorder (SUD) services.

Behavioral Health and SUD services are defined as services:

- **Provided by any Behavioral Health provider type (02, 03, 04, 05, 06, 23, 26, 30, 62, 63, 66, 67, 81, 82, 83, 84, 89, 92),**
- **Listed on the Behavioral Health and Substance Abuse Services Inpatient and Outpatient fee schedules, OR**
- **Listed on the Community Mental Health Center (CMHC) Mental Health Substance Abuse Codes and Units of Service fee schedule.**

For services scheduled in early August 2020, it is recommended that providers be allowed the ability to obtain a prior authorization in July 2020.

This updated guidance is also reflected in FAQs 29, 52, and a new FAQ 62.

This suspension of prior authorizations does not include pharmacy. In addition, any claim can still have a post-payment review performed.

New questions as of 3/25/2020

30. Can a certified alcohol and drug counselor (CADC) provide telehealth services?

Yes, a CADC can provide appropriate telehealth services not otherwise limited by a licensing board. A CADC provided telehealth service should be conducted under supervision of a licensed provider. During this emergency, a licensed provider may utilize e-signatures to demonstrate supervision.

31. Will Rural Health Clinics be reimbursed at their normal rate when providing telehealth or telehealth-like services? What about phone visits?

Yes. Please see question #25 for further clarification.

For telephone visits reimbursed via the Medicare-allowed G codes, as currently understood, the G codes (Medicare telephone codes) should not be a higher reimbursement than providing the service via telehealth (or “telehealth-like” service) with a POS of 02.

32. If a telehealth service is performed as a telehealth-like service is there any need to utilize one of the G codes when billing the claim?

No. The customary claim should be billed with a POS of 02. Billing the G code will not result in additional reimbursement.

33. What about prosthetic and orthotic services?

Those prosthetic and orthotic services that can be provided via telehealth should be provided via telehealth. DMS also would point to the DME guidance in FAQ #21, and will adopt a similar guidance for prosthetic and orthotic services that require the delivery of a good and the rest of the service can be delivered via telehealth.

After March 28, 2020, compliance with any signature proof of delivery requirements or signature delivery requirements will be considered met if the prosthetic or orthotic provider, appropriate staff person, appropriate provider, or delivery driver writes "COVID 19" or something of similar status to denote the delivery and receipt of prescriptions on the customary location for patient signature. Such confirmation should be documented and retrievable upon audit.

This alternative method of confirming receipt of prosthetic and orthotic supplies will expire 2 weeks after the expiration of the emergency declarations relating to COVID-19.

New Questions as of 3/26/2020

34. What documentation requirements beyond including the POS of 02 should providers observe when providing telehealth, or telehealth-like services via telephone or audio-only internet connection?

Providers may also want to include a notation as to whether the service was a telehealth service or a telehealth-like service delivered via telephone or audio-only internet connection.

35. Will EPSDT continue to reimburse for a Physical Therapist Assistant (PTA) to perform treatments (under the supervision of a PT available by phone if needed) if the treatment is performed via telehealth?

Yes. PTAs can perform treatments as telehealth or telehealth-like services under the supervision of a licensed PT. The supervision can be delivered via video, telephone, or audio-only internet connection.

36. "I work for a Narcotic Treatment Program, complying with the Department for Behavioral Health, Developmental and Intellectual Disabilities newly announced allowances for take home doses and counseling. Can I use telehealth and social distancing to reduce in-person contacts while providing this service?"

Yes. Please refer to this guidance from the Department for Behavioral Health, Developmental and Intellectual Disabilities relating to allowances for counseling and take home doses:

"Physicians must use their own judgment and should balance the stability and needs of the patient with the steps needed to reduce the spread of COVID-19. The maximum take-homes and minimum counseling and screening requirements are set out below. These parameters are not necessarily recommended and will not be suitable for all patients.:

- Phases 2, 3, 4 and 5
 - take-homes up to 28 doses for patients deemed stable
 - take-homes up to 14 doses for patients deemed less stable
 - monthly counseling
 - monthly screening
- Phase 1
 - take-homes up to 14 doses for patients deemed stable
 - take-homes up to 7 doses for patients deemed less stable
 - every other week counseling
 - every other week screening
- Entry Phase
 - take-homes 1 dose, for every other day
 - weekly counseling
 - weekly screening

- New Intakes are not eligible for this waiver/exception process
- Medical Directors may move a patient from Entry Phase to Phase 1 during this waiver if:
 - Patient is deemed stable by the Medical Director; and
 - Patient has been in treatment for a minimum of 60 days.
- The Medical Directors should make determinations on a case-by-case basis and, when appropriate for the patient:
 - Give a patient fewer take homes;
 - Increase the frequency of counseling; and
 - Increase the frequency of screenings.
- This waiver shall expire on May 1, 2020 and may be extended pending future analysis.”

