



MISSISSIPPI DIVISION OF
MEDICAID

Administrative Code

Title 23: Medicaid
Part 223
Early and Periodic Screening,
Diagnosis, and Treatment (EPSDT)

Table of Contents

Table of Contents.....	1
Chapter 1: General	2
Rule 1.1: Program Description.....	2
Rule 1.2: Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Provider Enrollment.....	3
Rule 1.3: Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Provider Participation Requirements	3
Rule 1.4: Periodicity Schedule.....	4
Rule 1.5: Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Screenings.....	5
Rule 1.6: Documentation Requirements for Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Screenings.....	6
Rule 1.7: Diagnostic and Treatment Program Services	9
Rule 1.8: Reimbursement.....	9
Chapter 2: Early Intervention / Targeted Case Management	10
Rule 2.1: Provider Participation.....	10
Rule 2.2: TCM Activities.....	11
Rule 2.3: Quality Assurance and Monitoring	12
Rule 2.4: Freedom of Choice	13
Rule 2.5: Reimbursement.....	13
Chapter 3: Prescribed Pediatric Extended Care (PPEC) Services.....	13
Rule 3.1: Definitions.....	13
Rule 3.2: Provider Requirements.....	14
Rule 3.3: Covered Services.....	15
Rule 3.4: Non-covered Services.....	16
Rule 3.5: Reimbursement.....	16
Rule 3.6: Documentation.....	17
Chapter 4: Private Duty Nursing.....	19
Rule 4.1: Definitions.....	19
Rule 4.2: Provider Requirements.....	19
Rule 4.3: Covered Services.....	24
Rule 4.4: Prior Authorization and Concurrent Reviews.....	26
Rule 4.5: Discontinuation of Private Duty Nursing (PDN) Services.....	27
Rule 4.6: Non-Covered Services.....	28
Rule 4.7: Denial of Services and Appeals.....	29
Rule 4.8: Reimbursement.....	29
Rule 4.9: Documentation Requirements.....	29
Chapter 5: Personal Care Services.....	31
Rule 5.1: Definitions.....	31
Rule 5.2: Provider Requirements.....	32
Rule 5.3: Covered Services.....	35
Rule 5.4: Prior Authorization and Concurrent Reviews.....	37
Rule 5.5: Discontinuation of Personal Care Services (PCS).....	39
Rule 5.6: Non-Covered Services.....	40
Rule 5.7: Denial of Services and Appeals.....	41
Rule 5.8: Reimbursement.....	41
Rule 5.9: Documentation Requirements.....	41

Title 23: Division of Medicaid

Part 223: Early and Periodic Screening, Diagnosis, and Treatment (EPSDT)

Chapter 1: General

Rule 1.1: Program Description

- A. The Division of Medicaid has established a program of Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) which provides screenings, preventive and comprehensive health services for certain beneficiaries who are eligible for full Medicaid benefits. EPSDT services are provided to beneficiaries under age twenty-one (21).
- B. EPSDT stands for:
1. Early is assessing health care in early life so that potential disease and disabilities can be prevented or detected in their preliminary states, when they are most effectively treated.
 2. Periodic is assessing a child's health at regular, recommended intervals in the child's life to assure continued healthy development.
 3. Screening is the use of tests and procedures to determine if children being examined have conditions warranting closer medical or dental attention.
 4. Diagnosis is the determination of the nature or cause of conditions identified by the screening.
 5. Treatment is the provision of services needed to control, correct or lessen health problems.
- C. Providers of EPSDT screenings must be currently enrolled Mississippi Medicaid providers, have signed an EPSDT specific provider agreement, and must adhere to the American Academy of Pediatrics (AAP) Bright Futures Periodicity Schedule. EPSDT screening providers include, but are not limited to:
1. The Mississippi State Department of Health,
 2. Public schools and/or public school districts certified by the Mississippi Department of Education,
 3. Federally Qualified Health Centers (FQHC),
 4. Rural Health Clinics (RHC),
 5. Comprehensive health clinics, and

6. Similar agencies which provide various components of EPSDT screenings.

D. EPSDT diagnostic and treatment services are primarily provided by referral to other enrolled Mississippi Medicaid providers.

Source: 42 U.S.C. § 1396d; 42 C.F.R. Part 441, Subpart B; Miss. Code Ann. §§ 43-13-117, 43-13-121.

History: Revised to correspond with SPA 18-0014 (eff. 10/01/2018) effective 12/01/2018.
Revised to correspond with SPA 15-017 (eff. 11/01/2015), eff. 10/01/2016.

Rule 1.2: Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Provider Enrollment

A. Physicians, physician assistants or nurse practitioners who wish to provide EPSDT screenings must meet the Mississippi Medicaid enrollment requirements, complete and sign an EPSDT specific provider agreement and pass an onsite clinic inspection performed by the Division of Medicaid.

B. Registered nurses employed through the Mississippi Department of Education (MDE), who meet the certification requirement and the established protocols mandated by the Mississippi State Department of Health (MSDH), MDE, Mississippi School Nurse Association, and Mississippi Board of Nursing, may perform EPSDT health assessments following the protocols established by the MSDH. MDE employed registered nurses must have the educational basis and clinical basis needed to perform health assessments. In addition to the certification requirement, claims submitted for these services must be submitted under the school's provider number and the billing provider must have a current letter of referral affiliation on file with the Division of Medicaid.

Source: 42 U.S.C § 1396d; Miss. Code Ann. § 43-13-121.

History: Revised to correspond with SPA 2015-017 (eff. 11/01/2015), eff. 10/01/2016.

Rule 1.3: Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Provider Participation Requirements

A. Enrolled Mississippi Medicaid providers who have signed an Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) specific provider agreement must conduct periodic screenings and medically necessary interperiodic visits for all EPSDT-eligible beneficiaries in accordance with the EPSDT Periodicity Schedule as recommended by the American Academy of Pediatrics (AAP) Bright Futures Periodicity Schedule and must provide or refer EPSDT-eligible beneficiaries with an identified need for additional assessment, diagnosis, and/or treatment services to an appropriate provider.

B. Dental providers must provide services to all EPSDT-eligible beneficiaries in accordance with the dental schedule of the American Academy of Pediatric Dentistry (AAPD) and in

accordance with AAP guidelines. Dental providers must provide or refer EPSDT-eligible beneficiaries with an identified need for additional assessment, diagnosis, and/or treatment services to an appropriate provider.

- C. EPSDT screening providers must refer EPSDT-eligible beneficiaries to other enrolled Mississippi Medicaid licensed practitioners of the beneficiary's choice for assessment, diagnosis and/or treatment services necessary to correct or ameliorate any physical, mental, psychosocial and/or behavioral health conditions discovered by the screenings, whether or not such services are covered under the State Plan.

Source: 42 U.S.C § 1396d; Miss. Code Ann. § 43-13-117.

History: Revised to correspond with SPA 2015-017 (eff. 11/01/2015), eff. 10/01/2016.

Rule 1.4: Periodicity Schedule

- A. EPSDT providers must adhere to the current American Academy of Pediatrics (AAP) Bright Futures Periodicity Schedule.
- B. EPSDT providers must schedule all health assessment screening appointments for the EPSDT-eligible beneficiary according to the AAP Bright Futures Periodicity Schedule.
- C. EPSDT providers must maintain a screening periodicity tracking system for EPSDT-eligible beneficiaries seen for initial screening to ensure that subsequent screenings are performed timely and in accordance to the AAP Bright Futures Periodicity Schedule. EPSDT-eligible beneficiaries, guardians and/or legal representatives must be informed of the AAP Bright Futures Periodicity Schedule.
 - 1. EPSDT providers must follow up on missed appointments. If the beneficiary fails to keep the scheduled appointment, or the beneficiary, guardian and/or legal representative fails to contact the provider to reschedule, an appointment letter or telephone contact must be made providing the beneficiary another opportunity to be screened within thirty (30) days of the initial appointment.
 - 2. Two (2) good faith efforts, defined as an attempt to contact the beneficiary, guardian and/or legal representative, are required to reschedule a screening appointment. EPSDT providers must document in the medical record any missed appointments and two (2) good faith efforts to reschedule the appointment.
 - 3. Failure of a beneficiary, guardian and/or legal representative to keep the second appointment and respond to the provider's attempted contact is considered a declination of that screening only. The provider must continue to maintain periodicity and schedule the beneficiary for the next screening due following the same process.

