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**Welcome ICF/IID Providers!**

**COVID-19 Updates and Q&A with LTC  
Regulation and DSHS**

**October 5, 2020**

For more information:

Web: <https://hhs.texas.gov/services/health/coronavirus-covid-19/coronavirus-covid-19-provider-information>

Email: [PolicyRulesTraining@hhsc.state.tx.us](mailto:PolicyRulesTraining@hhsc.state.tx.us)

Phone: 512-438-3161

# COVID-19 Updates

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## Panelist

Catherine Anglin  
NF & LSC Policy and Rule Manager  
Policy, Rules and Training  
Long-term Care Regulatory

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# COVID-19 Updates

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## Introduction

Susie Weirether  
IDD Policy and Rule Manager  
Policy, Rules and Training  
Long-term Care Regulatory

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# Reminder

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## Sign-up for GovDelivery To sign-up for Alerts:

- Go to:  
[https://service.govdelivery.com/accounts/TX\\_HHSC/subscriber/new](https://service.govdelivery.com/accounts/TX_HHSC/subscriber/new)
- Enter your email address.
- Confirm your email address, select your delivery preference, and submit a password if you want one.
- Select your topics.
- When done click "Submit."



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# Visitation Resources

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The following resources are available on the [ICF Provider Portal](#)

- [Expanded Reopening Visitation Rules](#)
  - Under “COVID-19 Resources”
- [Provider Letter 20-38](#)
  - Click on “Provider Communications”
- Visitation FAQ coming soon
  - Will be under “COVID-19 Resources” and sent out through GovDelivery



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# COVID-19 Updates

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## Panelist

David Gruber  
Associate Commissioner for Regional and  
Local Health Operations  
DSHS

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# COVID-19 Q&A

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## Panelist

Renee Blanch-Haley, BSN, RN  
Director of Survey Operations  
Survey Operations  
Long-term Care Regulation

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# COVID-19 Q&A

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## Panelist

Dana Williamson

Director, Policy Development and Support  
Medicaid/CHIP

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# Bed Hold Payments

## [Information Letter No. 20-43, ICF/IID Services During COVID-19](#)

HHSC informed program providers that Texas Administrative Code, Title 40 (40 TAC) §9.226(a)-(f), part of the rule governing leave from an ICF/IID, was suspended. The purpose of the rule suspension was to allow a resident to be absent from an ICF/IID during the PHE for longer than usual without being discharged.



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# Bed Hold Reinstated

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HHSC anticipates that 40 TAC §9.226 will be reinstated no later than November 1, 2020.

This means that a resident who is away from an ICF/IID beyond leave permitted by rule must be discharged from the ICF/IID, either with or without a bed hold agreement to hold the resident's place at the ICF/IID.



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# Bed Hold Agreement

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By October 5, 2020, providers must give an electronic or hard copy of the letter to each resident who:

- is absent from an ICF/IID,
- is not on leave, and
- has not been discharged from the ICF/IID.

A provider may enter into a bed hold agreement with a discharged resident.



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# Paying Providers

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The suspension of the bed hold rule **did not** authorize HHSC to pay program providers for a resident's days of absence beyond those described in the Medicaid state plan.

HHSC intends to ask our federal partners for approval to pay ICF/IID program providers for up to 90 days that a resident was absent from March 20 through October 23, 2020 as a result of the PHE.



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# Approval Pending

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If the state plan amendment is approved by CMS, HHSC will provide information to providers about billing and the conditions that a program provider must meet to receive payment for the additional days of leave.



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# Letter to Families

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HHSC developed a letter addressed to the resident or LAR giving these options:

1. Return to the facility; or
2. Continue to be absent and be discharged, but enter into a bed hold agreement to hold the bed, which may require the LAR to make payment to hold the bed; or
3. Continue to be absent from the facility and be discharged. If discharged the LAR can contact their LIDDA to find other options.



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# Letter to Families

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- Individuals and families are not required to use the 10 days of extended therapeutic leave before the 90 bed hold days are used.
- Individuals and families who have been away from the facility for an extended period--more than 90 days--will likely not have access to the 10 extended therapeutic leave days for the remainder of this calendar year.



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# Attestation Info

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<https://www.medicaid.gov/state-resource-center/downloads/covid-19-faqs.pdf>

\*begins on page 60



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## Panelist

Mary Valente, MPAff, LBSW, SMQT, CMDCP  
Policy Development Support Office  
1915(b) Waivers Support  
ICF/IID Medicaid Policy Specialist  
1915(c) Waivers Special Projects



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# Mini Training

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## Panelist

Melodee Duesing  
ICF Training Specialist  
Policy, Rules and Training  
Long-term Care Regulation

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# COVID-19 Updates

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## Panelist

Catherine Anglin  
NF & LSC Policy and Rule Manager  
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# Visitation Q&A

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## Question:

Is an ICF required to permit visitation or is it voluntary?

## Answer:

Visitation is voluntary for ICFs. If an ICF chooses to permit visitation, it must be in accordance with the expanded visitation rules.