When any counseling services or other NTP services are provided via telehealth for an NTP service, the POS of 02 should be used when billing the bundle code. Additional reimbursement beyond the bundle code for this service will not be available, but telehealth and social distancing may be used when providing this service.

Updated 1915(c) Guidance for Telehealth:

The Division of Community Alternatives within DMS has released guidance about the use of telehealth during the COVID-19 declared emergencies.

37. Can providers deliver services remotely during the COVID-19 state of emergency?

Yes, DMS is allowing providers to deliver 1915(c) HCBS waiver services remotely for certain services. This can be done in situations where a participant is quarantined due to symptoms of or having been exposed to COVID-19 or as a precaution against spreading COVID-19. Services that could be provided via telehealth include:

- Physical, Occupational or Speech Therapy,
- Supported Employment,
- Behavior supports and counseling services,
- In-home services such as Personal Care or Homemaking (cueing and prompting support only)
- Case Management.

Hands-on direct care services can only be reimbursed if performed in person. Providers should also be vigilant in following their agency’s infection control policies and Centers for Disease Control (CDC) guidance while providing in-home services to waiver participants.

Please see the COVID-19: Telehealth letter available at <https://chfs.ky.gov/agencies/dms/ProviderLetters/1915ctelehealthcovid19providerletter.pdf> for more information. All providers should work together to allow participants to receive services via telehealth when possible.

38. Should case managers/support brokers/service advisors conduct virtual visits with all waiver participants or only those who show symptoms of or have had known exposure to COVID-19?

To reduce the spread of COVID-19 in Kentucky, case managers and support brokers are allowed to conduct all visits via phone or using virtual options (**Note: Please refer to FAQ #3 above**), so long as the method used allows for direct interaction between the waiver participant and the case manager (e-mail or leaving a message is not considered interactive).

Please refer to the COVID-19: Telehealth letter available at <https://chfs.ky.gov/agencies/dms/ProviderLetters/1915ctelehealthcovid19providerletter.pdf> for more information.

39. Can case managers/support brokers/service advisors conduct virtual visits with waiver participants and their families in lieu of face-to-face visits even when no one in the participant’s residence is showing signs of COVID-19? Some participants have a higher risk of contracting the virus due to age, health conditions or a compromised immune system and don’t want to risk unintentional exposure.

On March 13, DMS began allowing case managers/support brokers/service advisors to conduct all visits via phone or using virtual options (**Note: Please refer to FAQ #3 above**). Please refer to the COVID-19: Telehealth letter available at <https://chfs.ky.gov/agencies/dms/ProviderLetters/1915ctelehealthcovid19providerletter.pdf> for more information.

40. What should a case manager do if a waiver participant needs to have a person-centered service plan meeting, either due to their annual level of care ending or the need for an emergency modification to their plan?

On March 13, DMS began allowing case managers and support brokers to conduct all visits via phone or using virtual options (**Note: Please refer to FAQ #3 above**). DMS issued the same guidance regarding assessments on March 16. Please refer to the following letters for more information.

- COVID-19: Telehealth Letter
<https://chfs.ky.gov/agencies/dms/ProviderLetters/1915ctelehealthcovid19providerletter.pdf>
- ABI/MPW Assessments Letter
<https://chfs.ky.gov/agencies/dms/ProviderLetters/abimpwassessmentscovid19.pdf>
- Model II Assessments Letter
<https://chfs.ky.gov/agencies/dms/ProviderLetters/modeliiasessmentscovid19.pdf>.

The related case note should cite the COVID-19 state of emergency as the reason the meeting was not held face-to-face.

41. Case management providers are not required to have a license to provide services. Does the waiver stipulate only licensed case managers can bill for telehealth services?

The waiver does not require case managers to be licensed to provide services. Telehealth services are governed by KRS 205.510 (15), 205.559, 205.5591, 907 KAR 3:170, 907 KAR 3:300, and information contained in these FAQs and provider letters during the declared states of emergency.

See the COVID-19: Telehealth letter available at <https://chfs.ky.gov/agencies/dms/ProviderLetters/1915ctelehealthcovid19providerletter.pdf> for more information. Providers delivering services through alternative methods during the state of emergency should continue to bill under their waiver provider number as they usually do.

42. What kind of flexibility is DMS offering (1915 (c)) providers as they plan for or experience staffing shortages during the COVID-19 state of emergency? The reason for these shortages could include employees who are sick or employees who need to take time off to care for their families.

First, DMS is allowing providers to deliver services via phone and telehealth, as appropriate. Please see the COVID-19 and Telehealth letter available at <https://chfs.ky.gov/agencies/dms/ProviderLetters/1915ctelehealthcovid19providerletter.pdf> for more information.