Source: 42 C.F.R § 441.58; Miss. Code Ann. §§ 43-13-117, 43-13-121.

History: Revised to correspond with SPA 2015-017 (eff. 11/01/2015), eff. 10/01/2016.

Rule 1.5: Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Screenings

- A. An initial or established age appropriate medical screening which must include at a minimum:
 - 1. A comprehensive health and developmental history including assessment of both physical and mental health development and family history,
 - 2. A comprehensive unclothed physical examination,
 - 3. Appropriate immunizations according to the Advisory Committee on Immunization Practices (ACIP), and specific to age and health history,
 - 4. Laboratory tests adhering to the AAP Bright Futures Periodicity Schedule,
 - 5. Sexual development and sexuality screening adhering to the AAP Bright Futures Periodicity Schedule, and
 - 6. Health education, including anticipatory guidance.
- B. Developmental screening or surveillance to include diagnosis with referral to an enrolled Mississippi Medicaid provider for diagnosis and treatment for defects discovered.
- C. Psychosocial/behavioral assessment to include diagnosis with referral to an enrolled Mississippi Medicaid provider for diagnosis and treatment for defects discovered.
- D. Vision screening, at a minimum, to include diagnosis with referral to an enrolled Mississippi Medicaid optometry or ophthalmology provider for diagnosis and treatment for defects discovered.
- E. Hearing screening, at a minimum, to include diagnosis with referral to an enrolled Mississippi Medicaid audiologist, otologist, otolaryngologist or other physician hearing specialists for diagnosis and treatment for defects discovered.
- F. Dental screening, at a minimum, to include diagnosis with referral to an enrolled Mississippi Medicaid dental provider for beneficiaries at eruption of the first tooth or twelve (12) months of age for diagnosis and referral to a dentist for treatment and relief of pain and infections, restoration of teeth and maintenance of dental health.
- G. Maternal depression screening, to include a referral:
 - 1. To an enrolled Medicaid provider if the mother is eligible for Medicaid, or
 - 2. To other healthcare providers as medically indicated including, but not limited to:

- a) Federally Qualified Health Center (FQHC),
- b) Rural Health Clinic (RHC), or
- c) Community Mental Health Center (CMHC).

Source: 42 U.S.C. §1396d; 42 C.F.R Part 441, Subpart B; Miss. Code Ann. §§ 43-13-117, 43-13-121.

History: Revised to correspond with SPA 18-0014 (eff. 10/01/2018) effective 12/1/2018.
Revised to correspond with SPA 15-017 (eff. 11/01/2015), eff. 10/01/2016.

Rule 1.6: Documentation Requirements for Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Screenings

- A. The medical record must include, at a minimum, documentation of the specific age appropriate screening requirements according to the American Academy of Pediatrics (AAP) Bright Futures Periodicity Schedule including the date the test or procedure was performed, the specific tests or procedures performed, the results of the tests or procedures or an explanation of the clinical decision to not perform a test or procedure in accordance with the AAP Bright Futures Periodicity Schedule, and documentation of the following:
1. Consent for screening with the beneficiary's and/or legal guardian/representative's signature,
 2. Beneficiary and family history with appropriate updates at each screening visit, including, but not limited to, the following:
 - a) Psychosocial/behavioral history,
 - b) Developmental history, and
 - c) Immunization history,
 3. Measurements, including, but not limited to:
 - a) Length/height and weight,
 - b) Head circumference,
 - c) Weight for length percentiles,
 - d) Body mass index (BMI), and
 - e) Blood pressure,

4. Sensory screenings, subjective and/or objective:
 - a) Vision, and
 - b) Hearing,
5. Developmental/behavioral assessment, as appropriate, including:
 - a) Developmental screening to include, but not limited to:
 - 1) A note indicating the date the test was performed,
 - 2) The standardized tool used which must have:
 - (a) Motor, language, cognitive, and social-emotional developmental domains,
 - (b) Established reliability scores of approximately 0.70 or above,
 - (c) Established validity scores of approximately 0.70 or above for the tool conducted on a significant amount of children and using an appropriate standardized developmental or social-emotional assessment instrument, and
 - (d) Established sensitivity/specificity scores of approximately 0.70 or above, and
 - 3) Evidence of a screening result or screening score,
 - b) Autism screening,
 - c) Developmental surveillance,
 - d) Psychosocial/behavioral assessment,
 - e) Tobacco, alcohol and drug use assessment,
 - f) Depression screening, and
 - g) Maternal depression screening.
6. Unclothed physical examination,
7. Procedures, as appropriate, including, but not limited to:
 - a) Newborn blood screening,
 - b) Vaccine administration, if indicated,

- c) Anemia testing,
 - d) Lead screening and testing,
 - e) Tuberculin test, if indicated,
 - f) Dyslipidemia screening,
 - g) Sexually transmitted infection screening,
 - h) Human immunodeficiency virus (HIV) testing,
 - i) Cervical dysplasia screening, and
 - j) Other pertinent lab and/or medical tests, as indicated,
8. Oral health, including:
- a) Dental assessment,
 - b) Dental counseling, and
 - c) Referral to a dental home at the eruption of the first tooth or twelve (12) months of age,
9. Anticipatory guidance, including, but not limited to:
- a) Safety,
 - b) Risk reduction,
 - c) Nutritional assessment, and
 - d) Supplemental Nutrition Assistant Program (SNAP) and Women, Infants and Children (WIC) status,
10. Appropriate referral(s) to other enrolled Mississippi Medicaid providers for diagnosis and treatment,
11. Follow-up on referral(s) made to other enrolled Mississippi Medicaid providers for diagnosis and treatment,
12. Next scheduled EPSDT screening appointments, and
13. Missed appointments and any contacts or attempted contacts for rescheduling of EPSDT

screening appointments.

- B. Medical records must be available to the Division of Medicaid and/or designated entity upon request. [Refer to Maintenance of Records Miss. Admin. Code Part 200, Rule 1.3]

Source: Miss. Code Ann. §§ 43-13-117, 43-13-118, 43-13-121, 43-13-129.

History: Revised to correspond with SPA 18-0014 (eff. 10/01/2018) effective 12/01/2018.
Revised to correspond with SPA 2015-017 (eff. 11/01/2015), eff. 10/01/2016.

Rule 1.7: Diagnostic and Treatment Program Services

The Division of Medicaid covers any medically necessary Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) diagnostic and treatment services required to correct or ameliorate physical, mental, psychosocial, and/or behavioral health conditions discovered by a screening, whether or not such services are covered under any Medicaid Administrative Rule or the State Plan for EPSDT-eligible beneficiaries and, if required, prior authorized by a Utilization Management/Quality Improvement Organization (UM/QIO), the Division of Medicaid or designated entity. [Refer to Miss. Admin. Code Part 200, Rule 5.1].

Source: 42 U.S.C § 1396d; Miss. Code Ann. § 43-13-121.

History: Revised to correspond with SPA 2015-017 (eff. 11/01/2015), eff. 10/01/2016.

Rule 1.8: Reimbursement

- A. The Division of Medicaid reimburses a separate fee in addition to the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) periodic screenings and medically necessary interperiodic visits for each of the following when documented in accordance with Miss. Admin. Code Title 23, Part 223, Rule 1.6.A.

1. Developmental screenings according to the American Academy of Pediatrics (AAP) guidelines,
2. Vision screenings,
3. Hearing screenings,
4. Autism screenings,
5. Depression screenings,
6. Maternal depression screening, and
7. Other medically necessary services prior authorized by the Division of Medicaid or designee, if required:

- a) Lab tests, excluding hemoglobin or hematocrit,
 - b) Diagnostic tests, and
 - c) Other procedures.
- B. The Division of Medicaid reimburses EPSDT screening fees using Current Procedural Terminology (CPT) Codes based on the American Medical Association (AMA) methodology for determining medical services at ninety (90) percent of the Medicare fee schedule per state law.
- C. The Division of Medicaid only reimburses Federally Qualified Health Centers (FQHC), Rural Health Clinics (RHC) and Mississippi Department of Health (MSDH) Clinics an encounter rate that is all inclusive of all items listed in Miss. Admin. Code Title 23, Part 223, Rule 1.8.A.

