Public Comment
of the
Home Care Alliance of Massachusetts
on
Administrative Bulletin 20-23
Wednesday, April 29, 2020

This public comment is presented by the Home Care Alliance of Massachusetts (HCA of MA) on behalf of our home health agencies providing Continuous Skilled Nursing to MassHealth clients.

We thank MassHealth for the work that has been done in the past two months to explore operational changes designed to meet the needs of the CSN program for the families and children who receive these essential services during the COVID-19 pandemic. MassHealth’s flexibility in providing for remote visiting is welcome, but for many of these cases remote care is not always possible.

Today, we are here to comment on the proposed 10% emergency rate increases to the Continuous Skilled Nursing program. We are thankful to MassHealth for promulgating this emergency bulletin, in accordance with COVID-19 Order. 20, but due to the exceptional and unprecedented circumstance we would request two addition changes related to the bulletin.
First, relates to establishing an overtime rate. The Home Care Alliance of MA has repeatedly made requests to MassHealth to establish an overtime rate structure for CSN within the regulations. At present, the inclusion of an overtime rate in the regulation is purposeless, suggesting something that is available, which it is not. Many other programs under the MassHealth purview enable overtime, including the Personal Care Attendant program. While the Home Care Alliance maintains that an overtime rate should be permanently established, as requested in our April 24th testimony, this request pertains narrowly to the scope of this bulletin for the duration of the State of Emergency.

CSN providers have indicated significant reductions in servicing authorized hours. Thus, many hours that have already been authorized by MassHealth, are going unfilled due to a variety of COVID-19 related reasons. The most common reason is that families are simply doing everything in their power to reduce exposure to the number of people coming into the home to care for the client. A family who is authorized for 80 hours per week but wants to reduce to a single nurse rather than multiple nurses, could reduce own to 50 hours due to COVID-19. These services could be provided by a single nurse if an overtime rate to pay for the ten hours was established. Giving provider agencies the ability to bill for overtime, could allow a family to receive a higher amount of authorized hours while offering a family a more consistent worker. This would minimize the number of unique visitors in the home, mitigating risk of further community spread.

To allow this to happen would require some definitions in these regulation of the parameters for overtime billing. The Home Care Alliance would gladly work with MassHealth to develop this program, ensuring program integrity while maintaining the spirit of the initiative. We believe at a minimum, for the duration of this public health emergency, that all efforts should be taken to ensure that authorized services for this vulnerable population are being delivered, and efforts to mitigate community spread of COVID-19 are exercised. This proposal would accomplish both.

Second, we would ask that MassHealth consider using some, or all, the funding associated with declining billable hours to establish a “stability fund” for the handful of agencies that are
providing this service to a truly vulnerable patient population. We are aware of some CSN agencies experiencing a reduction in billable hours upwards of 700 hours per week. This approach has been used in other programs, namely the State’s Home Care Program. This fund would help to further support unanticipated costs associated with keeping both families and the nursing workforce safe and to retaining this specialized workforce for the resumption of full-service levels after the state of Emergency. This fund could be calculated based on refused hours since March and distributed to agencies based on a percentage of hours serviced as of January 1, 2020.

Thank you again for your time and attention to all programs under MassHealth. We hope that you will consider these modifications to Administrative Bulletin 20-23.

Thank you,

Patricia Kelleher
Executive Director
Home Care Alliance of MA