Other **temporary** changes DMS has made to the 1915(c) HCBS waivers include:

- Allowing employees, both agency and PDS, to begin providing services while they wait on the results of background check and pre-employment screenings.
 - If the results of a background check or other screening make the employee ineligible, services will be allowed to continue until an alternative employee is found. The only exception is in cases where the employee poses immediate jeopardy to the health, safety, and/or welfare of the participant or has a substantiated finding of past abuse, neglect or exploitation or violent felony.
- Suspending all conflict-of-interest related screening of immediate family members who wish to provide PDS. This gives providers and participants more options to cover gaps in care resulting from the COVID-19 state of emergency. More guidance on how to request an immediate family member as a PDS employee during the COVID-19 state of emergency will be forthcoming.
- Expanding the provider base by waiving requirements that out of state providers be licensed and located in Kentucky as long as they are licensed by another state's Medicaid agency.
- Expanding settings where services can be provided and opening up provider qualifications to allow different provider types to offer services outside of what they typically provide.

New Entries as of 3/27/2020

43. (UPDATED) Does the waiver of prior authorizations referenced in FAQ #29 apply to all medical services or only those related to COVID-19?

The waiver of prior authorization applies to all Medicaid behavioral and medical services **until August 1, 2020**. DMS is waiving these prior authorizations relating to medical services in order to enhance service delivery and system capacity for COVID-19 cases **until August 1, 2020**. The bulk of Medicaid prior authorization authority is permissive so that the program can address the potential for provider or recipient abuse, or governed by 907 KAR Chapter 17 via contracts with the managed care organizations. As such, DMS is not typically mandated to apply prior authorizations. DMS also received authority from the federal government to waive some Fee-for-Service prior authorizations via an 1135 waiver. Furthermore, DMS is asserting the authority under 907 KAR 3:300 Section 1(1) to waive PAs.

Prior authorizations relating to 1915(c) services are still required. However, the department is allowing services to be added to the plans 30 days retroactively.

UPDATE July 23, 2020: Effective with dates of service beginning 8/1/2020, MCOs may resume their respective prior authorization policies with the exception of Behavioral Health and Substance Use Disorder (SUD) services.

Behavioral Health and SUD services are defined as services:

- **Provided by any Behavioral Health provider type (02, 03, 04, 05, 06, 23, 26, 30, 62, 63, 66, 67, 81, 82, 83, 84, 89, 92),**
- **Listed on the Behavioral Health and Substance Abuse Services Inpatient and Outpatient fee schedules, OR**
- **Listed on the Community Mental Health Center (CMHC) Mental Health Substance Abuse Codes and Units of Service fee schedule.**

For services scheduled in early August 2020, it is recommended that providers be allowed the ability to obtain a prior authorization in July 2020.

This updated guidance is also reflected in FAQs 29, 52, and a new FAQ 62.

New Entries as of 3/30/2020

44. What about those instances where a recipient fails to attend a scheduled appointment for an in-person or telehealth service?

At this time, DMS is not establishing a partial reimbursement for in-person or telehealth missed appointments.

45. Are services provided by the Ky Moms Maternal Assistance Towards Recovery (MATR) program allowable via telehealth?

Yes, DMS allows services provided by the Ky Moms MATR program to be performed via telehealth. Services in this program that are allowable telehealth services include those services that are billed via Medicaid codes H0024, H0025, and H0006.

46. (UPDATED) Are prior authorizations suspended for all laboratory services or just those related to COVID-19?

During this public health emergency, DMS has suspended all laboratory services prior authorizations, **until August 1, 2020**. Post payment review can still be conducted on any claim.

UPDATE July 23, 2020: Effective with dates of service beginning 8/1/2020, MCOs may resume their respective prior authorization policies with the exception of Behavioral Health and Substance Use Disorder (SUD) services.

PLEASE NOTE: Effective with dates of service beginning 8/1/2020, MCOs may resume their respective prior authorization policies with the exception of Behavioral Health and Substance Use Disorder (SUD) services.

For additional information please see the updated FAQs 29, 43, 52 and MCO FAQ #2. A new FAQ relating to PAs and relating this same information is now FAQ #62.

47. (UPDATED) Can you provide further information about the Medicare telephone “G” codes that are now allowable?

Please see FAQ #8 above and FAQ #50 below for additional information. The G codes are limited in relation to the more expanded “telehealth-like” service option that DMS is utilizing for the duration of this emergency.

These codes (G2010 and G2012) are typically limited to MDs, APRNs, and DOs or other providers who code for evaluation and management codes. DMS is reimbursing these codes the same as Medicare.