Source: 42 U.S.C. § 1396d; 42 C.F.R Part 441, Subpart B; Miss. Code Ann. §§ 43-13-117, 43-13-121.

History: Revised to correspond with SPA 18-0014 (eff. 10/01/2018) effective 12/01/2018. New Rule to correspond with SPA 15-017 (eff. 11/01/2016) eff. 10/01/2016.

Chapter 2: Early Intervention / Targeted Case Management

Rule 2.1: Provider Participation

A. Providers

1. Qualified providers shall be state agencies, private and public providers and their subcontractors.
2. Providers must meet the following Medicaid criteria to ensure that case managers for the children with developmental disabilities are capable of providing needed services to the targeted group:
 - a) Demonstrated successfully a minimum of three (3) years of experience in all core elements of case management including:
 - 1) Assessment,
 - 2) Care/services plan development,
 - 3) Linking/coordination of services, and
 - 4) Reassessment/follow-up.

- b) Demonstrated case management experience in coordinating and linking such community resources as required by the target population,
- c) Demonstrated experience with the target population, and
- d) Demonstrated the ability to provide or has a financial management system that documents services delivered and costs associated.

B. Case Managers

1. Each case manager must be a Mississippi Early Intervention Program certified service provider and have both of the following:
 - a) A bachelor's degree in child development, early childhood education, special education, social work, or be a registered nurse, and
 - b) Two (2) years' experience in service coordination for children with disabilities up to age eighteen (18) or two (2) years' experience in service provision to children under six (6) years of age.

Source: Miss. Code Ann. § 43-13-121; 43-13-117(19)(b); 34 CFR 303

Rule 2.2: TCM Activities

A. Early Intervention/Targeted Case Management (EI/TCM) is an active ongoing process that involves activities carried out by a case manager to assist and enable a child enrolled and participating in the Mississippi Early Intervention Program to gain access to needed medical, social, educational and other services. Service Coordination to assist the child and child's family, as it relates to the child's needs, from the notice of referral through the initial development of the child's needs identified on the Individualized Family Services Plan (IFSP). Additionally, Service Coordination assists the child and child's family, as it relates to the child's needs, with ongoing service coordination, for the child, provided by the individual service coordinator selected at the time the IFSP is finalized.

B. These activities include:

1. Arranging for evaluation and assessment activities to determine the identification of services as it relates to the child's medical, social, educational and other needs,
2. Arranging for and coordinating the development of the child's IFSP,
3. Arranging for the delivery of the needed services as identified in the IFSP,
4. Assisting the child and his/her family, as it relates to the child's needs, in accessing needed services for the child and coordinating services with other programs,

5. Monitoring the child's progress by making referrals, tracking the child's appointments, performing follow-up on services rendered, and performing periodic reassessments of the child's changing service needs,
6. Make a minimum of one (1) face-to-face contact quarterly and documented successful contacts monthly,
7. Obtaining, preparing and maintaining case records, reports, documenting contacts, services needed, and the child's progress,
8. Providing case consultation, with the service providers/collaterals in determining child's status and progress,
9. Coordinating crisis assistance, intervention on behalf of the child, making arrangements for emergency referrals and coordinating other needed emergency services, and
10. Coordinating the transition of an enrolled child to ongoing services prior to the child's third (3rd) birthday.

Source: Miss. Code Ann. § 43-13-121; 43-13-117(19)(b); 34 CFR 303

Rule 2.3: Quality Assurance and Monitoring

- A. The Division will establish and maintain an assurance process that ensures a quality case management program and the delivery of necessary covered services that appropriately address the individual needs. The provider agrees to share data as part of the quality assurance program timely upon request by the Division.
- B. The providers will make available to the Division the documentation/records maintained for case management services with the following information:
 1. The name of eligible client,
 2. Dates of case management services,
 3. The nature, content, and units of the case management services received and whether goals specified in the care plan have been achieved,
 4. Whether the client has declined services in the care plan, the need for and occurrences of coordination with other case managers,
 5. The time line for obtaining needed services,
 6. The time line for reevaluation of the plan,
 7. Case Management Needs Assessment to determine the services needed and requested by

the individual,

8. Service Coordination and Linkage to identify, assess, and link eligible individuals with the appropriate medical, social, and educational services to ensure that appropriate services are being provided while reducing duplication of services, and
9. Individual Service Monitoring to assure that all services are being appropriately delivered according to the Individualized Family Service Plan (IFSP) and in accordance with the established time lines.

Source: Miss. Code Ann. § 43-13-121; 43-13-117(19)(b)

Rule 2.4: Freedom of Choice

- A. Enrolled and participating recipients will have free choice of the available providers of case management services; and
- B. Enrolled and participating recipients will have free choice of the available providers of other medical care under the plan.

Source: Miss. Code Ann. § 43-13-121; Section 1920(a) (23) of the Social Security Act.

Rule 2.5: Reimbursement

- A. The Division of Medicaid uses rate setting as a prospective method of reimbursement on both the state and federal level. This method does not allow for retrospective settlements. The rates are determined from cost reports and appropriate audits.
- B. Standard rates will be re-determined annually. The Division of Medicaid uses a fee-for-service reimbursement rate for private providers. In no case may the reimbursement rate for services provided exceed an individual facility's customary charge to the public for such services in the aggregate, except for those public facilities rendering such services free of charge or at a nominal charge.
- C. Payments under the plan do not duplicate payments made to public agencies or private entities under other program authorities for the same purpose.
- D. Case management providers are paid on a unit of service basis that does not exceed fifteen (15) minutes.

Source: Miss. Code Ann. § 43-13-121; 43-13-117(19)(b); 34 CFR 303

Chapter 3: Prescribed Pediatric Extended Care (PPEC) Services

Rule 3.1: Definitions

The Division of Medicaid defines:

- A. Early and Periodic Screening, Diagnosis and Treatment (EPSDT)-eligible beneficiaries as beneficiaries who qualify for the federally mandated EPSDT program according to 42 U.S.C. § 1396d and 42 C.F.R. Part 441.
- B. Prescribed pediatric extended care (PPEC) services as medically necessary skilled nursing services and therapeutic interventions for EPSDT eligible, medically complex beneficiaries who:
 - 1. Are medically or technologically dependent, and
 - 2. Require continual care.
- C. PPEC center as any building or buildings, or other place, whether operated for profit or non-profit, which undertakes through its ownership or management to provide basic nonresidential services to three (3) or more medically dependent or technologically dependent children who are not related to the owner or operator by blood, marriage or adoption and who require such services.
- D. Medically or technologically dependent as requiring on-going, physician prescribed, technologically-based skilled nursing supervision and/or requiring routine use of a medical device to compensate for the deficit of life-sustaining body function due to a medical condition/disability whether acute, chronic or intermittent in nature.
- E. Medically complex as a medical condition that requires continual care as prescribed by the child's attending physician.

Source: 42 U.S.C. § 1396d; Miss. Code Ann. §§ 41-125-3, 43-13-117, 43-13-121.

History: Revised to correspond with SPA 19-0002 (eff. 01/01/2020), eff. 02/01/2020.

Rule 3.2: Provider Requirements

- A. Prescribed pediatric extended care (PPEC) providers, including out-of-state providers, must satisfy all requirements set forth in Miss. Admin Code Title 23, Part 200, Rule 4.8 in addition to the following provider type specific requirements:
 - 1. National Provider Identifier (NPI) verification from National Plan and Provider Enumeration System (NPPES).
 - 2. Written confirmation from the Internal Revenue Service (IRS) confirming the provider's tax identification number and legal business name.

3. A copy of the provider's current Medicare certification or Tie-In Notice from the Medicare Administrative Contractor. An Explanation of Medicare Benefits (EOMB) is not acceptable.
 4. A copy of License from the Mississippi State Department of Health, Health Facilities Licensure and Certification. If parent entity is an out-of-state facility with a servicing location in Mississippi, a copy of the respective State's license is required.
- B. PPEC providers must adhere to the Mississippi State Department of Health Minimum Standards of Operation of PPEC Centers, as required for Licensure.
- C. PPEC providers must development, implement and monitor the comprehensive plan of care, developed in conjunction with the parent or guardian, which specifies the medical, nursing, psychosocial and developmental therapies required.

