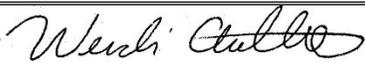


NH Department of Health and Human Services (DHHS)
Division of Long Term Supports and Services
Bureau of Elderly and Adult Services (BEAS)

105 Pleasant St.
Concord, NH 03301

STATE OF NEW HAMPSHIRE BEAS GENERAL MEMORANDUM (GM)	
DATE:	March 31, 2020
TO:	Deborah Sheetz, DLTSS, All BEAS staff, DLTSS Finance, Title III and Title XX providers, Doug Osterhoudt
FROM:	Wendi Aultman, Bureau Chief, Elderly and Adult Services
SIGNATURE:	
SUBJECT:	BEAS COVID-19 Emergency Guidance for Title III and Title XX Nutrition and Transportation Providers #4
GM NUMBER:	GM 20-13
EFFECTIVE DATE:	March 31, 2020
REGULATORY GUIDANCE:	This memo is a communication tool circulated for informational purposes only. The goal is to provide information and guidance to the individuals to whom it is addressed. The contents of this memo and the information conveyed are subject to change. This communication is not intended to take the place of or alter written law, regulations or rule.

MEMORANDUM SUMMARY
The purpose of this memorandum is to provide guidance regarding the provision of nutrition and transportation services during the COVID-19 Emergency.

BEAS has identified areas which will be adjusted on a temporary basis. These areas include modifications in policy, practice, and regulatory guidelines. The areas identified will be modified and added to as BEAS continues to identify need for additional flexibility or adjustment.

The Bureau of Elderly and Adult Services (BEAS) is working with its federal and state partners, as well as other divisions within the Department of Health and Human Services, to ensure that families and individuals continue to receive supports and services during the COVID-19 Emergency. The following memos have been released to date:

- March 16, 2020, BEAS COVID-19 Emergency Guidance for Title III and Title XX Nutrition Services
- March 17, 2020, BEAS COVID-19 Emergency Guidance for Title III and Title XX Nutrition Services for Congregate Meals
- March 23, 2020, BEAS COVID-19 Emergency Guidance for Title III and Title XX Nutrition and Transportation Providers

BEAS has received further requests for clarification and is responding with Guidance #4.

Considerations

The Bureau has considered allowing for flexibility while ensuring health and safety in developing the following COVID-19 Emergency Guidance. The Bureau is, as are the Titles III and XX providers, mindful of human rights considerations for those we serve during the COVID-19 Emergency.

While the client eligibility requirements for Titles III and XX cannot be waived, specific other timeframes are waived during this period as follows:

- **Title III - He-E 502**
He-E 502.07: The written notice of eligibility decision is waived, and either a verbal or e-mail confirmation with the client is approved.
He-E 502.17: Person-centered planning – While this section does not specify a time frame, this requirement is waived during this period.
- **Title XX – He-E 501**
The new Title XX rule was approved on 11/21/19. This rule includes financial eligibility requirements and contains more timeframe requirements. The rule also has a new waiver section, which enables providers to submit a formal request to BEAS to request a waiver of any provision of the rule. During this period, providers may submit waiver requests via e-mail.

Additional flexibility and adjustments will be considered and communicated as the COVID-19 Emergency continues to unfold.

Question 1. Is there any flexibility regarding the requirement for criminal record and driver's record checks considering the DMV locations are closed and walk-ins are not being accepted at the State Police Departments?