New Entries as of 3/31/2020

48. Will DMS expand telephone interactions involving CPT codes 99441, 99442, and 99443?

Yes, DMS is now allowing these CPT codes to be covered for telephone interactions.

New Entries as of 4/1/2020

49. Is texting an approved method of delivering a “telehealth-like” service?

Generally no:

- A provider and recipient cannot text as the only communication for a “telehealth-like” service or a G code.
- A text could be used to initiate a session (provide a link to a secure or allowable video or audio connection).
- A text could also be used to support or enhance a telehealth or telehealth-like service that is a telephone or video conversation. For example, a telephone call could be enhanced with a texted picture or video.

New Entries as of April 3, 2020

50. I used a G code to deliver a service that was not appropriate for the G codes as clarified on 4/1/2020 prior to 4/1/2020. How should I proceed?

The G code clarification on 4/1/2020 is not retroactive. Therefore payers are to honor G codes conducted for any medically necessary purpose from the introduction of the G codes through 4/1/2020. After that, the service can still be delivered telephonically or via audio internet connection, but should be coded as the service with a POS of 02 and an explanation as to why videoconferencing was not used (ex. Recipient does not have internet access, or recipient unable to use videoconferencing, etc.).

51. (UPDATED) How does the suspension of PAs impact recipients who have been approved for a specific number of visits? Can a provider assume that the recipient would be approved for the same number of treatments for the next 90 day period and start a new 90 days of treatment?

DMS will construe the suspension of PAs in such a way as to result in the least amount of disruption to services to recipients. Therefore, for recipients who are existing patients for whom medical necessity criteria would dictate a continuation of the same number of treatments for the next treatment period, DMS will allow a continuation of the same number of treatments for the next period so that a new 90 days of treatment can be started.

PLEASE NOTE: Effective with dates of service beginning 8/1/2020, MCOs may resume their respective prior authorization policies with the exception of Behavioral Health and Substance Use Disorder (SUD) services.

For additional information please see the updated FAQs 29, 43, and MCO FAQ #2. A new FAQ relating to PAs and relating this same information is now FAQ #62.

52. Can PT and OT provide telehealth and Bill concurrently to co-treat participants requiring services?

Co-therapies for OT/PT/and SLP are not allowed at this time.

53. (UPDATED) Home Health gets billed on a UB-04 form that does not have a place service option. Should home health just continue regular billing, or do they need to indicate somehow that the service was telephonic? If so, any guidance on how to do would be greatly appreciated.

DMS is issuing new instructions relating to the use of UB-04 forms. Please see FAQ #56 below.

New Entries as of 4/8/2020

54. What about day treatment as an allowable telehealth service?

DMS is including day treatment as a service within Title 907 KAR that may now be provided telehealth as appropriate. Please see the list on question 1 that has been updated to include this service.

55. Will DMS allow for reimbursement for telehealth services provided across state lines?

If the service is a medically necessary covered service provided by an enrolled Medicaid provider who can provide Medicaid telehealth under these FAQs, 907 KAR 3:300, 907 KAR 3:170, or other Kentucky state law to an Kentucky Medicaid beneficiary then DMS will allow for reimbursement for telehealth services provided across state lines.

New Entries as of 4/9/2020

56. (UPDATED) My agency bills on a UB-04 form. How should I indicate that a service was performed via telehealth or telehealth-like service since there is no place of service option on this form?

Telehealth services can still be billed on the UB-04 form as appropriate. Providers who bill using the UB-04 claim form and subsequently perform telehealth services are to place the Revenue code 780 on the claim detail line directly above the detail line of the CPT/HCPC code they are performing. Revenue code 780 is a 0 paid code being utilized to indicate the performance of telehealth services by all providers who bill using the UB-04 claim form.

New entries as of 4/13/2020

57. (UPDATED) What if the patient and provider are in the same location, but are using telehealth to conduct the encounter? For example, a patient and provider use Zoom or FaceTime for some or all of the encounter in order to preserve PPE.

It is not considered telehealth if at the same location. It should be billed as an office visit, POS 11. The provider should document in the medical record it was provided via synchronous telehealth.

New Entries as of 4/14/2020

58. (Updated) Can EPSDT well-child visits be conducted by telehealth?

For additional information, please see the April 16, 2020 Guidance on the Medicaid COVID-19 page titled “Telehealth and Well Child Visits”. While DMS recommends that in-person visits be conducted for beneficiaries who are younger than 24 months, this may not be possible in many places. As such, DMS will reimburse at the same rate as an in-person visit for a telehealth well-child visit. An in-person visit should be completed within 6 months of the end of the declared emergency to complete the rest of the components of the well-child visit that were not able to be performed via telehealth. For the in-person visit, the follow-up visit code of 99213 should be billed.

