

# Retainer Payment FAQs

Version Date: October 20, 2020



## **Applicability Questions:**

- Will there be another retainer payment that covers the third quarter loss of revenue for ADC providers?
  - CMS is currently only allowing states to make up to three retainer payments. This scheduled release of retainer payments will be for round 2 and 3 (round 1 having been previously disbursed). As such, there is no current authorization for a fourth retainer payment for the third quarter.
- If we closed and laid off can we do this?
  - Yes, retainer payments are for facilities that closed, but must have the intent to reopen. If you laid off staff in quarter 2 of 2020, you could still be eligible. LDH is working on a reimbursement policy submission for approval by CMS. Please submit your attestation form even if you laid off staff. Simply answer the questions about staff layoffs as “yes” and complete the portion on employed staffing levels.
- If we received funds from Medicaid provider relief fund, does that disqualify us from these payments?
  - No, however, for the period of April – June 2020 (quarter 2), you cannot have received funding from any other sources, including but not limited to unemployment benefits and Small Business Administration loans, provider relief funds, that would exceed your total net revenue for the last full quarter prior to the PHE (October – December 2019), nor can the retainer payments at the level provided by the state result in your total revenue exceeding that of the quarter prior to the PHE.
- Does this form apply to us if we are categorized as ADC? ADHC? LTC? NOW? ROW?
  - The second and third round retainer payment is for ADCs and ADHCs providing services to recipients of 1915c home and community-based waivers for persons with developmental disabilities. Applicability was provided in the provider memo dated October 16, 2020 with the attestation form.
- Do the participants who attend ADHC fall under OCDD or something else?
  - Only ADHCs providing services to participants in the Residential Options Waiver fall under OCDD.
- Who do the retainer payments apply to? Is the funding just for clients who receive the ROW/NOW waivers or all participants of the center?
  - It is only applicable to services for recipients in a 1915c home and community-based waiver for persons with developmental disabilities. Please see the provider memo distributed on October 16, 2020 for details.

## **Attestation Form Questions:**

- For what time period should I answer the question about whether I laid off staff?
  - If you laid off staff during the second quarter of 2020 at any point from April through June 2020, check the box for “yes” and proceed to answer the staff level questions

- below it. If you did not lay off/terminate staff then you do not need the answer the next staffing levels question.
- How do we calculate “employed staff” for responding to staffing levels? Does this include the total agency or just for the waiver programs?
    - Only count employed staff as of the dates specified (point in time count) that were not laid off or terminated. If the staff person voluntarily left your employ, you may count them in your “employed staff” count. Only exclude those that were laid off or terminated from your counts.
    - CMS does not specify if total agency or just waiver. They require that you not lay off staff and maintain wages at existing levels. We can request clarification on this requirement, but for now, in an abundance of caution, please count all of your staff at the ADC or ADHC.
  - In attesting to the question about not exceeding pre-COVID revenues, are we comparing to total revenues or direct care revenues only?
    - CMS guidance is unclear. On the call, we advised that we believe CMS intended this to be total net revenue.
  - Do we have to fill out an attestation form for each provider?
    - Yes, you must complete a separate form for each separate provider ID.
  - How to submit my form? Scan or Email?
    - Email to [healthy@la.gov](mailto:healthy@la.gov)
  - After using the PPP program, we then close and laid off staff. Do we still qualify?
    - If you laid off staff, you could still be eligible. LDH is working on a reimbursement policy submission for approval by CMS. Please submit your attestation form even if you laid off staff during quarter 2 of 2020. Simply answer the questions about staff layoffs as “yes” and complete the portion on employed staffing levels.
  - What time period are we comparing Oct-Dec 2019 revenues to?
    - Quarter 2 of 2020 (April 2020 – June 2020)
  - If I did not lay off staff until June, what am I to write for the months Jan-May?
    - Since you laid off staff in quarter 2 of 2020, you must answer yes to laying off staff on the attestation form. Provide your employed staff counts as a point in time number count for the dates requested.
  - How are we to log staff that have been laid off or fired for unrelated reasons?
    - Unfortunately, the CMS guidance does not specify exclusions for unrelated reasons. We will take this request to CMS, however, for now, please complete the attestation form excluding them from your employed staff counts.
  - How are we to calculate revenue comparisons for last year if we have received PPP this year? If we received special disaster money?
    - Compare all service revenues and federal assistance funds received during quarter 2 of 2020 to your total net revenue for quarter 4 of 2019.
  - Are there any forms beside the attestation form that we need to fill out if we did not apply for the first round of retainer payments?

- Not at this time, however, additional guidance will be forthcoming on documentation relative to revenues received. Also, please note this FAQ is just for round 2 and round 3 of the retainer payments.
- If staff were not technically laid-off but applied for unemployment, do we include them in the number of laid-off staff?
  - Collection of unemployment is not relevant to this question on the attestation form. If you did not lay off or terminate the staff and they retained their job, then they are still technically employed and should be counted.
- What about those staff that had to stop working due to childcare? Where do they fit in?
  - If they chose to leave your employ and were not laid off or terminated, they should be included in the count of staff employed.
- If we are providing meals for ROW clients, do we get funding for the meals being provided to them?
  - Retainer payments will be based on 75% of service authorizations for the recipient.
- What documentation is required for “total revenue received”?
  - Additional guidance will be forthcoming on required supplemental documentation relative to revenues received.
- Will donations and/or fundraising be considered as income for non-profit organizations?
  - Yes, based on LDH’s interpretation that CMS requires retainer payments not exceed prior total net revenues.
- What if our staff are furloughed, not laid-off?
  - The CMS FAQ states providers must attest to not laying off staff and will maintain wages at exiting levels, so LDH interprets this to mean that furloughing staff is also considered unallowable.

**Billing Questions:**

- What dates do the retainer payments cover?
  - Round 2 is April 23, 2020 through May 22, 2020 and round 3 is May 25, 2020 through June 23, 2020.
- Do we download the API?
  - The API (Applications Program Interface) can be used if your billing system is set to read these files. If your billing system does not, send a request to sbuco@statres.com requesting a spreadsheet of your services.
- Do we bill as original bills?
  - Yes, these are billed as original claims.
- How do I access the data from API?
  - Instructions for downloading the API data to be read by your billing program can be found in the LaSRS provider manual. The PROVIDER MANUAL can be found in LASRS under HELP menu in the upper right corner of the LaSRS screen. The API instructions start on page 26.
- How can I access the excel spreadsheet?
  - SRI will email it to you if you send them your contact information.

- What is the deadline for submitting API data?
  - There is currently no hard deadline, however, the sooner you submit, the sooner you will receive your retainer payment.
- Will there be another Zoom call?
  - No, this FAQ will serve in place of another call.

**Contact information:**

For SRI tech support dial: 225-767-0501

For statistical resources: [Lasrs@statres.com](mailto:Lasrs@statres.com)

For Steve Buco: [Sbuco@statres.com](mailto:Sbuco@statres.com)

For submission and all other questions: [healthy@la.gov](mailto:healthy@la.gov)