Commonwealth of Virginia
Office of the Governor

Executive Order

NUMBER FIFTY-EIGHT (2020)

ACCESS TO MEDICAID-COVERED HEALTH CARE SERVICES IN RESPONSE TO NOVEL CORONAVIRUS (COVID-19)

Importance of the Issue

The COVID-19 disease, caused by a virus that spreads easily from person to person that may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic. This virus has spread throughout the Commonwealth. Based on information from the Virginia Department of Health and the Centers for Disease Control and Prevention, the number of cases of COVID-19 continues to increase within the Commonwealth and in neighboring states. It is anticipated that COVID-19 will result in increased demand for certain health care services, that, coupled with significant burden on the health care system, will require additional flexibilities for healthcare providers to ensure access to care for Medicaid and Family Access to Medical Insurance Security (FAMIS) members. Waiving copays for Medicaid and FAMIS members, suspending certain requirements for replacement durable medical equipment (DME), and ensuring new and updated information is immediately received by providers will assist in meeting beneficiary access to care needs. Extending allowable timeframes for certain background checks for personal care, respite services, and companion services will expand the availability of critical long term care providers.

Directive

Therefore, by virtue of the authority vested in me by the Constitution of Virginia and § 44-146.17 of the *Code of Virginia*, and in furtherance of the state of emergency declared in Executive Order 51, I hereby order the following:

1. The Department of Medical Assistance Services (DMAS) will suspend pre-admission screening pursuant to § 32.1-330 of the *Code of Virginia*. All new nursing facility admissions will be treated like exempted hospital discharges.

2. Copays required under § 32.1-351(C) of the *Code of Virginia* for Virginians receiving health insurance through the Family Access to Medical Insurance Security Plan are waived.

3. Requirements pursuant to § 32.1-325(A)(14) of the *Code of Virginia* concerning certificates of medical necessity and any supporting verifiable documentation are waived with respect to replacement of durable medical equipment (DME). DMAS will also suspend enforcement of additional replacement requirements for DME, prosthetics, orthotics, and supplies that are lost, destroyed, irreparably damaged, or otherwise rendered unusable, such that the face-to-face requirement, a new physician's order, and new medical necessity documentation are not required for replacement equipment.

4. Personal care, respite, and companion providers in the agency- or consumer-directed program, who are providing services to individuals over the age of 18, may work for up to 60 days, as opposed to the current 30-day limit in § 32.1-162.9:1 of the *Code Virginia*, while criminal background registries are checked. Consumer-directed Employers of Record must ensure that the attendant is adequately supervised while the criminal background registry check is processed. Agency providers must adhere to current reference check requirements and ensure that adequate training has occurred prior to the aide providing the services in the home. Agency providers shall conduct weekly supervisory visits through telehealth methods when the aide works prior to receiving criminal background registry results. This section does not apply to services provided to individuals under the age of 18, with the exception of parents of minor children in the consumer-directed program.

5. Requirements under § 2.2-4002.1 of the *Code Virginia* related to the 30-day advance public notice and comment period are waived as to DMAS only, so that the DMAS can issue Medicaid Memos to ensure that healthcare providers receive immediate information on flexibilities to ensure access to care for Medicaid members.

Effective Date of this Executive Order

This Executive Order shall be effective April 23, 2020, and shall remain in full force and in effect until June 10, 2020 unless sooner amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 23rd day of April, 2020.

Ralph S. Northam, Governor

Attest:

Kelly Thomasson, Secretary of the Commonwealth