New Entries as of 5/1/2020

59. Can a home health provider use telehealth to recertify if a recipient is eligible for continued coverage?

Yes, the department will allow for telehealth or a telehealth-like service to be utilized for the recertification of a recipient's case.

New Entries as of 5/5/2020

60. Can psychological testing be conducted by telehealth or as a telehealth-like service?

DMS is revisiting this FAQ after a new guidance has been received from various stakeholders. DMS will now allow some teleassessment if administered pursuant to FAQ 61 below.

New Entries as of 7/7/2020.

61. Can psychological testing be conducted by telehealth?

Psychological testing may be provided via telehealth during the COVID-19 state of emergency if the following requirements are met:

Psychological testing via telehealth (tele-assessment) must support patient well-being. It can be useful if administered properly in accordance with the test publisher's guidance, and the clinician's professional judgment determines teleassessment can be conducted while maintaining ethical standards. Psychologists who utilize tele-assessment should address contraindications, particularly in the areas of incompetent use of technology, poor reading comprehension, and/or inability to use manipulatives when necessary.

Tele-assessment should be given the proper weight and importance in the overall services provided to the patient. A comprehensive review of patient history, previous test results and relevant data gives context to the results of psychological testing, regardless of the mode of administration, via tele-assessment or traditional.

Tele-assessment must conform to KRS 319 directives and attendant code of conduct.

Tele-assessment must conform to the test publisher's guidelines. Many psychological measures are promoted by their publishers to be administered, in part or whole, through digital and even remote circumstances.¹ Since COVID-19, some of these same publishers have revised the way some assessments are administered to accommodate for social distancing.

Tele-assessment must conform to the ethical standards of psychological practice, such as the guidance below from the American Psychological Association on testing during the COVID-19 pandemic:

- A. **Maintaining test security.** Do not send test materials or stimuli in advance or without the test publisher's guidance in order to protect materials from being photocopied, diverted or shared.
- B. **Keeping test administration as close as possible to in-person administration.** Develop rapport, be mindful of the appropriateness of format and session duration with the client. Use audio-visual means to assure that the client is the person completing the test or form and is not receiving input from other sources.
- C. **Be mindful of how an alternate administration may affect the quality of the data.** To date, research and evidence for equivalence of testing in a remote, online format compared to a traditional, face-to-face format is limited. It is important to decide whether it is better to proceed with modified assessment procedures in the specific situation, to use alternative measures that are available to use in a remote format, or to wait until in-person services are again feasible.
- D. **Consider test and subtest substitutions.** Most tasks with manipulatives will not be able to be administered with telehealth. Consider substituting other tasks that are available to tap the same constructs in similar ways.
- E. **Widen "confidence intervals" regarding conclusions and clinical decisions.** All psychological testing involves the integration of data with clinical judgment and knowledge of the individual. Integrating test data derived from non-standardized administration procedures broadens the margin of error and should be taken into account in reaching conclusions and making recommendations.

¹ As an example, a list of digital assessments provided by one assessment company is found at <https://www.pearsonassessments.com/store/usassessments/en/Store/Professional-Assessments/Q-global-Web-based-Administration%2C-Scoring%2C-and-Reporting/p/100000680.html>

- F. **Maintain the same ethical standards of care.** Provide informed consent, seek consultation from colleagues, be aware of the implications of computer use on those with less skill and exposure to computers, and assure that the test report includes a description of the telehealth usage and administration.

New entries as of July 23, 2020

62. (UPDATED) The department is reinstating some prior authorization (PA) requirements. What are the new requirements?

Effective with dates of service beginning 8/1/2020, MCOs may resume their respective prior authorization policies **with the exception of** Behavioral Health and Substance Use Disorder (SUD) services.

Updated 8/14/2020: As a clarification, the department is also reinstating PAs within the Fee-For-Service Medicaid population, subject to the limitations within this FAQ #62.

Behavioral Health and SUD services are defined as services:

- Provided by any Behavioral Health provider type (02, 03, 04, 05, 06, 23, 26, 30, 62, 63, 66, 67, 81, 82, 83, 84, 89, 92),
- Listed on the Behavioral Health and Substance Abuse Services Inpatient and Outpatient fee schedules, OR
- Listed on the Community Mental Health Center (CMHC) Mental Health Substance Abuse Codes and Units of Service fee schedule.

For services scheduled in early August 2020, it is recommended that providers be allowed the ability to obtain a prior authorization in July 2020

Provider MCO COVID-19 FAQs

DMS has received questions relating to managed care and provider interactions. This portion of the document reflects instructions given to MCOs relating to the implementation of emergency regulations and orders relating to the delivery of Medicaid Services. This document is numbered separately from the Telehealth Provider FAQs.

Entries as of March 31, 2020

1. What services can be waived for cost sharing?

A. Cost sharing for all services is to be waived.

2. (UPDATED) Is prior authorization required?

