

ForwardHealth **UPDATE**

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COVID-19 UNWINDING: NURSING HOME LEVELS OF CARE

During the federal COVID-19 public health emergency (PHE), the federal government allowed the Wisconsin Department of Health Services (DHS) to temporarily change program rules to protect the health and safety of members. ForwardHealth Update [2020-16](#), “Approval of Nursing Home Levels of Care During COVID-19,” outlined temporary COVID-19-related nursing home level of care (LOC) policies for eligible BadgerCare Plus and Medicaid members.

The federal government has announced that the COVID-19 PHE will end on May 11, 2023. As of May 12, 2023, ForwardHealth will revert to the pre-COVID-19 policy for nursing home LOC submission, which must be supported by a qualifying Minimum Data Set (MDS) assessment at least every 120 days.

Level of Care Request Policy

Nursing home providers initiate the determination for nursing home care by submitting a nursing home LOC request online through the

AFFECTED PROGRAMS

BadgerCare Plus, Medicaid

TO

Hospice Providers, Nursing Homes, HMOs and Other Managed Care Programs

QUICK LINKS

- [ForwardHealth Update 2023-14, “Important Information Regarding the End of the COVID-19 Public Health Emergency”](#)
- [COVID-19 ForwardHealth News and Resources page](#)
- [COVID-19 Unwinding Resources for Providers page](#)

The information provided in this ForwardHealth Update is published in accordance with Section 319 of the Public Health Service Act (42 U.S.C. § 247d) and the federal Consolidated Appropriations Act, 2023.

secure Provider area of the ForwardHealth Portal. For more information on submitting this request, providers may refer to Update [2022-20](#), “Changes to Nursing Home Level of Care Request Submissions.”

ForwardHealth determines eligibility for nursing home care for members without developmental disabilities using the automated algorithm system. The automated algorithm is based on each member’s full MDS assessment.

The full MDS assessment for a member must be completed every 120 days and submitted to the Centers for Medicare and Medicaid Services (CMS). An incomplete MDS will result in the denial of the LOC request. As a reminder, a nursing home LOC request should not be submitted to ForwardHealth until the member’s MDS Admission Assessment has been submitted to the CMS MDS system. For more information on receiving the LOC determination, providers may refer to the Nursing Home Care Determination topic ([#13497](#)) of the ForwardHealth Online Handbook.

Assisting Members During Unwinding

During routine operations, DHS asks members to provide updated information about themselves once a year and renew their participation in Medicaid if they still qualify. During the COVID-19 PHE, temporary policy was enacted so states would keep people enrolled unless they died, moved out of state, or asked to be removed from their program. The federal Consolidated Appropriations Act, 2023, passed in December 2022, ended that policy.

In April 2023, Wisconsin began a year-long process of updating information from each member and determining if they meet the rules for their current program or if they will need to transition to another kind of coverage. This is called a renewal. Members received a letter in March or April telling them when their renewal is due in the next 14 months. Then, 45 days before their due date, they will get a renewal packet with further instructions.

Note: Members should not renew until they receive their renewal packet. Under federal guidelines, DHS must keep members covered until their next renewal. Renewing early could result in members losing coverage earlier than their assigned renewal date.

The [COVID-19 Unwinding Resources for Providers](#) Portal page includes resources for providers to share with members during the renewal process.

Providers are encouraged to check this page often for up-to-date information regarding the member renewal process.

THE KEY MESSAGE

As of May 12, 2023, ForwardHealth will revert to the pre-COVID-19 policy for nursing home LOC submission, which must be supported by a qualifying MDS assessment at least every 120 days.

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COVID-19 Unwinding Resources

For more information regarding COVID-19 Unwinding, refer to the following resources:

- Update [2023-14](#), “Important Information Regarding the End of the COVID-19 Public Health Emergency”
- The [COVID-19: ForwardHealth News and Resources page](#) of the ForwardHealth Portal (will include all Unwinding provider communications)
- The [COVID-19 Unwinding Resources for Providers page](#) of the Portal (provider resources for assisting members through Unwinding)

Documentation Retention

Providers are reminded that they must follow the documentation retention requirements per Wis. Admin. Code § [DHS 106.02\(9\)](#). Providers are required to produce or submit documentation, or both, to DHS upon request. Per Wis. Stat. § [49.45\(3\)\(f\)](#), providers of services shall maintain records as required by DHS for verification of provider claims for reimbursement. DHS may audit such records to verify the actual provision of services and the appropriateness and accuracy of claims. DHS may deny or recoup payment for services that fail to meet these requirements. Refusal to produce documentation may result in denial of submitted claims, recoupment of paid claims, application of intermediate sanctions, or termination from the Medicaid program.

Information Regarding Managed Care Organizations

This Update applies to nursing home services that members receive on a fee-for-service basis and through BadgerCare Plus, Medicaid SSI, and other managed care programs. For information about managed care implementation of the updated policy, contact the appropriate managed care organization (MCO). MCOs are required to provide at least the same benefits as those provided under fee-for-service arrangements.

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The ForwardHealth Update is the first source of program policy and billing information for providers.

Wisconsin Medicaid, BadgerCare Plus, SeniorCare, and Wisconsin Chronic Disease Program are administered by the Division of Medicaid Services within the Wisconsin Department of Health Services (DHS). The Wisconsin AIDS Drug Assistance Program and the Wisconsin Well Woman Program are administered by the Division of Public Health within DHS.

For questions, call Provider Services at 800-947-9627 or visit our website at www.forwardhealth.wi.gov/.