BEAS Registry Checks:

- BEAS record checks cannot be waived. BEAS will process consent forms and return to the sender within five business days of the date received. For questions of concerns, please contact:

Angele Rivers, Supervisor, BEAS State Registry
Angele.Rivers@dhhs.nh.gov
603-271-8154

Continue to follow current procedures for regular form submissions:

Email: BEASStateRegistry@dhhs.nh.gov
Fax number: 603-271-6875

NH Criminal Background Checks:

- BEAS and the Department of Safety reviewed current criminal background check requirements and developed the following guidelines and references for nutrition agencies:
- SPOTS Checks and local international crisis management company background checks are NOT considered valid replacements for the NH State Police Criminal Background request.
- Anyone requiring a criminal back check must complete the Criminal Records Release Authorization form. Please note that while the form says notarization is required, the form does NOT need to be notarized.
- **Reduced fee request** form: To qualify for a reduced fee, the requesting agency or organization must be non-profit, the individual for whom the criminal background is requested must be a volunteer, and the individual must be working with elderly, disabled, or children.
- The fee for processing the Criminal Records Release Authorization form for criminal background is \$25.00 or \$10.00 if they qualify for the reduced fee.
- Fingerprints are NOT necessary for reduced fee requests.
- The Justice Information Bureau, Criminal Records Unit typically runs at a 3-5 business day turn around for Criminal Background requests. In light of the current situation, the Unit is attempting to process requests same day, and will mail results the same day they are processed.
 - Requests may be processed at the public counter at 33 Hazen Drive in Concord. Once complete, results may be taken with the individual who brought in the request, or mailed to a different individual.
 - An individual making a request may mail the form to:
 - **Justice Information Bureau
Criminal Records Unit**
33 Hazen Drive
Concord, NH 03301
 - If you want the results mailed back to your agency, you are welcome to send in an overnight label and envelope and we will use that to return the results.
- If an agency would like to speak to the Business Office to set up a prepaid account, they can call (603) 271-0310.
- If an agency has any additional questions, please contact:

Amy Carter, Data Processing Supervisor
Amy.Carter@dos.nh.gov
(603) 223-8470

or

Susie Vachon
(603) 223-8402
Unit fax number: (603) 271-2339.

Question 2: Is it necessary for individuals to meet all Title III eligibility requirements (e.g., an individual over the age of sixty who is currently out of work and self-isolating as a result of COVID-19 who wouldn't typically qualify for services)?

- Yes. All eligibility requirements must be met.

Question 3: Does Emergency Order #16 Pursuant to Executive Order 2020-04: Temporary prohibition on scheduled gatherings of 10 or more attendees, apply to buses running to provide individuals with transportation to meet essential needs (i.e. medical appointments, dialysis, early bird grocery shopping, etc.)?

- Yes, and transportation services providers must also keep in mind the additional consideration of maintaining a distance of at least six feet in accordance with social distancing recommendations. Additionally, it is recommended that transportation providers are properly trained in COVID-19 screening processes, sanitation processes, are provided with adequate personal protection equipment, and are conducting COVID-19 screenings prior to the provision of services.

Question 4: When is it necessary to conduct a wellness check by phone?

- A wellness check by phone is only required when the participant is unavailable on the days of meal delivery. Follow normal protocol for notifying emergency contacts of police departments.

Question 5: What is the flexibility of use of NSIP funds during a declared major disaster?

- The Administration for Community Living (ACL) confirms that NSIP funds cannot be transferred anywhere across OAA Titles IIIB, C, D nor E. NSIP will stay as is in the event the State were to request and receive a Major Disaster designation.

Question 6: Is it acceptable to use Title IIIB funds for meals that do not meet Dietary Reference Intakes (DRI) requirements?

- There is no waiver of DRI or DGA under the OAA.

Question 7: Will ACL waive DRI nutrition requirements should SUA/AAAs Exhaust current supplies of emergency meals?

- The statute does not give ACL the authority to waive the Dietary Reference Intakes (DRI) applicable to meals under Parts C-1 or C-2 or under NSIP. However, due to the declaration of a Public Health Emergency by the Secretary of HHS, ACL will consider the purchase of meals that may or may not meet the DRI requirements under the provision in Part B, Section 321(a)(25) “any other services necessary for the general welfare of older individuals.” Therefore, Part B may pay for meals that do or do not meet DRI requirements during this Public Health Emergency to ensure access to meals for seniors.

