

Clinical Policy: Private Duty Nursing

Reference Number: TX.CP.MP.520

Last Review Date: 06/20

[Coding Implications](#)
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See [Important Reminder](#) at the end of this policy for important regulatory and legal information.

Description

Private duty nursing (PDN) should prevent prolonged and frequent hospitalizations or institutionalization and provide cost effective and quality care in the most appropriate, least restrictive environment. Private duty nursing provides direct nursing care, caregiver training and education. The training and education is intended to optimize member's health status and outcomes, and to promote family-centered, community-based care as a component of an array of service options.

The nurse and/or medical director will consider requests for PDN based on member's extent of skilled needs, the complexity of the service, and the caregivers' and/or medical consenters' abilities and preferences. It is hoped that nursing care may be reduced over time if the member's medical condition improves or the nursing needs decrease. Prior to initiation of home services, the requesting provider should convey to the member or family what the expectations are regarding the weaning of nursing hours and the eventual termination of these services.

This policy applies to the following products: STAR, STAR Health, STAR Kids, and CHIP.

Policy/Criteria

- I. It is the policy of Superior HealthPlan that private duty nursing (PDN) services are **medically necessary** when all the following criteria are met:
 - A. Member is < 21 years of age;
 - B. Requested care, one of the following:
 1. Initial request for ≤ 90 days, and the provider has examined or treated the member within the past 30 days;
 2. Subsequent request for ≤ 6 months;
 3. Change in services due to a change in the member's condition that necessitates a different amount and/or duration of PDN than was previously requested;
 - C. Treatment complies with the Texas Health Steps periodicity schedule or is within three months of the PDN extension standard of care date;
 - D. Documentation by the primary provider includes all of the following:
 1. Signed and dated physician's order (physician-designated advanced practice registered nurse (APRN) or physician assistant (PA) is acceptable) or signed Plan of Care for PDN that is less than 30 days old prior to the start of care, indicating the number of hours per day or week and the duration of the request;
 2. The plan of care must be up to date and include the member's current medical conditions that are relevant to the intended skilled nursing services;

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3. Member requirement of care beyond the level of services provided under a home health skilled nursing visit (**Note:** Provision of PDN is not for the convenience of the family or caregiver);

E. At least one of the following indications:

1. Dependent on technology to sustain life;
2. Requires ongoing and frequent skilled interventions to maintain or improve health status;
3. Delaying skilled intervention directly impacts the health status of the client, due to the risk of sudden decompensation in the absence of direct ongoing nursing care (not observation).

F. Number of PDN hours will be approved commensurate with documented continuous skilled nursing needs.

II. It is the policy of Superior HealthPlan that PDN services are considered **not medically necessary** for the following indications:

- A. For the primary purpose of providing respite care, childcare, or activities of daily living (ADLs) for the member, housekeeping services, or comprehensive case management beyond the service coordination required by the Texas Nursing Practice Act;
- B. For members whose only skilled nursing need is the provision of education for self-administration of prescribed subcutaneous (SQ), intramuscular (IM), or intravenous (IV) injections. Nursing hours for the sole purpose of providing education to the client and caregiver may be considered through intermittent home health skilled nursing visits.
- C. Services that can be safely and effectively performed by the average nonmedical person without direct supervision of a licensed nurse;
- D. PDN provided for > 16 hours a day by a single, independently-enrolled nurse.

Note: For Medicaid members under age 21, the opportunity for a peer-to-peer discussion is offered prior to issuing an adverse determination for nursing services (PDN, HHSNV).

III. PDN may be delivered in a member's residence, school, or daycare facility. CCTX must be prepared to authorize medically necessary PDN for their members at school.

A. **PDN is not a SHARS service.**

If a Medicaid-eligible student's Individualized Education Program (IEP) includes nursing services that can be met by PDN services provided at school, then the school district should note in the student's IEP that the student's nursing services are being met through PDN and may not bill SHARS for any reimbursement for nursing services.

B. **CCTX expectations related to PDN in schools:** It is not the responsibility of the school to assume PDN care if the member's PDN nurse is unable to provide services at school

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due to illness or some other reason. The school is only responsible for nursing services listed in the member's IEP if the member has one.

PDN policy requires that the PDN provider and the parent or responsible adult have a contingency plan in place in the event that the member's PDN nurse is unavailable. All parties should be aware of the contingency plan and understand when and how to activate it.

PDN service authorization requests must indicate who is responsible for the delivery of nursing services throughout a 24-hour day, including nursing services delivered by the member's school. CCTX should request this information from the member's PDN provider or the member's parent or legally responsible adult who must sign the 24-hour flowsheet that is required with all PDN service authorization requests.