Source: 42 U.S.C § 1396d; Miss. Code Ann. §§ 41-125-19, 43-13-117, 43-13-121.

History: Revised to correspond with SPA 19-0002 (eff. 01/01/2020), eff. 02/01/2020.

Rule 3.3: Covered Services

- A. The Division of Medicaid covers up to twelve (12) hours per day of medically necessary prescribed pediatric extended care (PPEC) services for Early and Periodic Screening, Diagnosis and Treatment (EPSDT) eligible beneficiaries when:
1. Ordered by the beneficiary's attending physician,
 2. Provided by a Mississippi licensed and Medicaid enrolled PPEC center, and
 3. Prior authorized by the Division of Medicaid or designee:
 - a) Prior authorizations must be submitted every six (6) months, and
 - b) The ordering physician must perform an in-person evaluation of the beneficiary a minimum of every six (6) months to review and update the plan of care (POC) as necessary.
- B. PPEC services include, but are not limited to:
1. Nursing services,
 2. Respiratory therapy,
 3. Developmental services,
 4. Nutrition services,

5. Social services,
6. Physical therapy, occupational therapy and/or speech-language pathology,
7. Durable medical equipment and medical supplies as required by the Mississippi Department of Health (MSDH), and
8. Transportation to and from the PPEC facility unless the beneficiary's parent and/or legal guardian chooses for the beneficiary to be transported by a family member or friend.

C. All PPEC services must meet the MSDH's minimum standards in order to be covered.

Source: 42 U.S.C § 1396d; Miss. Code Ann. §§ 41-125-19, 43-13-117, 43-13-121.

History: Revised to correspond with SPA 19-0002 (eff. 01/01/2020), eff. 02/01/2020.

Rule 3.4: Non-covered Services

The Division of Medicaid does not cover the following as prescribed pediatric extended care (PPEC) services:

- A. Services that are not part of a written plan of care,
- B. Services that have not been ordered by a physician,
- C. Educational services,
- D. Services provided to beneficiaries that are related to the owner or operator by blood, marriage or adoption, and
- E. Services that do not meet the Mississippi Department of Health's (MSDH's) minimum standards.

Source: 42 U.S.C § 1396d; Miss. Code Ann. §§ 41-125-19, 43-13-117, 43-13-121.

History: Revised to correspond with SPA 19-0002 (eff. 01/01/2020), eff. 02/01/2020.

Rule 3.5: Reimbursement

- A. The Division of Medicaid reimburses up to twelve (12) hours per day of medically necessary prescribed pediatric extended care (PPEC) services for Early and Periodic Screening, Diagnosis and Treatment (EPSDT) eligible beneficiaries when:
 1. Ordered by the beneficiary's attending physician,

2. Provided by a Mississippi licensed and Medicaid enrolled PPEC center, and
 3. Prior authorized by the Division of Medicaid or designee every six (6) months.
- B. The Division of Medicaid reimburses the lesser of the provider's usual and customary charge or:
1. An hourly rate for each complete hour of PPEC services for the first six (6) complete hours of PPEC services,
 2. A daily rate for over six (6) hours of PPEC services, and
 3. A daily rate for transportation to and from the PPEC center when provided by the PPEC.
- C. The following items and services are not included in the hourly or daily rates for PPEC services and must be billed separately by the rendering provider:
1. Occupational therapy,
 2. Physical therapy, and
 3. Speech-language pathology.
 4. Baby food or formula,
 5. Total parenteral and enteral nutrition,
 6. Mental health and/or psychiatric services, and
 7. Durable medical equipment (DME) and medical supplies.

Source: 42 C.F.R Part 441, Subpart B; Miss. Code Ann. §§ 41-125-19, 43-13-117, 43-13-121.

History: Revised to correspond with SPA 19-0002 (eff. 01/01/2020), eff. 02/01/2020.

Rule 3.6: Documentation

- A. Providers must maintain required documentation in accordance with Miss. Admin. Code Part 200, Rule 1.3, and must maintain auditable records to substantiate claims submitted to the Division of Medicaid or designated entity.
- B. Documentation must include, but is not limited to:
1. The physician's orders and any changes in physician orders,
 2. Progress notes,

3. Prior authorization,
 4. The plan of care and quarterly updates,
 5. Immunization records,
 6. Dates and times of all services provided including, but not limited to:
 - a) Medication administration record,
 - b) Treatment administration record, and
 - c) Respiratory treatment record
 7. Dates and times of educational services,
 8. Dietary orders,
 9. Pick-up and drop-off times,
 10. Accident reports,
 11. Incident Reports, and
 12. Emergency contact information.
- C. Medical records must be available to the Division of Medicaid and/or designated entity upon request. [Refer to Maintenance of Records Part 200, Rule 1.3]

Source: 42 C.F.R Part 441, Subpart B; Miss. Code Ann. §§ 41-125-19, 43-13-117, 43-13-121.

History: Revised to correspond with SPA 19-0002 (eff. 01/01/2020), eff. 02/01/2020.

Chapter 4: Private Duty Nursing

Rule 4.1: Definitions

The Division of Medicaid defines:

- A. A medically necessary early and periodic screening, diagnosis and treatment (EPSDT) service as a service necessary to correct or ameliorate the individual child's physical or mental condition with the determination made on a case-by-case basis taking into account the particular needs of the child.
- B. EPSDT-eligible beneficiary as a beneficiary who meets the requirements of the federally mandated EPSDT program.
- C. Private duty nursing (PDN) as skilled nursing care services for EPSDT-eligible beneficiaries who require more individual and continuous care than is available from a visiting nurse or routinely provided by the nursing staff of a hospital or skilled nursing facility.
- D. Skilled nursing care as a service requiring high-level skills of a registered nurse (RN) or licensed practical nurse (LPN) to provide curative, restorative, and preventative care. These services are rendered under the supervision of an RN and according to a plan of care and treatment created in consultation with the beneficiary's care team and approved by the beneficiary's physician.

Source: 42 U.S.C. §1396d; 42 C.F.R. Part 441; 42 C.F.R. § 440.80; Miss. Code Ann. §§ 43-13-117, 43-13-121.

History: New eff. 07/01/2020.

Rule 4.2: Provider Requirements

- A. Private duty nursing (PDN) providers must:
 - 1. Have a Division of Medicaid approved PDN proposal package.
 - 1. Establish a provider agreement with the Mississippi Division of Medicaid.
 - 2. Satisfy all requirements in accordance with Part 200, Rule 4.8 and must provide to the Division of Medicaid:
 - a) A National Provider Identifier (NPI) verification from National Plan and Provider Enumeration System (NPPES), and
 - b) Written confirmation from the Internal Revenue Service (IRS) confirming the provider's tax identification number and legal business name,
 - 3. Demonstrate prior successful health care delivery for at least one (1) year,

4. Operate from a business office that is a dedicated professional location and not part of a residence,
5. Disclose ownership information,
6. Maintain auditable medical records on each beneficiary in the provider's business location, and
7. Maintain the highest level of ethical standard in its business practices and adopt written standard of ethical practice, which must include:
 - a) Neither the owner nor any PDN provider employee shall knowingly mislead a patient, family member or caretaker concerning services, charges, or use of equipment.
 - b) Neither the owner nor any PDN provider employee shall misuse or misappropriate any property-real or personal-belonging to any patient, family member or caretaker.
 - c) Neither the owner nor any PDN provider employee shall knowingly and actively recruit a patient under the care of another PDN provider.
 - d) No employee or patient of a PDN provider shall be coerced into participating in provider fund raising activities.
 - e) The PDN provider shall accept patient referrals in a professional manner with no remuneration provided to the referring party.
 - f) Patient clinical records, administrative records, and financial records shall not be falsified by any individual for any reason.