Question 8: Can shelf-stable or frozen meals that delivered to the home or “drive-thru” meals that are to be consumed in the home be paid for with C-1 funding? What flexibility is there to address the increased need for these meals?

- No, meals that are delivered or consumed in the home cannot be paid for by C-1, which is designed to be provided or consumed in congregate settings. Shelf-stable, frozen, grab and go, drive-up, and drive-through meals may be paid for from Title III C-2 funds as long as program requirements are met. Additionally, NSIP funds may be used to pay for these meals as long as

the meals and the program participants meet NSIP requirements, i.e. domestically produced. Flexibility exists in the OAA for States to transfer funding between Title III-B and C-2 (up to 30%, plus an additional amount upon request for a waiver) or between C-1 and C-2 (up to 40%, plus an additional 10% upon request for a waiver) to cover increased demand for home-delivered or any meal that is to be consumed in the home.

Question 9: Are any accommodations ever made by ACL for a State/Tribe regarding NSIP funding for disasters (i.e. NSIP funding for next year will likely decrease because of emergencies)?

- NSIP is distributed to SUAs and Title VI grantees based on the number of eligible meals served in the prior year as a proportion to the number of meals served by all States, Territories and Tribes. Therefore, it is possible that a funding decrease could occur because of decreased meals served. To limit the impact of serving fewer meals, a nutrition provider may deliver shelf-stable, grab and go, frozen, drive through, etc. meals to home-delivered meal program clients to be consumed on those days when service may be disrupted. In the event of an emergency where Title III C program participants consume their shelf-stable meals, the nutrition provider may deliver additional meals to replenish those consumed during the emergency event. Then the provider **may count those replenished meals as NSIP meals (if the meals and the program participants meet NSIP requirements)**. The shelf-stable, grab and go, frozen, drive through, etc. meals can be counted when they are delivered, as it would not be possible to know when the meals actually are consumed.

Question 10: Regarding participant contribution requirement to THIC delivered/congregate meals-Can agencies apply to drive-thru and grab-n-go?

- BEAS reached out to our ACL partner the ACL response is as follows: Yes, as long as current contribution practice is followed.

Question 11: What will be the process for billing for Emergency Pack Meals?

- Emergency meal packs are a group of meals delivered at one time that are to be saved by the client. They are in addition to the normal daily meals that are delivered. They can be used if the agency can't deliver meals to the client.
- **CFI Home Delivered Meals Emergency Meal Packs (including those in Adult Family Care, Supported Housing settings):**
 - A new procedure code will be set up in the MMIS for the emergency meal packs. The date this will be available is TBD.
 - Procedure Code = S5170 HC U1
 - Unit = Per Meal
 - Rate = \$7.49 (same as the regular meals rate)
 - Maximum # of meals in a pack = up to 28
 - Limit = Providers can bill for meal packs 2 times per month up to 28 meals per pack.
 - The start date for this service will be March 1, 2020
 - This service will not require a prior authorization. CFI Independent Case Managers will not authorize this service. Meals providers will be able to bill the MMIS directly without an authorization.
 - Meals providers will be able to add this service as a second claim line on the same claim as the regular Home Delivered Meals. It does not have to be submitted as a

separate claim. This also applies to the MMIS claim template if submitting online in the MMIS.

- New HEIGHTS/NH EASY will not have this service in the drop down to authorize and no data on the new service will be in New HEIGHTS/NH EASY.

- **TIII/TXX Home Delivered Meals Packs**

- Agencies should submit Form 3502 or enter service authorizations in Options for clients receiving meals packs but the service authorizations do not have to be submitted or entered right away. Agencies will have until 9/30/2020 to enter all service authorizations.
- Agencies will submit claims normally to include all units served.
- Agencies will track all detail related to COVID related meals and send detail to DHHS when requested.

Question 12: Can a transportation provider continue to be reimbursed for providing “transportation” services to participants when the transporting would be of groceries instead of people?

- This question is under review by ACL.