- C. **Coordination with the school:** CCTX service coordinators (SC's) may also attempt to coordinate with schools regarding PDN services provided in the school. However, plans should be aware that student privacy law governs that student information can be shared by schools and it can be obtained.

The Family Education Rights and Privacy Act (FERPA) governs the sharing of student records. Generally, schools must have written permission from the parents or eligible student to release information from a student's education record. If the parent or eligible student does not provide consent to share the contents of the IEP, for example then the school cannot provide the records. Processes vary among school districts. CCTX SC's should consult the member's school for more information regarding FERPA compliance when requesting information in the member's student record or IEP.

Background

Transition Time (Check TAC rule 10 Day Notification Rule--TAC RULE §357.11):

- To allow the member/legally authorized representative/medical consentor time to make arrangements to transition from denied or reduced PDN hours, the previously authorized PDN hours will remain in place for a period of 12 calendar days from the date when the denial letter is sent out.

Definitions:

- **Skilled Nursing** means assessments, judgments, interventions, and evaluations of interventions requiring the education, training, and experience of a licensed nurse.
- **Private Duty Nursing (PDN) Services** are nursing services as described by the Texas Nursing Practice Act and its implementing regulations, for members who meet the medically necessary criteria and who require individualized, continuous, skilled care beyond the level of skilled nursing visits normally authorized under Texas Medicaid Home Health Skilled Nursing and Home Health Aide Services.



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- **Centene Company of Texas (CCTX), LP**, is a licensed Utilization Review Agent (URA) in Texas. This policy is applicable to complex care Medicaid program (CCMP) staff employed by CCTX, and performing utilization review.
- **School Health and Related Services (SHARS)** are Medicaid services provided by school districts in Texas to Medicaid-eligible students under the federal Individuals with Disabilities Education Act (IDEA) are known as SHARS. School districts who participate in the SHARS program may seek Medicaid reimbursement for nursing services.

Coding Implications

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CPT® Codes	Description
N/A	

HCPCS Codes	Description
N/A	

ICD-10-CM Diagnosis Codes that Support Coverage Criteria

ICD-10-CM Code	Description
N/A	

Reviews, Revisions, and Approvals	Date	Approval Date
Updated “Product Type” by adding MRSA and deleting Chip Perinate, Health Texas, Medicare Advantage and SSI. Added general criteria requirements. Deleted and updated specific criteria regarding hour limitations. Updated PA work process. Updated References. Updated signatories.	07/13	07/13
Update authorization work process and reference.	10/13	10/13

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Reviews, Revisions, and Approvals	Date	Approval Date
Deleted “requires continuous, skillful observations, judgments, and interventions to correct or ameliorate the member’s health status” under initial authorization criteria. Added the verbal order work process under authorization process. Corrected some grammatical errors. Updated references, definitions and signatories.	06/14	06/14
Removed work process and imbedded in attachment section. Added policy to reference list.	02/15	02/15
Added PDN information under Policy section. Edits and additions made to Medical Necessity Criteria. Days associated with TAC reference, specified as calendar days. Removed work process attachment and placed in separate document. Updated Definition and Reference list.	06/15	06/15
Removed STAR+PLUS from Product types.	02/16	02/16
Grammatical edits. Removal of work process. Updated reference and signatories.	06/16	06/16
Updated scope. Removed MRSA and CHIP RSA from products, due to regional reference. Added STAR Kids. Clarified what constitutes a plan of care. Updated reference list.	03/17	03/17
Added “For requests where the member is changing PDN provider or for new PDN requests, where the member has not had PDN services in the past, Centene staff may approve 2 weeks of PDN services with a completed request form and an MD order. The requesting provider will need to provide all the required documentation for an initial PDN request before the end of the 2 week approved period.”	06/17	06/17
Changed approval duration from 90 days to 6 months. Updated products, review date, references and signatures.	07/18	07/18
Removed the section referring to the two week approval process for PDN services being requested upon discharge and for initials. The information to be outlined in individual product work processes. Updated signatories.	04/19	04/19
Updated to new template from TX.UM.10.20 (TX.CP.MP.520 nomenclature implementation 10/1/19). Reworded criteria for clarity and combined general criteria and medical necessity criteria. Removed work process criteria regarding line item authorizations. Updated references.	10/19	10/19
Added the following statement as a Note: For Medicaid members under age 21, the opportunity for a P2P discussion is offered prior to issuing an adverse determination for nursing services (PDN, HHSNV). Added HHSC Guidance for Medicaid MCO’s Regarding PDN Provided at School updates completed, noted under section III. Added the following definitions: PDN services, Centene Company of TX, and School Health and Related Services. Updated references.	03/20	03/20
Added statement in accordance with TMPPM guidelines, 4.1.4.4 Prior Authorization of PDN Services, in section I, D, 1.Signed and dated	06/20	06/20

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Reviews, Revisions, and Approvals	Date	Approval Date
physician’s order (physician-designated advanced practice registered nurse (APRN) or physician assistant (PA) is acceptable) or signed Plan of Care for PDN that is less than 30 days old prior to the start of care. Added F. Number of PDN hours will be approved commensurate with documented continuous skilled nursing needs.		