B. PDN providers must, at a minimum:

1. Conduct licensure checks with the Mississippi Board of Nursing, prior to employment and yearly thereafter.
2. Conduct background and abuse registry checks including,
 - a) National criminal background check with fingerprints, including review of both state and federal databases, on all employees or volunteers prior to employment and every two (2) years thereafter, and maintain the record of the checks in the employee's personnel file.
 - b) Conduct registry checks, prior to employment and monthly thereafter, to ensure employees are not listed on the Mississippi Nurse Aide Abuse Registry or listed on the Office of Inspector General's Exclusion Database and maintain the record of the checks in the employee's personnel file.

3. Not have been convicted of or pleaded guilty or nolo contendere to a felony of possession or sale of drugs, murder, manslaughter, armed robbery, rape, sexual battery, any sex offense listed in Miss. Code Ann. § 45-33-23(f), child abuse, arson, grand larceny, burglary, gratification of lust, aggravated assault, or felonious abuse and/or battery of a vulnerable adult, or that any such conviction or plea was reversed on appeal or a pardon was granted for the conviction or plea.
4. Not employ individuals or volunteers who have been, convicted of or pleaded guilty or nolo contendere to a felony of possession or sale of drugs, murder, manslaughter, armed robbery, rape, sexual battery, any sex offense listed in Miss. Code Ann. § 45-33-23(f), child abuse, arson, grand larceny, burglary, gratification of lust, aggravated assault, or felonious abuse and/or battery of a vulnerable adult, or that any such conviction or plea was reversed on appeal or a pardon was granted for the conviction or plea.
5. Provide each employee a thorough orientation to their position, the provider, policies and objectives, the functions of other personnel and how they relate to each other in caring for the beneficiary, standards of ethical practice, confidentiality and patient's rights. All PDN providers must comply with the Centers for Disease Control and/or the Mississippi Department of Health regarding baseline and routine employee TB testing and education.
6. Provide mandatory annual in-service to RNs and LPNs including, but not limited to:
 - a) Beneficiary's rights,
 - b) Requirements to report suspected abuse, neglect, or exploitation immediately and how to report to the appropriate authority,
 - c) Requirements under Health Insurance Portability and Accountability Act (HIPAA) of 1996 and other relevant laws affecting privacy,
 - d) Infection control, and
 - e) Emergency procedures.
7. Ensure Full-time and part-time nurses employed by the PDN provider complete a minimum of twelve (12) hours of pertinent continuing education programs per year.
8. Employ a supervising RN who does not provide direct patient care and must:
 - a) Conduct a home evaluation visit prior to the initiation of services in the primary residence,
 - b) Complete the plan of care (POC) and revise as needed,
 - c) Initiate appropriate preventive and rehabilitative nursing procedures,

- d) Inform the primary care physician of any changes in the beneficiary's condition and needs when appropriate,
- e) Assign nurses to provide PDN services according to their licensure training, and level of experience,
- f) Make a supervisory home visit at least:
 - (1) Monthly with the servicing LPN present, and
 - (2) Every other week with the servicing CNA alternately present and absent.
- g) Document the following during the supervisory visit:
 - 1) PDN services are provided according to the plan of care,
 - 2) The beneficiary's and/or beneficiary representative's satisfaction level with the PDN services, and
 - 3) That the plan of care has been reviewed and updated with the most current physician's orders.
- h) Make a home visit in addition to the monthly visit when:
 - 1) The beneficiary's condition has changed,
 - 2) The beneficiary's health, safety, or welfare is potentially at risk, and
 - 3) Requested by the Division of Medicaid or designee.
- i) Make a monthly telephone contact with the beneficiary's guardian or legal representative to ensure satisfaction with services provided.
- h) Use a person-centered approach to PDN services and ensure personal goals of the beneficiary are respected,
- i) Ensure freedom of choice of providers and/or services is given to the beneficiary, the beneficiary's guardian or legal representative as long as the provider is not an immediate family member or a resident of the beneficiary's home,
- j) Educate the beneficiary and family/caregiver(s) in meeting nursing and related goals,
- k) Ensure services are provided in a manner that is in the best interest of the beneficiary and does not endanger the beneficiary's health, safety, or welfare;

- l) Recommend staff changes when needed,
 - m) Report to the Division of Medicaid any unethical or incompetent practices that jeopardize public safety or cause a risk of harm to beneficiaries, including household issues that may jeopardize the safety of the PDN, and
 - n) Ensure that all nurses and caregivers are aware that timesheets must be accurate with arrival and departure time of the nurse.
9. Ensure that an emergency preparedness plan is in place for each beneficiary receiving services,
10. Ensure that no immediate family member or person residing in the home with the beneficiary is providing PDN services submitted for Medicaid reimbursement,
- C. An RN or LPN providing PDN services must:
- 1. Be employed by a Mississippi Medicaid enrolled PDN provider,
 - 2. Maintain a current Mississippi nursing license, and
 - 3. Practice within the scope of their license, and
 - 4. Have at least one (1) year of experience providing the type of care required by the beneficiary's medical needs.
- D. PDN providers must provide beneficiaries a written notice at least thirty (30) days prior to the discontinuation of services or closure of the PDN provider except when the requirements of Miss. Admin. Code Title 23, Part 223, Rule 3.5.C. are met.
- 1. PDN providers must assist with the beneficiary's transition to another provider.
 - 2. PDN providers who fail to provide proper written notice will not be reimbursed for services provided during the thirty (30) day period the beneficiary should have been notified.
- E. PDN providers must require all employees to report incidents and/or accidents that result or could have resulted in harm to the beneficiary and/or employee to the direct supervisor immediately and to the Division of Medicaid within twenty-four (24) hours.
- F. All PDN providers and their employees must immediately report in writing to the Division of Medicaid Office of Medical Services, the Mississippi Department of Human Services (MDHS), and any other entity required by federal or state law, all alleged or reported instances the following:
- 1. Abuse,

2. Neglect,
3. Exploitation,
4. Suspicious death, or
5. Unauthorized use of restraints, seclusion or restrictive interventions.

Source: Miss. Code Ann. §§ 43-13-117, 43-13-121.

History: New eff. 07/01/2020.

Rule 4.3: Covered Services

- A. The Division of Medicaid covers medically necessary private duty nursing (PDN) services only for early and periodic screening, diagnosis and treatment (EPSDT)-eligible beneficiaries when:
1. Ordered and directed by the beneficiary's primary physician or appropriate physician specialist.
 2. Prior authorized by the Division of Medicaid or designee.
 3. The required service(s) exceed the level of services provided through the home health benefit.
 4. Post-acute inpatient skilled nursing care is not appropriate, does not meet the beneficiary's care needs, or is not available.
 5. Provided in a setting in which the beneficiary's normal life activities take place.
 6. All medical and home environment criteria are met.
 7. Are directly related to the beneficiary's illness or disability.
 8. Services can be safely provided by only one (1) nurse and do not require the assistance of a second (2nd) nurse.
 9. The plan of care (POC) includes multiple skilled nursing functions and is not limited to just one (1) skilled nursing function, such as for the administration of a nasogastric or gastrostomy feeding.
 10. The beneficiary:

- a) Is medically stable to receive nursing care managed safely in a non-institutional setting where normal life activities take place,
 - b) Has a documented illness or disability of such severity and/or complexity that it requires prescribed care that can only be provided by an RN or LPN, and
 - c) Requires more individual and continuous care than is available from a visiting nurse through intermittent home health care or custodial care.
11. The home environment is conducive to appropriate growth and development for the beneficiary's age group and is conducive to the provision of appropriate medical care.
12. There must be at least one (1) parent or other caregiver capable of and willing to be trained to assist in the provision of care for the beneficiary and the parent or caregiver must:
- a) Provide evidence of parental or family involvement, and an appropriate home situation including, but not limited to, a physical environment and geographic location for the beneficiary's medical safety.
 - b) Have a reasonable plan for an emergency situation including, but not limited to:
 - 1) Power and equipment backup for those with a life-support device,
 - 2) Access to a working telephone, and
 - 3) Available transportation adequate to safely transport the beneficiary.
 - c) Comply with the plan of care, physician office appointments and/or other ancillary services.
- B. The level of care required to meet the beneficiary's needs is determined by the referring physician.
- C. PDN services are covered only when provided:
- 1. By an RN or LPN:
 - a) With a current Mississippi license acting within the scope-of-practice, and
 - b) Employed by a PDN provider,
 - 2. Under the direction of the beneficiary's physician, and
 - 3. In a non-institutional setting where normal life activities take place.