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# Visitation Q&A

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## Question:

What types of visits require an ICF to apply for visitation designation?

## Answer:

The expanded visitation rules define each visit type and detail the specific requirements for each.

Visitation types that do not require visitation designation:

- closed window visits, for all individuals
- end-of-life-visits, for all individuals at end-of-life
- essential caregiver visits, for all individuals who have COVID-19 negative or unknown COVID-19 status
- salon services visits, for all individuals who have COVID-19 negative status



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# Visitation Q&A

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## Answer (cont.):

Visitation types that do require visitation designation:

- open window visits, for all individuals who have COVID-19 negative status
- outdoor visits, for all individuals who have COVID-19 negative status
- indoor visits with a plexiglass barrier or booth, for all individuals who have COVID-19 negative status
- vehicle parades; for all individuals who have COVID-19 negative status



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# Visitation Q&A

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## Question:

I can't find the attestation form to request visitation designation. How can I get a copy of the form?

## Answer:

The attestation form, LTCR form 2194, is attached to provider letter 20-38. You can find all ICF provider letters on the [ICF provider portal](#), located under the "communications" section.

See [PL 20-38](#) for details.



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## Question:

How should I submit LTCR form 2194 to the regional director? Is it okay to fax or mail the form?

## Answer:

You should email the completed form to the [Regional Director](#) for the [region in which your facility is located](#). You should not fax or mail the completed form, as it could delay receipt of the form. Most HHSC regional staff are currently teleworking and might not be in the office to receive a faxed or mailed form.



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# Visitation Q&A

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## Question:

After a ICF submits LTCR form 2194 to the regional director, how soon will the ICF be notified of a decision? How will HHSC notify the ICF?

## Answer:

HHSC will notify the ICF of approval or denial within three days of the ICF submitting a complete LTCR form 2194 (attestation form).

The regional director or their designee will notify the ICF administrator via email.



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# Visitation Q&A

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## Question:

If we were approved for Phase 1 visitation, do we have to submit LTCR form 2194?

## Answer:

No. An ICF that previously submitted a 2192 (previous form) and received approval from HHSC does not have to submit a 2194 (new form), unless:

- the 2192 visitation designation was cancelled, withdrawn or revoked
- the 2192 visitation designation was approved for either only indoor visitation or outdoor visitation, and an ICF would like to request additional visitation designation



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# Visitation Q&A

## 2194 overview:

### LTCR FORM 2194: Expansion of Reopening Visitation Status Attestation Form for ALF, ICF, and NF

#### SECTION 1: FOR ALL FACILITIES (ALF, ICF, NF)

*Instructions: Submit Form 2194 to your Regional Director to request designation as a visitation facility. You must wait for approval prior to implementing new expansion of reopening visitation protocols.*

<https://hhs.texas.gov/about-hhs/find-us/long-term-care-regulatory-regional-contact-numbers>

Facility Type:	<input type="checkbox"/> ALF Complete sections 1 & 2 of this form.	<input type="checkbox"/> ICF Complete sections 1 & 2 of this form.	<input type="checkbox"/> NF Complete sections 1 & 3 of this form.
Facility Name:		Facility #/ID#:	
Contact Name:		Contact #:	
Contact's Email:			
Address:			

What type of visitation are you requesting?

- Indoor plexiglass booth visitation only
- Outdoor visitation only
- Indoor plexiglass booth and outdoor visitation



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## 2194 overview (cont.):

**SECTION 2: FOR ALF and ICF ONLY**

Name and title of ICF administrator/director providing attestation:

~~**SECTION 3: FOR NF ONLY**~~



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## 2194 overview (cont.):

An ICF requesting indoor visitation with a plexiglass barrier or booth must include:

- Facility map with COVID-19 cohort areas indicated
- Picture of plexiglass barrier or booth, including its location in the facility

An ICF requesting outdoor visitation must include:

- Facility map with COVID-19 cohort areas indicated



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# Visitation Q&A

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## Question:

Do I have to be approved for Phase 1 visitation before I can be approved for expanded visitation?

## Answer:

No, an ICF is not required to be approved for Phase 1 visitation before applying for expanded visitation approval. The expanded visitation rules replace Phase 1 visitation rules, meaning the Phase 1 visitation rules are no longer in effect.



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## Question:

Do ICFs have to be approved for visitation designation for persons deemed as essential caregivers?

## Answer:

No, an ICF does not have to be approved for visitation designation to permit essential caregiver visits. Rather, an ICF may permit essential caregiver visits under the following conditions: *(Cont. on next slide)*



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# Visitation Q&A

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## Answer (Cont.):

- the essential caregiver passed the screening, does not have an active COVID-19 infection, sign or symptoms of COVID-19, or a positive COVID-19 test result within the last 10 days;
- the essential caregiver is not visiting an individual who has COVID-19 positive status;
- the essential caregiver provides documentation of a negative COVID-19 test result from within the last 14 days and follows the testing strategy developed by the ICF;



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## Answer (Cont.):

- the ICF has developed and implemented essential caregiver visitation policies in accordance with the expanded visitation rules;
- the essential caregiver has provided written agreement to follow the visitation policies;
- the essential caregiver has been trained by the ICF on infection control and visitation policies and procedures;
- the ICF has approved or provided the essential caregiver's facemask and any other appropriate PPE;



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## Answer (Cont.):

- the essential caregiver wears the facemask and any other appropriate PPE the entire time they are in the facility; and
- the essential caregiver maintains physical distance from all other individuals and staff in the facility



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## Question:

Is an ICF required to have 14 days without any positive COVID cases before essential caregivers can begin visits?