A. No, **until August 1, 2020**. Prior authorization for any service related to COVID-19 should not be required, including inpatient admission.

UPDATED PA Information: Effective with dates of service beginning 8/1/2020, MCOs may resume their respective prior authorization policies with the exception of Behavioral Health and Substance Use Disorder (SUD) services.

Behavioral Health and SUD services are defined as services:

- **Provided by any Behavioral Health provider type (02, 03, 04, 05, 06, 23, 26, 30, 62, 63, 66, 67, 81, 82, 83, 84, 89, 92),**
- **Listed on the Behavioral Health and Substance Abuse Services Inpatient and Outpatient fee schedules, OR**
- **Listed on the Community Mental Health Center (CMHC) Mental Health Substance Abuse Codes and Units of Service fee schedule.**

For services scheduled in early August 2020, it is recommended that providers be allowed the ability to obtain a prior authorization in July 2020

3. What lab tests are covered?

A. HCPCS code (U0001) should be used to bill for tests and track new cases of the virus. This code is used specifically for CDC testing laboratories to test patients for COVID-19. HCPCS billing code (U0002) allows laboratories to bill for non-CDC laboratory tests for COVID-19. This second HCPCS code should be used for tests developed by these additional laboratories when submitting claims to Medicaid. HCPCS code U0002 will be reimbursed at an interim fee.

4. What is the effective date for payment of claims with COVID-19 related codes?

A. DMS will follow Medicare policy regarding reimbursement for codes U0001, U0002, G2012, and G2010. The codes will be retroactively effective on February 4, 2020 but will not be billable until after April 1, 2020.

5. Are early refill on prescriptions allowed?

A. Yes. Early refills are allowed for 30, 60 or 90 day supply of medication. Practitioners should be encouraged to prescribe 90-day supplies of long-term maintenance medications for individuals in quarantine. MCOs are to apply guidance to the practitioners for 90-day supplies.

6. Is free home delivery of medications allowed?

A. Yes. Pursuant to 907 KAR 3:300E, and the emergency declarations and orders issued during the month of March 2020, DMS is waiving enforcement of 907 KAR 23:010 Section 7 relating to signature requirements through the end of the day on March 28, 2020.

After March 28, 2020, compliance with 907 KAR 23:010 Section 7 will be considered met if the pharmacist, pharmacy intern, pharmacy tech, or delivery driver writes "COVID 19" or something of similar status to denote the delivery and

receipt of prescriptions on the customary location for patient signature. Such confirmation should be documented and retrievable upon audit.

7. (UPDATED) A non-par policy that requires all non-participating providers to receive prior authorization approvals for services with a few exceptions to include emergency services. Is it KDMS' expectation that MCOs will lift these auth requirements for non-network providers related to these diagnoses codes?

A. Yes, until August 1, 2020. After that date, please follow MCO FAQ #2 above relating to PAs.

8. (UPDATED) Based on the guidance provided by KDMS, does the lifting of prior authorization for the coronavirus diagnoses codes (all dx) also include air ambulance services?

A. Yes, until August 1, 2020. After that date, please follow MCO FAQ #2 above relating to PAs.

9. Does the 30, 60 and 90 day early refill policy apply to all members or members with corresponding coronavirus diagnoses?

A. All members

10. (UPDATED) Can you please advise if the intention for a blanket extension of all existing PAs

A. Any PA that may have a limited timeframe and would expire prior to May 31, 2020, should be extended, such as therapy. Another example could be, if someone has an elective procedure scheduled during this time period that required an authorization. The procedure was postponed due to the Governor's directive, therefore the authorization should be extended.

As appropriate, please refer to MCO FAQ #2 above relating to FAQs after August 1, 2020.

11. Is modifier 02 to be used with the G codes?

A. Yes

12. Within the 1135 Waiver application, the submission outlined that DMS is seeking a waiver relative to the replacement of DME equipment w/o physician's order or medical necessity determination. Would you please confirm that this is referring to the requirement that DME suppliers must have a signed certificate of need (or medical necessity) before the provider can fulfill the request?

A. Yes – flexibility to replace DME without MD order for medical necessity; continue to monitor

13. With regards to the waiver request to exempt providers from certain credentialing mandates, will you please confirm if it is the expectation that MCOs allow providers without active KY Medicaid IDs be paid for both COVID-19 and non COVID-19 services?

A. Yes

14. Does DMS expect the MCOs to adjust claims that were already paid/processed with the date of service 2/4/2020 forward?

