

**NUMBER**

#21-56-01

**DATE**

January 14, 2021

**OF INTEREST TO**

County/tribal nation directors  
Social services supervisors and  
staff

Nursing facility providers

Hospital discharge planners

Senior LinkAge Line staff

Managed care organizations

**ACTION/DUE DATE**

Effective immediately

**EXPIRATION DATE**

January 14, 2023

## OBRA Level II evaluative report changes during peacetime emergency

---

### TOPIC

Counties can complete OBRA Level II evaluative reports before or after nursing facility admission during the peacetime emergency. This change does not apply to preadmission screenings and nursing facility level of care requirements.

### PURPOSE

Provide information to lead agencies and providers about a temporary change during the COVID-19 peacetime emergency

### CONTACT

OBRA Level II developmental disabilities policy: [dsd.obra@state.mn.us](mailto:dsd.obra@state.mn.us)

OBRA Level II mental illness policy: [dhs.mh.pasrr@state.mn.us](mailto:dhs.mh.pasrr@state.mn.us)

PAS/OBRA Level I policy: [senior.linkage@state.mn.us](mailto:senior.linkage@state.mn.us)

### SIGNED

GERTRUDE MATEMBA-MUTASA

Assistant Commissioner

Community Supports Administration

DAN POLLOCK

Assistant Commissioner

Continuing Care Older Adults Administration

### TERMINOLOGY NOTICE

The terminology used to describe people we serve has changed over time. The Minnesota Department of Human Services (DHS) supports the use of "People First" language.

## I. Introduction

---

The Minnesota Department of Human Services (DHS) temporarily waived the requirement for Omnibus Budget Reconciliation Act (OBRA) Level II evaluative reports to be completed before a person's admission to a nursing facility (NF). This change helps people discharge from hospitals to NFs more quickly, which opens up hospital beds and staffing to meet the increasing demand caused by COVID-19.

Counties may now complete the OBRA Level II evaluative report before or after NF admission, as long as they complete it within nine business days of receiving the preadmission screening (PAS). The hospital and NF will not have to wait for the final PAS results to admit a person to the NF if the person meets NF level of care criteria on the initial PAS.

This policy change is allowed by the Centers for Medicare and Medicaid Services (CMS) 1135 Waiver and the [Governor's Emergency Executive Order 20-12 \(PDF\)](#). It is effective immediately and will remain in place until further notice from DHS.

This bulletin provides information and instructions for hospitals, nursing facilities and lead agencies about this temporary policy change.

## II. Background

---

Federal and state laws require that all people entering a Medical Assistance (MA)-certified NF, boarding care facility or hospital swing bed receive a PAS (also referred to as an OBRA Level I screening), regardless of the payer source for facility services, anticipated length of stay or age of the person.

The PAS includes an NF level of care determination and evaluation for serious mental illness or developmental disabilities. Hospitals, clinics, hospice facilities and NFs submit the PAS to the Senior LinkAge Line through the [PAS online form](#). The person must meet the MA criteria of NF level of care before they are admitted to the NF.

If the hospital PAS indicates the person has a diagnosis or suspected diagnosis of a serious mental illness and/or a developmental disability or related condition, the county must complete an OBRA Level II evaluative report within nine business days of the person's PAS. The OBRA Level II evaluative report ensures the person receives necessary specialized services to support their needs.

Previously, counties were required to complete the OBRA Level II evaluative report before a person's NF admission. However, DHS waived this requirement during the COVID-19 peacetime emergency to allow counties to complete the OBRA Level II evaluative report before or after NF admission.

## III. Provider and lead agency responsibilities

---

### A. Hospitals and NFs

#### PAS instructions

PAS requirements have not changed. Hospitals and NFs must submit the PAS using the [PAS online form](#) to the Senior LinkAge Line before the person's NF admission. The NF can submit the PAS if the hospital's workforce capacity is strained. The [PAS online form](#) includes a training video and step-by-step guide, if needed.

If the person's level of care cannot be determined through the PAS, the lead agency must complete a MnCHOICES assessment before the person's NF admission. This requirement has not changed.

#### OBRA Level II evaluative report instructions

If the initial PAS results indicate the person meets NF level of care, the NF can admit the person before receiving the final results from the Senior LinkAge Line or lead agency, even if the person needs an OBRA Level II evaluative report.

If necessary, the county will work with the NF to complete the OBRA Level II evaluative report remotely after NF admission.

As long as the hospital/NF submits the PAS before the person's NF admission and the county completes the OBRA Level II evaluative report within nine days of the PAS, the billing and survey requirements for OBRA during the peacetime emergency will be fulfilled.

### B. Lead agencies and the Senior LinkAge Line

#### PAS instructions

PAS requirements have not changed. When the hospital or NF submits the PAS, the Senior LinkAge Line and lead agency must process the PAS per usual policy, as described in [DHS Bulletin #19-25-02R \(PDF\)](#) and [CBSM – OBRA Level I screening](#).

#### OBRA Level II evaluative report instructions

All roles and responsibilities for the OBRA Level II evaluative report remain the same, with the following exceptions:

- The county can complete the OBRA Level II evaluative report before or after NF admission, but they must complete it within nine business days of receiving the PAS
- The county can complete the OBRA Level II evaluative report remotely, using interactive telecommunication (previously announced in a [March 23, 2020, AASD and DSD eList announcement](#))

For more information on the OBRA Level II evaluative report process and existing lead agency responsibilities, visit:

- [CBSM – OBRA Level II evaluative report for people with developmental disabilities](#)
- [DHS – PAS and resident review for people with mental illness](#)

## IV. Related resources

---

- PAS/OBRA Level I resources:
  - [DHS Bulletin #19-25-02R: PAS – Activity required for admission to MA-certified NFs \(PDF\)](#)
  - [PAS online referral form](#)
  - [CBSM – PAS and OBRA overview](#)
  - [CBSM – OBRA Level I screening](#)
  - [OBRA Level I Criteria – Screening for Developmental Disabilities or Mental Illness, DHS-3426 \(PDF\)](#)
  - Senior LinkAge Line: Call 800-333-2433 or use the [online chat](#) for assistance
- OBRA Level II evaluative report resources:
  - [DD Screening Document Codebook](#)
  - [CBSM – OBRA Level II evaluative report for people with developmental disabilities](#)
  - [DHS – PAS and resident review for people with mental illness](#)
  - OBRA Level II evaluative report forms:
    - [OBRA Level II Evaluative Report for People with Developmental Disabilities or Related Conditions, DHS-4248](#)
    - [OBRA Level II Evaluative Report Form for People with Mental Illness, DHS-3457](#)
  - Questions related to people who have developmental disabilities: [dsd.obra@state.mn.us](mailto:dsd.obra@state.mn.us)
  - Questions related to people who have mental illnesses: [dhs.mh.pasrr@state.mn.us](mailto:dhs.mh.pasrr@state.mn.us)
- Remote assessments: [CBSM – Assessment applicability and timelines](#)
- Provider policy, billing and payment information: [DHS – Minnesota Health Care Programs \(MHCP\) provider policies and procedures](#)
- PAS federal regulations: [Code of Federal Regulations – PAS and annual review](#)
- Minnesota Statutes: [Minnesota Office of the Revisor of Statutes](#)

## Americans with Disabilities Act (ADA) Advisory

This information is available in accessible formats for people with disabilities by calling 651-431-2500 (voice) or toll free at 800-882-6262, or by using your preferred relay service. For other information on disability rights and protections, contact the agency's ADA coordinator.