D. PDN services are covered:

1. On short-term basis for beneficiaries in need of parent and/or caregiver training in order to reside in the home and community, or
2. On a long-term basis for beneficiaries that require substantial and complex care that exceeds the level of service available from the home health benefit in order to remain in the home and community setting.

Source: 42 C.F.R. § 440.80; Miss. Code Ann. §§ 43-13-117, 43-13-121.

History: New eff. 07/01/2020.

Rule 4.4: Prior Authorization and Concurrent Reviews

A. Private duty nursing (PDN) providers must submit a prior authorization request to the Division of Medicaid or designee prior to the initiation of PDN services which must include, at a minimum, the following:

1. A signed physician or specialist's order for PDN and a signed initial Plan of Care (POC),
2. Beneficiary diagnosis(es),
3. Skilled teaching/instructions to be provided to a family member or caregiver(s),
4. Treatment plan/physician orders specifying each skill to be performed including whether the service(s) require a registered nurse (RN) or a licensed practical nurse (LPN),
5. Expected duration of service,
6. Identification of any other home care services, including the hours, days, and times of these services being provided, including, but limited to:
 - a) Case management,
 - b) Physical therapy,
 - c) Speech therapy,
 - d) Occupational therapy,
 - e) Respiratory therapy,
 - f) Respite,
 - g) Hospice, and/or

- h) Personal care attendant.
- 7. When PDN medical necessity criteria are no longer met, a plan:
 - a) For reducing and discontinuing PDN hours, and
 - b) To transition the beneficiary to the most appropriate setting.
- B. The PDN provider must submit a recertification of PDN services, every six (6) months indicating the number of hours per day or week and the duration of the request to the Division of Medicaid, or designee and include the following:
 - 1. An updated POC,
 - 2. Progress notes,
 - 3. Monthly summaries, and
 - 4. Nursing visit notes.
- C. The PDN provider cannot bill the beneficiary for hours when the provider failed to seek certification/recertification in a timely manner.

Source: 42 C.F.R. § 440.80; Miss. Code Ann. §§ 43-13-117, 43-13-121.

History: New eff. 07/01/2020.

Rule 4.5: Discontinuation of Private Duty Nursing (PDN) Services

Private duty nursing (PDN) services will be discontinued when one (1) or more of the following is met:

- A. When all of the following exist:
 - 1. Beneficiary's condition is clinically stable,
 - 2. The licensed nurses' skills are not required to provide ongoing nursing assessment and/or treatment,
 - 3. Beneficiary demonstrates the ability to carry out self-management,
 - 4. Caregiver(s) demonstrates the ability to carry out management of the beneficiary's condition, and
 - 5. When the transition is complete.

- B. The beneficiary's care and needs can be met through custodial care.
- C. When home-based care is unsafe and:
 - 1. The PDN provider immediately reports the unsafe environment or imminent danger to the beneficiary, caregiver or provider to the Division of Medicaid, the beneficiary's physician and all appropriate authorities including, but not limited to:
 - a) Local law enforcement,
 - b) The Mississippi Department of Child Protection Services, and/or
 - c) Other appropriate authorities designated in state or federal law.
 - 2. The PDN provider has assisted the beneficiary in transitioning to a safe environment to the extent possible without endangering the beneficiary, caregiver or service provider.
 - 3. The PDN provider has made every effort to transition the beneficiary to a safer environment.

Source: 42 C.F.R. § 440.80; Miss. Code Ann. §§ 43-13-117, 43-13-121.

History: New eff. 07/01/2020.

Rule 4.6: Non-Covered Services

- A. The Division of Medicaid does not cover private duty nursing (PDN) services solely for the convenience of the child, the parents or the caregiver.
- B. Non-covered PDN services include, but are not limited to:
 - 1. PDN services solely for:
 - a) Nasogastric or gastrostomy feedings,
 - b) Apnea monitoring,
 - c) Home dialysis,
 - d) Intravenous (IV) infusion of total parenteral nutrition (TPN) or hyperalimentation,
 - e) IV infusion of fluids for hydration or,
 - f) Therapy maintenance.

2. PDN services provided by those individuals described in Miss. Admin. Code Part 200, Rule 2.2.A.,
 3. For the sole purpose of escorting beneficiaries outside of the home for visits to a physician's office or school, and/or
 4. Skilled nursing services which could be provided through the home health benefit.
- C. Only one (1) service is covered if PDN and personal care services (PCS) are provided at the same time to the same beneficiary.

Source: 42 C.F.R. § 440.80; Miss. Code Ann. §§ 43-13-117, 43-13-121.

History: New Rule eff. 07/01/2020.

Rule 4.7: Denial of Services and Appeals

- A. The Division of Medicaid or designee will issue a written denial to the private duty nursing (PDN) provider providing PDN services when the beneficiary no longer meets the medical and/or home environment criteria for PDN services.
- B. The denial of services is effective thirty (30) days following the date the provider receives the written decision.
- C. The beneficiary has the right to request an administrative hearing if he/she disagrees with the denial. [Refer to Miss. Admin. Code Part 300, Rule 1.3]

Source: Miss. Code Ann. §§ 43-13-117, 43-13-121.

History: New eff. 07/01/2020.

Rule 4.8: Reimbursement

[Reserved]

Rule 4.9: Documentation Requirements

- A. Nurses providing private duty nursing (PDN) services must document all nursing care rendered during each shift including, but not limited to:
 1. Current physician's orders,
 2. Medications administered and response,
 3. Treatments administered and response,

4. Any other professional nursing skills provided during the shift,
 5. Narrative skilled nursing services notes including accurate dates and times of services and documentation that a copy was given to parent and/or legal guardian or caregiver, and
 6. Any significant changes in the beneficiary's condition,
- B. Weekly timesheets must be maintained for each nurse providing PDN services that include:
1. The date the services were provided,
 2. Begin and end times of services and a list of services provided during that time,
 3. The dated signature of the nurse, and
 4. The dated signature of the beneficiary's guardian or legal representative.
- C. The PDN provider must establish and maintain a permanent, legible medical record for each beneficiary at the provider's office which must include, at a minimum, the following:
1. Physician orders updated and signed by the physician every six (6) months,
 2. Current physician's treatment plan updated every six (6) months,
 3. Nursing plan of care (POC) based on the diagnosis(es), clinical and social status of the beneficiary including measurable goals updated every six (6) months,
 4. Documentation of changes in clinical status and/or significant occurrences,
 5. Weekly progress notes,
 6. Monthly summaries must include the following, at a minimum:
 - a) Nursing skills provided,
 - b) Progress or lack of progress toward goals,
 - c) Clinical and social status of the beneficiary,
 - d) Current medications and treatments and changes made during the month, and
 - e) Changes in the POC.
 7. Information regarding other home care services being provided to the beneficiary including:

- a) The specific services provided,
 - b) Date and times of services, and
 - c) The providers of the services.
8. Copies of all prior authorizations.
- D. All records must be maintained and retained in accordance with HIPPA and Medicaid regulations. [Refer to Part 200, Rule 1.3.]
- E. The Division of Medicaid will not reimburse PDN providers for both PDN and PCS services provided at the same time to the same beneficiary.

Source: Miss. Code Ann. §§ 43-13-117, 43-13-121.

History: New eff. 07/01/2020.

Chapter 5: Personal Care Services

Rule 5.1: Definitions

The Division of Medicaid defines:

- A. A medically necessary early and periodic screening, diagnosis and treatment (EPSDT) service as a service necessary to correct or ameliorate the individual child's physical or mental condition with the determination made on a case-by-case basis taking into account the particular needs of the child.
- B. EPSDT-eligible beneficiary as a beneficiary who meets the requirements of the federally mandated EPSDT program.
- C. Personal care services (PCS) as medically necessary personal care services for EPSDT-eligible beneficiaries who require assistance in order to safely perform the activities of daily living (ADLs) due to a diagnosed condition, disability, or injury. The delivery and receipt of these services must be medically necessary for the treatment of the beneficiary's condition, disability, or injury and exceed the level of care available through the home health benefit..
- D. Certified Nurse Assistant (CNA) as an individual who obtained certification through a program approved by the Mississippi Department of Health, Licensure and Certification. CNAs are the only individuals who may render personal care services. These services must be delivered under the supervision of a registered nurse (RN) pursuant to the plan of treatment established in consultation with appropriate members of the care team under the direction of the beneficiary's physician.