A. No

15. Have rates for G codes been published?

A. Confirmed the rates are on the fee schedules and are published on the website:

Physician Fee Schedule can be found on pages 349-350 at

<https://chfs.ky.gov/agencies/dms/DMSFeeRateSchedules/2020%20Physician%20Fee%20Schedule.pdf>

Clinical Lab Fee Schedule can be found on page 33 at

<https://chfs.ky.gov/agencies/dms/DMSFeeRateSchedules/2020ClinicalLabRates.pdf>

16. (UPDATED) For the items that normally have a limit (EX: 10 per month), do we continue to override the authorizations even though the limit has been met?

A. If you receive a request to extend, you may review for medical necessity **until August 1, 2020**. The claim should not deny for no PA **until August 1, 2020**.

After August 1, 2020, please follow MCO FAQ #2 above relating to PAs.

17. (UPDATED) What about drugs that are administered thru the medical benefit (physician administered and outpatient infused)? Are they exempt from the 1135 waiver PA removal requirements as well?

A. As part of the 1135 waiver, DMS has waived all prior authorizations (PAs) for all medical and behavioral services **until August 1, 2020**. This will include all PAs for products on the physician-administered-drug list maintained by each MCO **until August 1, 2020**. These are a medical benefit. The only exemption is for drug products belonging to the High Cost Drug Stop Loss Program (HCDSLP). Products in the HCDSLP (Spinraza and Zolgensma) should have their prior authorizations remain on to ensure medical necessity and appropriate use of these products.

After August 1, 2020, please follow MCO FAQ #2 above relating to PAs.

18. (UPDATED) Please confirm that auth extensions should only be through 5/31/20.

A. Any PA that may have a limited timeframe and would expire prior to May 31, 2020, should be extended, such as therapy **until August 1, 2020**. Another example could be, if someone has an elective procedure scheduled during this time period that required an authorization. The procedure was postponed due to the Governor's directive, therefore the authorization should be extended.

After August 1, 2020, please follow MCO FAQ #2 above relating to PAs.

19. Is it KDMS' expectation that the placing facility will bill for the services rendered in an unlicensed facility, having no impact on claims processing for the MCO?

A. Yes

20. Is the DMS proceeding with allowing members 120 days to submit a request for State Fair Hearings or will DMS chose a different timeframe?

A. We will begin with the 120 day timeframe and amend in the future, if necessary

21. Is it DMS' expectation that MCOs will be held to one day to resolve a member appeal or will you still allow 2 business days?

A. We will allow 2 business days

New Entries as of 4/6/2020

22. (UPDATED) Does Sublocade within the pharmacy benefit require prior authorization?

A. No, as of April 3, 2020, **and until further notice**, Sublocade within the pharmacy benefit will not require prior authorization during the public emergency.

23. We noticed that codes 98970, 98971, 98972 (for qualified non-physician providers) were added to the physician fee schedule with a \$0 rate. Per DMS regulation, codes with a \$0 rate reimburse at 45% of billed charges. DMS has uploaded other E/M codes for physicians with established rates therefore the possibility exists that non-physician providers would receive higher reimbursement than the physician group. Is that the intent? Also, the effective date was retrospectively added for 1/1/20. Please confirm that for COVID-19, the effective date would be 2/4/20?

A. With 98970, 98971 and 98972, that is correct that Medicaid does not have a rate on the Physician Fee Schedule, so Medicaid would pay 45% of billed charges not to exceed provider's usual and customary charge for the service. With

qualified non-physician providers (ex: Physician Assistant or APRN) they are reimbursed at 75% of what the Physician is reimbursed. So with these codes, they would be reimbursed at 45% of billed charges not to exceed provider's usual and customary charge for the service, and then 75% of that amount. The codes that have been listed were added effective 01/01/2020.

New Entries as of 4/14/2020

24. (UPDATED END DATE) Is DMS offering temporary enrollment for non-participating Kentucky Medicaid providers and if so, what is the process?

Kentucky DMS is allowing non-participating providers to temporarily enroll until the President's national emergency and Stafford Act declarations and the federal public health emergency end. The process is to use KY Medicaid Partner Portal Application (MPPA), at <https://chfs.ky.gov/agencies/dms/dpi/pe/Pages/prov-summaries.aspx>

25. If temporary enrollment is offered, will any enrollment fee that applies be waived?

For providers enrolling with a temporary status yet already enrolled with Medicare or another State Medicaid Agency (SMA), KY DMS will waive the following screening requirements:

- Payment of the application fee
- Criminal background checks associated with Fingerprint-based Criminal Background Checks
- Site Visits
- In-state/territory licensure requirements

26. (UPDATED) What is DMS doing to expedite the enrollment of new providers as a result of COVID19?

