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Alternative Settings During the COVID-19 Public Health Emergency

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Under the Department's [approved Section 1135 waiver](#), the Centers for Medicare and Medicaid Services (CMS) has granted us the ability to waive certain federal Medicaid requirements during the COVID-19 public health emergency. This will help ensure that MaineCare members have access to necessary health care services and that providers have the flexibility and support necessary to meet their needs.

Under this waiver, CMS approved the use of temporary service locations ("alternative settings") as long as the State makes a reasonable assessment that the site "meets minimum standards, consistent with reasonable expectations in the context of the public health emergency, to ensure the health, safety and comfort of beneficiaries and staff."

The following guidelines apply to providers who are already enrolled with MaineCare.

New Service Locations

MaineCare providers will be allowed to deliver services to MaineCare members at alternative settings in response to COVID-19 situations or concerns, even if the temporary service location has not gone through the formal MaineCare provider enrollment process. Providers will not be required to enroll the temporary service location; providers should bill under the NPI for the regular service location for services delivered at the temporary location.

To receive reimbursement for services delivered at alternative settings, providers must take the following steps:

1. Notify the appropriate [DHHS office](#) about any alternative setting they wish to use. This should be done before providing services at the location, or in the case of an emergency, within 24 hours of the start of providing services. Requests should include the provider's name and NPI, the location of and justification for the alternative setting, and information about members who have consented to move locations (if applicable).
2. Receive approval from the Department. For emergencies, the provider must obtain approval as soon as reasonably possible after the start of services at the new site.
3. Include the date of any change in service location and the reason(s) for the change (if applicable) in the member's medical record.

For additional guidance regarding documentation requirements for alternative inpatient, residential, and outpatient service locations, please refer to our [September 2020 e-message](#).

For reporting purposes, the appropriate office will give the provider instructions on how to track relevant information and how frequently to update the office on any changes, if necessary.

Non-Emergency Transportation (NET)

If a provider would like a member to use Non-Emergency Transportation (NET) services to travel to or from their temporary service location, brokers will ask the provider to demonstrate that they have received DHHS approval for the temporary service location prior to arranging the transportation. Providers who have not yet received approval from DHHS (e.g. because the temporary service location has been set up as an emergency) will be given a grace period of two business days during which NET services can still be provided. After two business days, NET services will end until providers demonstrate to the brokers that they have received approval from DHHS.

Transferring MaineCare Members Between Providers

We recognize that some MaineCare providers may have additional capacity that they can offer to other MaineCare providers through a sub-contractual agreement. Sample agreements providers may use can be found [here](#). Providers should remember that their MaineCare Provider Agreement, particularly Section A.4, has certain requirements related to sub-contracts that all providers must adhere to. Please see below:

Section A.4

Subletting, Assignment or Transfer.

- a. The Provider shall not subcontract, transfer, assign, or otherwise convey this Agreement or any portion thereof, or any of its rights, title, interest, including the Department billing number issued to the Provider, or obligations under the Agreement, without written request to and prior written consent from the Department. The Provider shall not reassign its MaineCare claims in a manner prohibited by 42 C.F.R. § 447.10.*
- b. No subcontracts, assignments or transfers shall in any case release the Provider of its legal obligations or other liability under this Agreement, unless otherwise provided by law.*
- c. Any subcontracts approved by the Department will bind the subcontractor to compliance with applicable Federal and State laws and regulations and all legal obligations or other liability under this agreement.*
- d. The Department, in its sole discretion, will determine whether a change of name, location or ownership may be recognized by the Department by amendment to this Agreement or whether this change will require a new Agreement to be executed.*

The review and approval process for sub-contract agreements should follow the same process outlined above; however, in Step 1 above, the agreement should be sent to both the appropriate office and to Aaron Fotter (aaron.fotter@maine.gov), Provider Enrollment Manager, Office of MaineCare Services.

DHHS Contacts

Provider Type	Responsible Office	Primary Contact	Secondary Contact
Section 2: Adult Family Care Homes	Office of Aging and Disability Services	Alecia Swihart	Gretchen Zeh-Higgins

Section 18: Brain Injury Waiver	Office of Aging and Disability Services	Elizabeth Hardink	Derek Fales
Section 19: Elderly and Adults with Physical Disability Waiver	Office of Aging and Disability Services	Allison Toomey	Nicole Rooney
Section 20: Adults with Other Related Conditions Waiver	Office of Aging and Disability Services	Elizabeth Hardink	Derek Fales
Section 21: HCB for Members with Intellectual Disabilities or Autism Spectrum Disorder (ASD)	Office of Aging and Disability Services	Emily Kalafarski	Derek Fales
Section 29: Support Services for Adults with Intellectual Disabilities or ASD	Office of Aging and Disability Services	Emily Kalafarski	Derek Fales
Section 50: ICF/IID Group and Nursing Facilities	Office of Aging and Disability Services	Luke Curtis	Derek Fales
Section 67: Nursing Facilities	Office of Aging and Disability Services	Alecia Swihart	Gretchen Zeh-Higgins
Section 97: PNMI Appendix B	Office of Behavioral Health	Stephanie Kallio	Katherine Coutu
Section 97: PNMI Appendix C	Office of Aging and Disability Services	Alecia Swihart	Gretchen Zeh-Higgins
Section 97: PMNI Appendix D	Office of Child and Family Services	Janet Whitten	
Section 97: PNMI Appendix E/F (Mt. St. Joe)	Office of Behavioral Health	Kathy Lavallee	Kathryn Temple
Section 97: PNMI Appendix F	Office of Aging and Disability Services	Luke Curtis	Derek Fales
Hospitals	Division of Licensing	Marcia Smith	
All other provider types	Office of MaineCare Services	Aaron Fotter	

All other questions may be directed to MaineCare’s Provider Enrollment Manager, Aaron Fotter, aaron.fotter@maine.gov.