## Answer:

No, an ICF is not required to have 14 days without any positive cases. The essential caregiver visit is based on the COVID-19 status of the individual, not the COVID-19 status of the facility.



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## Question:

What steps should we take if an essential caregiver was in the facility for visitation and then tests positive for COVID-19?

## Answer:

The essential caregiver may not visit while they have signs and symptoms of COVID-19, active COVID-19 infection, or other communicable diseases. The person they were visiting must be quarantined for 14 days and monitored for signs and symptoms of COVID-19.



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# Visitation Q&A

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## **Question:**

Where can an essential caregiver visit occur?

## **Answer:**

The visit may occur in the individual's bedroom, outdoors or any other designated visitation area on the ICF grounds that limits visitor movement through the facility and interaction with other individuals.



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## Question:

Is staff supervision required for inside or outside visitation?

## Answer:

Yes, staff supervision is required for all outdoor visits and all indoor visits with a plexiglass barrier or booth. Staff supervision is not required for end-of-life, essential caregiver or salon services visits. The intent of the supervision is to ensure individuals and visitors are following the applicable requirements in the expanded visitation rules.



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## Question:

What PPE is required for the essential caregiver? If they have a cloth covering, should we supply them with a facemask?

## Answer:

Per the expanded visitation rules, essential caregivers must “wear a facemask over both the mouth and nose and any other appropriate PPE recommended by CDC guidance and the facility’s policy while in the facility.” In addition, a facility must approve the visitor’s facemask and any other appropriate PPE or provide an approved facemask and other appropriate PPE. *(Cont. on next slide)*



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## Answer (Cont.):

- An essential caregiver visiting an individual with COVID-19 negative status is required to wear facemask.
- An essential caregiver visiting an individual with unknown COVID-19 status is required to wear facemask, gown, gloves, and goggles or a face shield per CDC recommendations and facility policy.



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# Visitation Q&A

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## Question:

Can an individual or their representative change their designated essential caregiver?

## Answer:

Yes, an individual or their representative may change their designated essential caregivers. A “permanently” designated caregiver means the designation remains until it is altered.

*Note: a designated caregiver does not have to be the legally authorized representative or person with power of attorney.*



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# Visitation Q&A

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## Question:

Is there a specific kind of test that is needed for the essential caregiver? Antibody, PCR, antigen?

## Answer:

Yes, an antibody test is not an acceptable test, but either a PCR or antigen test is acceptable.



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# Visitation Q&A

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## Question:

How frequently are essential caregivers required to be tested for COVID-19 Who is responsible for providing the test?

## Answer:

An essential caregiver must have a negative COVID-19 test result from a test performed no more than 14 days before the first essential caregiver visit, unless the ICF chooses to perform a rapid test prior to entry in the ICF.

Additionally, an ICF must include a testing strategy as part of their policies and procedures related to essential caregiver visits.



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## Question:

If an essential caregiver takes an individual to a medical appointment, will the individual's COVID-19 status change?

## Answer:

No, the individual's COVID-19 status would not change. However, the essential caregiver must:

- receive training from the ICF on the infection prevention and control procedures and the ICF's essential caregiver policies and procedures

*(Cont. on next slide)*



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## Answer (Cont.):

- follow all of the infection prevention and control procedures and the ICF's essential caregiver policies and procedures
- ensure the individual follows all applicable infection prevention and control procedures and the ICF's essential caregiver policies and procedures
- notify the ICF if there was reason to believe the individual has been exposed to someone with COVID-19



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## **Question:**

Does an individual have to wear a facemask during the visit?

## **Answer:**

If tolerated, an individual must wear a facemask or face covering over both the mouth and nose throughout the visit.



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# Visitation Q&A

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## **Question:**

Can an ICF designate the days and length of visits?

## **Answer:**

Yes. An ICF may limit the number of visitors per individual per week, and the length of time per visit, to ensure equal access by all individuals to visitors. An ICF must also ensure enough scheduling flexibility is offered so that visitation can occur for all individuals.

For example, an ICF that only permits visitation to be scheduled Monday – Friday between 9AM and 1PM, might not be offering enough scheduling flexibility so that visitation can occur for all individuals.



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# Visitation Q&A

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## Question:

Who is responsible for providing PPE to visitors?

## Answer:

The visitor is responsible for providing their own facemask or face covering. An ICF may choose to provide a facemask to visitors. Additionally, an ICF must approve an essential caregiver or salon services visitor's facemask and any other appropriate PPE or provide an approved facemask and other appropriate PPE.



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# Questions?

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# Thank you!

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