Providers enrolling temporarily will be expedited by DMS. If an unenrolled provider (including referring, ordering, attending, rendering or billing) submits any claim for a Medicaid member, to ensure providers are able to be paid correctly, the following steps should be taken:

- MCOs should contact Providers who are not enrolled in Kentucky Medicaid, or are enrolled in another SMA or Medicare, and assist them with their enrollment in Kentucky Medicaid.
- MCOs or Providers can use the Portal to enroll at: <https://medicaidsystems.ky.gov/Partnerportal/home.aspx>.
- Provider Enrollment has an indicator for Temporary Enrollment and MCOs, so these applications will be double-flagged when a new Provider is added.
- MCOs should send DMS a weekly report of Providers you are assisting with their application to the MCO IT Box, DMS.ManagedCare@ky.gov, effective immediately
- MCOs should check the Provider Master List to see when they can submit encounters as providers are enrolled.

27. Is DMS offering some sort of relief to fill prescriptions for recipients whose provider may not be enrolled yet but has every intention to enroll?

Providers must enroll in KY Medicaid in order for prescriptions to be filled.

28. Will e-sign be accepted on the emergency enrollment applications?

E-sign and submit is acceptable on both the Authorized Delegate form (when credentialing makes application on behalf of a provider), and within the electronic system.

29. Does the provider have to be affiliated with the group at that location in order to use the emergency enrollment?

Providers must be enrolled, but will not be required to be linked to the group they are working with during COVID-19 state of emergency. After the state of emergency, providers will be required to be linked to the group therefore DMS recommends linking the providers initially

30. When COVID public emergency is over, we will have to enroll all providers again the original way. Will the new enrollments back date to MCR eff dates?

Because of the waiver, temporary enrollment does not take the place of full enrollment. Providers wishing to remain enrolled will need to perform maintenance on their provider file in order to be duly enrolled with KY DMS.

31. What is DMS's expectation for medical necessity appeals that are submitted with DOS 2/4/20 and onward? How should MCOs address cases that are currently in review status?

It is DMS's expectation that **medical necessity** appeals that are submitted with DOS 2/4/20 forward be processed per the normal appeals process.

Laboratory Specific Reimbursement

1. Can you provide additional guidance about newly effective high-production laboratory codes?

Based on new CMS ruling, the Kentucky Department for Medicaid Services has added the following two high-production lab codes for reimbursement effective 04/16/2020. The codes used to identify the tests impacted by the new policy are U0003 and U0004.

In relation to new code U0003, the CMS ruling states: "It is noted that U0003 should identify tests that would otherwise be identified by CPT code 87635 but for being performed with these high throughput technologies."

In relation to new code U0004, CMS included this information: "It is further noted that U0004 should identify tests that would otherwise be identified by U0002 but for being performed with these high throughput technologies."

CMS included this information relating to both codes: "Finally, it is noted that neither U0003 nor U0004 should be used for tests that detect COVID-19 antibodies."

According to the ruling, examples of high-production technology that may be reimbursed under the new U0003 and U0004 codes include:

- Roche cobas 6800 System,
- Roche cobas 8800 System,
- Abbott m2000 System,
- Hologic Panther Fusion System,
- GeneXpert Infinity System, and
- NeuMoDx 288 Molecular.

Miscellaneous Reimbursement Provisions

1. Can a residential Alcohol and Other Drug Treatment Entity (AODE) receive reimbursement for services provided in an unlicensed facility?

Provided that the facility complies with the May 1, 2020 memo from the Inspector General titled "COVID-19 Guidance - Provision of Services in Alternative Settings", the department will reimburse for services provided in an unlicensed, alternative facility.

New Entry as of 9/8/2021

2. 907 KAR 1:250 requires that nurse aide applicants present a Social Security card to the hiring nursing facility prior to the start of employment. Currently, there is an extensive delay with the processing of Social Security cards by the federal government, and this is resulting in a serious delay that is exacerbating difficulties in finding employees within the nursing home industry. Furthermore, many healthcare employers have begun to follow the Department of Homeland Security's federal I-9 requirement. The federal I-9 form allows for several different documents to verify identity prior to employment such as a passport, or a combination of a driver's license or other identification card and other birth record. Can the department allow an alternative federally acceptable form of identification for nurse aides who are being hired by nursing facilities instead of the use of a Social Security Card?

The department agrees that there is an extensive delay in the processing of Social Security cards, including the issuance of replacement Social Security cards for otherwise eligible candidates for employment. In addition, the department acknowledges the existence of a more modern federal system of determining employment eligibility in the federal I-9 documentation system administered by the federal Department of Homeland Security. Therefore, pursuant to the impact that the public health emergency has had on the nursing home industry, the department will allow for a federal I-9 compliant document or documents, as appropriate, to replace 907 KAR 1:250's requirement of a Social Security card. The department will also begin the process of amending 907 KAR 1:250 to allow for compliance with the federal I-9 process to replace use of a Social Security card for nurse aide employment.