References

1. HHSC Uniformed Managed Care Manual chapter 3.22 version
2. 2020 Texas Medicaid Provider Procedures Manual: Vol. 2 Children’s Handbook
3. 2020 Texas Medicaid Provider Procedures Manual: Vol. 2 Home Health Nursing and Private Duty Nursing Services Handbook
4. Texas Administrative Code; 10 Day Notification Rule--TAC RULE §357.11
5. Bailey KL. Establishing private duty in a Medicare world. *Caring*. 1998; 17(9):24-25, 27, 29-31.
6. Lulavage A. RN-LPN teams: Toward unit nursing case management. *Nurs Manage*. 1991; 22(3):58-61.
7. Creighton H. Private duty nursing: Part I - Reimbursement issues. *Nurs Manage*. 1988; 19(6):22, 26.

Important Reminder

This clinical policy has been developed by appropriately experienced and licensed health care professionals based on a review and consideration of currently available generally accepted standards of medical practice; peer-reviewed medical literature; government agency/program approval status; evidence-based guidelines and positions of leading national health professional organizations; views of physicians practicing in relevant clinical areas affected by this clinical policy; and other available clinical information. The Health Plan makes no representations and accepts no liability with respect to the content of any external information used or relied upon in developing this clinical policy. This clinical policy is consistent with standards of medical practice current at the time that this clinical policy was approved. “Health Plan” means a health plan that has adopted this clinical policy and that is operated or administered, in whole or in part, by Centene Management Company, LLC, or any of such health plan’s affiliates, as applicable.

The purpose of this clinical policy is to provide a guide to medical necessity, which is a component of the guidelines used to assist in making coverage decisions and administering benefits. It does not constitute a contract or guarantee regarding payment or results. Coverage decisions and the administration of benefits are subject to all terms, conditions, exclusions and limitations of the coverage documents (e.g., evidence of coverage, certificate of coverage, policy, contract of insurance, etc.), as well as to state and federal requirements and applicable Health Plan-level administrative policies and procedures.

This clinical policy is effective as of the date determined by the Health Plan. The date of posting may not be the effective date of this clinical policy. This clinical policy may be subject to



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applicable legal and regulatory requirements relating to provider notification. If there is a discrepancy between the effective date of this clinical policy and any applicable legal or regulatory requirement, the requirements of law and regulation shall govern. The Health Plan retains the right to change, amend or withdraw this clinical policy, and additional clinical policies may be developed and adopted as needed, at any time.

This clinical policy does not constitute medical advice, medical treatment or medical care. It is not intended to dictate to providers how to practice medicine. Providers are expected to exercise professional medical judgment in providing the most appropriate care, and are solely responsible for the medical advice and treatment of members. This clinical policy is not intended to recommend treatment for members. Members should consult with their treating physician in connection with diagnosis and treatment decisions.

Providers referred to in this clinical policy are independent contractors who exercise independent judgment and over whom the Health Plan has no control or right of control. Providers are not agents or employees of the Health Plan.

This clinical policy is the property of the Health Plan. Unauthorized copying, use, and distribution of this clinical policy or any information contained herein are strictly prohibited. Providers, members and their representatives are bound to the terms and conditions expressed herein through the terms of their contracts. Where no such contract exists, providers, members and their representatives agree to be bound by such terms and conditions by providing services to members and/or submitting claims for payment for such services.

Note: For Medicaid members, when state Medicaid coverage provisions conflict with the coverage provisions in this clinical policy, state Medicaid coverage provisions take precedence. Please refer to the state Medicaid manual for any coverage provisions pertaining to this clinical policy.

Note: For Medicare members, to ensure consistency with the Medicare National Coverage Determinations (NCD) and Local Coverage Determinations (LCD), all applicable NCDs, LCDs, and Medicare Coverage Articles should be reviewed prior to applying the criteria set forth in this clinical policy. Refer to the CMS website at <http://www.cms.gov> for additional information.

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