Source: 42 U.S.C. §1396d; 42 C.F.R. Part 441; 42 C.F.R. § 440.167; Miss. Code Ann. §§ 43-13-117, 43-13-121.

History: New Rule eff. 07/01/2020.

Rule 5.2: Provider Requirements

A. Certified Nursing Assistants (CNAs) providing personal care services (PCS) must be hired and managed by private duty nursing (PDN) providers. PDN providers employing CNAs must:

1. Enter into a provider agreement with the Mississippi Division of Medicaid.
2. Satisfy all requirements set forth in Part 200, Rule 4.8 and must provide to the Division of Medicaid:
 - a) A National Provider Identifier (NPI) verification from National Plan and Provider Enumeration System (NPPES), and
 - b) Written confirmation from the Internal Revenue Service (IRS) confirming the provider's tax identification number and legal business name,
3. Demonstrate prior successful health care delivery for at least one (1) year,
4. Operate from a business office that is a dedicated professional location and not part of a residence,
5. Disclose ownership information, and
6. Maintain auditable medical records on each beneficiary in the provider's business location.

B. PDN providers employing CNAs must, at a minimum:

1. Conduct certification checks prior to employment and yearly thereafter.
2. Conduct background and abuse registry checks including,
 - a) National criminal background check with fingerprints on all employees or volunteers prior to employment and every two (2) years thereafter, and maintain the record of the checks in the employee's personnel file.
 - b) Conduct registry checks, prior to employment and monthly thereafter, to ensure employees are not listed on the Mississippi Nurse Aide Abuse Registry or listed on the Office of Inspector General's Exclusion Database and maintain the record of the checks in the employee's personnel file.

3. Not have been convicted of or pleaded guilty or nolo contendere to a felony of possession or sale of drugs, murder, manslaughter, armed robbery, rape, sexual battery, any sex offense listed in Miss. Code Ann. § 45-33-23(f), child abuse, arson, grand larceny, burglary, gratification of lust, aggravated assault, or felonious abuse and/or battery of a vulnerable adult, or that any such conviction or plea was reversed on appeal or a pardon was granted for the conviction or plea.
4. Not employ individuals or volunteers who have been convicted of or pleaded guilty or nolo contendere to a felony of possession or sale of drugs, murder, manslaughter, armed robbery, rape, sexual battery, any sex offense listed in Miss. Code Ann. § 45-33-23(f), child abuse, arson, grand larceny, burglary, gratification of lust, aggravated assault, or felonious abuse and/or battery of a vulnerable adult, or that any such conviction or plea was reversed on appeal or a pardon was granted for the conviction or plea.
5. Provide mandatory annual in-service to CNAs including, but not limited to:
 - a) Beneficiary's rights, including but not limited to rights protected by HIPPA,
 - b) Requirements to report suspected abuse, neglect, or exploitation immediately and how to report to the appropriate authority,
 - c) Requirements under Health Insurance Portability and Accountability Act (HIPAA) of 1996 and other relevant laws affecting privacy,
 - d) Infection control, and
 - e) Emergency procedures.
6. Employ a supervising registered nurse (RN) who does not provide direct patient care and must:
 - a) Conduct an initial evaluation visit prior to the initiation of services in the primary residence,
 - b) Complete the plan of care (POC) and revise as needed,
 - c) Initiate appropriate preventive and rehabilitative procedures,
 - d) Inform the primary care physician of any changes in the beneficiary's condition and needs when appropriate,
 - e) Assign CNAs to provide PCS according to their certification, training, and level of experience,

- f) Make a supervisory visit at least every other week with the servicing RN, LPN, or CNA alternately present and absent and document the following:
 - 1) PCS services are provided according to the plan of care,
 - 2) The beneficiary's and/or beneficiary representative's satisfaction level with the PCS services, and
 - 3) That the plan of care has been reviewed and updated with the most current physician's orders.
 - g) Make a home visit in addition to the monthly visit when:
 - 1) The beneficiary's condition has changed,
 - 2) The beneficiary's health, safety, or welfare is potentially at risk, and/or
 - 3) Requested by the Division of Medicaid or designee.
 - h) Use a person-centered approach to PCS and ensure personal goals of the beneficiary are respected,
 - i) Ensure freedom of choice of providers and/or services is given to the beneficiary, the beneficiary's guardian or legal representative as long as the provider is not an immediate family member or a resident of the beneficiary's home,
 - j) Educate the beneficiary and family/caregiver(s) in meeting PCS and related goals,
 - k) Ensure services are provided in a manner that is in the best interest of the beneficiary and does not endanger the beneficiary's health, safety, or welfare;
 - l) Recommend staff changes when needed,
 - m) Report to the Division of Medicaid any unethical or incompetent practices that jeopardize public safety or cause a risk of harm to beneficiaries, including household issues that may jeopardize the safety of the CNA, and
 - n) Ensure that all CNAs and caregivers are aware that timesheets must be accurate with arrival and departure time of the CNA.
7. Ensure that an emergency preparedness plan is in place for each beneficiary receiving services,
8. Ensure that no immediate family member or person residing in the home with the beneficiary is providing PCS submitted for Medicaid reimbursement,

9. Ensure certified nursing assistants employed by the PDN provider complete a minimum of twelve (12) hours of pertinent continuing education programs per year.

C. A CNA providing PCS must:

1. Be employed by a Mississippi Medicaid enrolled PDN provider that is approved to provide CNAs,
2. Maintain a current Mississippi certification as required to be a CNA per Rule 4.1.D of this chapter, and
3. Practice within the scope of their certification and training.

D. Effective January 1, 2021, all PDN providers providing PCS services must utilize a Mississippi Medicaid approved Electronic Visit Verification (EVV) system for the submission of claims. Approved EVV systems must include the:

1. Type of service performed,
2. Individual receiving the services,
3. Date of the service,
4. Location of the services,
5. Individual providing the service, and
6. Time the services begins and ends.

E. PDN providers must provide beneficiaries a written notice at least thirty (30) days prior to the discontinuation of services or closure of the PDN provider except when the requirements of Miss. Admin. Code Title 23, Part 223, Rule 3.5.C. are met.

1. PDN providers must assist with the beneficiary's transition to another provider.
2. PDN providers who fail to provide proper written notice will not be reimbursed for services provided during the thirty (30) day period the beneficiary should have been notified.

Source: Miss. Code Ann. §§ 43-13-117, 43-13-121.

History: New Rule eff. 07/01/2020.

Rule 5.3: Covered Services

- A. The Division of Medicaid covers medically necessary personal care services (PCS) only for early and periodic screening, diagnosis and treatment (EPSDT)-eligible beneficiaries when:
1. Ordered and directed by the beneficiary's primary physician or appropriate physician specialist.
 2. Prior authorized by the Division of Medicaid or designee.
 3. The required service(s) exceed the level of services provided through the home health benefit.
 4. Provided in a setting in which the beneficiary's normal life activities take place.
 5. All medical and home environment criteria are met.
 6. Are directly related to the beneficiary's illness or disability.
 7. Services can be safely provided by only one (1) Certified Nursing Assistant (CNA) and do not require the assistance of a second (2nd) CNA.
 8. The beneficiary:
 - a) Is medically stable to receive PCS managed safely in a non-institutional setting where normal life activities take place,
 - b) Has a documented illness or disability that requires the assistance of a CNA in order to safely perform activities of daily living, and
 - c) Requires more individual and continuous care than is available from a visiting CNA through intermittent home health care.
 9. The home environment is conducive to appropriate growth and development for the beneficiary's age group and be conducive to the provision of appropriate medical care.
 10. There must be at least one (1) parent or other caregiver capable of and willing to be trained to assist in the provision of care for the beneficiary and the parent or caregiver must:
 - a) Provide evidence of parental or family involvement and an appropriate home situation including, but not limited to, a physical environment and geographic location for the beneficiary's medical safety.
 - b) Have a reasonable plan for an emergency situation including, but not limited to:
 - 1) Power and equipment backup for equipment necessary to the medical care of the beneficiary,

- 2) Access to a working telephone, and
 - 3) Available transportation adequate to safely transport the beneficiary.
- c) Comply with the plan of care, physician office appointments and/or other ancillary services.
- B. The level of care required to meet the beneficiary's needs is determined by the referring physician.
- C. PCS services are covered only when provided:
1. By a CNA:
 - a) With a current Mississippi certification,
 - b) Employed by a private duty nursing (PDN) provider that is approved by the Division of Medicaid to provide CNAs, and
 - c) Have at least one (1) year of experience providing the type of care required by the beneficiary's medical condition.
 2. Under the supervision of an RN and at the direction of the beneficiary's physician, and
 3. In a non-institutional setting where normal life activities take place.
- D. PCS are covered:
1. On short-term basis for beneficiaries in need of parent and/or caregiver training in order to reside in the home and community, or
 2. On a long-term basis for beneficiaries that require substantial and complex care that exceeds the level of service available from the home health benefit in order to remain in the home and community setting.

Source: 42 C.F.R. § 440.167; Miss. Code Ann. §§ 43-13-117, 43-13-121.

History: New Rule eff. 07/01/2020.

Rule 5.4: Prior Authorization and Concurrent Reviews

- A. Private duty nursing (PDN) providers employing Certified Nursing Assistants (CNAs) must submit a prior authorization request to the Division of Medicaid or designee at least two (2) weeks prior to the initiation of personal care services (PCS) that must include, at a minimum, the following:

1. A signed physician or specialist's order for PCS and a signed initial Plan of Care (POC),
 2. Beneficiary diagnosis(es),
 3. Skilled teaching/instructions to be provided to a family member or caregiver(s),
 4. Treatment plan/physician orders specifying each skill to be performed,
 5. Expected duration of service,
 6. Identification of any other home care services, including the hours, days, and times of these services being provided, including, but limited to:
 - a) Case management,
 - b) Physical therapy,
 - c) Speech therapy,
 - d) Occupational therapy,
 - e) Respiratory therapy,
 - f) Respite,
 - g) Hospice, and/or
 - h) Private duty nursing.
 7. When PCS medical necessity criteria are no longer met, a plan:
 - a) For reducing and discontinuing PCS hours, and
 - b) To transition the beneficiary to the most appropriate setting.
- B. A PDN provider employing a CNA must submit a recertification to the Division of Medicaid or designee stating the necessity of PCS for each subject beneficiary every six (6) months indicating the number of hours per day or week and the duration of the request and include the following:
1. An updated POC,
 2. Progress notes,
 3. Monthly summaries, and

4. Supervisory nursing visit notes.
- C. If the required recertification information is not received before the last certified date, the hours from the last certification period up until the date of receipt of the required documentation are subject to denial.
- D. A PDN provider employing CNAs cannot bill the beneficiary for hours when the provider failed to seek certification/recertification in a timely manner.

Source: 42 C.F.R. § 440.167; Miss. Code Ann. §§ 43-13-117, 43-13-121.

History: New eff. 07/01/2020.

Rule 5.5: Discontinuation of Personal Care Services (PCS)

Personal care services (PCS) will be discontinued when one (1) or more of the following is met:

- A. When all of the following exist:
 1. Beneficiary's condition is clinically stable,
 2. The Certified Nursing Assistant (CNA) skills are not required to provide assistance with activities of daily living,
 3. Beneficiary demonstrates the ability to carry out self-management,
 4. Caregiver(s) demonstrates the ability to carry out management of the beneficiary's condition, and
 5. When the transition is complete.
- B. The beneficiary's care and needs can be met through custodial care.
- C. When home-based care is unsafe and:
 1. The PCS provider immediately reports the unsafe environment or imminent danger to the beneficiary, caregiver or provider to the Division of Medicaid, the beneficiary's physician and all appropriate authorities including, but not limited to:
 - a) Local law enforcement,
 - b) The Mississippi Department of Child Protection Services, and/or
 - c) Other appropriate authorities designated in state or federal law.

2. The PCS provider has assisted the beneficiary in transitioning to a safe environment to the extent possible without endangering the beneficiary, caregiver or service provider.
3. The PCS provider has made every effort to transition the beneficiary to a safer environment.

Source: 42 C.F.R. § 440.167; Miss. Code Ann. §§ 43-13-117, 43-13-121.

History: New Rule eff. 07/01/2020.

Rule 5.6: Non-Covered Services

- A. The Division of Medicaid does not cover personal care services (PCS) solely for the convenience of the child, the parents or the caregiver.
- B. Non-covered PCS include, but are not limited to:
 1. Skilled nursing services including, but not limited to:
 - a) Nasogastric or gastrostomy feedings,
 - b) Apnea monitoring,
 - c) Home dialysis,
 - d) Intravenous (IV) infusion of total parenteral nutrition (TPN) or hyperalimentation,
 - e) IV infusion of fluids for hydration
 - f) Medication administration, and/or
 - g) Tracheostomy care.
 2. Services provided by those individuals described in Miss. Admin. Code Part 200, Rule 2.2.A.,
 3. For the sole purpose of escorting beneficiaries outside of the home for visits to a physician's office or school, and/or
 4. Services that could be provided through the home health benefit.
- C. Only one (1) service is covered if private duty nursing (PDN) and PCS are provided at the same time to the same beneficiary.

Source: 42 C.F.R. § 440.167; Miss. Code Ann. §§ 43-13-117, 43-13-121.

History: New Rule eff. 07/01/2020.

Rule 5.7: Denial of Services and Appeals

- A. The Division of Medicaid or designee will issue a written denial to the private duty nursing (PDN) provider employing the Certified Nursing Assistant (CNA) when the beneficiary no longer meets the medical and/or home environment criteria for personal care services.
- B. The denial of services is effective thirty (30) days following the date the provider receives the written decision.
- C. The beneficiary has the right to request an administrative hearing if he/she disagrees with the denial. [Refer to Miss. Admin. Code Part 300, Rule 1.3]

Source: Miss. Code Ann. §§ 43-13-117, 43-13-121.

History: New Rule eff. 07/01/2020.

Rule 5.8: Reimbursement

[Reserved]

Rule 5.9: Documentation Requirements

- A. Certified Nursing Assistants (CNAs) providing personal care services (PCS) must document all care rendered during each shift including, but not limited to:
 - 1. Assistance with activities of daily living (ADL), and
 - 2. Any significant changes in the beneficiary's condition.
- B. Weekly timesheets must be maintained for each CNA providing PCS that include:
 - 1. The date the services were provided,
 - 2. Begin and end times of services and a list of services provided during that time,
 - 3. The dated signature of the CNA, and
 - 4. The dated signature of the beneficiary's guardian or legal representative.
- C. The PDN provider must establish and maintain a permanent, legible medical record for each beneficiary at the provider's office which must include, at a minimum, the following:
 - 1. Physician orders updated and signed by the physician every six (6) months,

2. Current physician's treatment plan updated every six (6) months,
3. Plan of care (POC) based on the diagnosis(es), clinical and social status of the beneficiary including measurable goals updated every six (6) months,
4. Documentation of changes in clinical status and/or significant occurrences,
5. Weekly progress notes,
6. Monthly summaries must include the following, at a minimum:
 - a) CNA services provided,
 - b) Progress or lack of progress toward goals,
 - c) Clinical and social status of the beneficiary, and
 - e) Changes in the POC.
7. Information regarding other home care services being provided to the beneficiary including:
 - a) The specific services provided,
 - b) Date and times of services, and
 - c) The providers of the services.
8. Copies of all prior authorizations.

D. All records must be maintained and retained in accordance with HIPPA and Medicaid regulations. [Refer to Part 200, Rule 1.3, Maintenance of Records.]

Source: Miss. Code Ann. §§ 43-13-117, 43-13-121.

History: New Rule eff. 07/01/2020.