

Steve Sisolak
Governor



Richard Whitley, MS
Director

DEPARTMENT OF HEALTH AND HUMAN SERVICES

DIVISION OF HEALTH CARE FINANCING AND POLICY

Helping people. It's who we are and what we do.



Suzanne Bierman,
JD MPH
Administrator

March 29, 2022

Inter-Tribal Council of Nevada
Serrell Smokey, ITCN President
Tribal Chairman of Washoe Tribe
919 Highway 395 South
Gardnerville, Nevada 89410

Dear Tribal Members:

In accordance with established consultation guidelines, the Division of Health Care Financing and Policy (DHCFP) is notifying Nevada tribes of the following proposed changes in policy for COVID-19 coverage and reimbursement methodology in compliance with the American Rescue Plan Act (ARPA):

DHCFP is proposing updates to the Children's Health Insurance Program (CHIP) Medicaid State Plan, Sections 1.4, 1.4-TC, 6.2.27, and 8.2.3 to demonstrate compliance with ARPA that requires states to cover treatment (including coverage for a condition that may seriously complicate the treatment of COVID-19), testing, and vaccinations for COVID-19 without cost sharing in CHIP. This update is effective March 11, 2021 and ends on the last day of the first calendar quarter that begins one year after the last day of the COVID-19 emergency period and for all populations covered in the CHIP state child health plan.

Additionally, the DHCFP is proposing updates to the following Medicaid State Plan and Alternative Benefits Plan attachments. These updates are effective from March 11, 2021 and end on the last day of the first calendar quarter that begins one year after the last day of the COVID-19 emergency period:

- 7.7-A: To demonstrate compliance with the Vaccine and Vaccine Administration at Section 1905(a)(4)(E) of the Social Security Act. This section assures coverage and reimbursement methodology of COVID-19 vaccines and administration of the vaccines, coverage for any medically necessary COVID-19 vaccine counseling for children under the age of 21, and compliance with the Health and Human Services (HHS) COVID-19 PREP Act declarations and authorizations with respect to the providers considered qualified to prescribe, dispense, administer, deliver and/or distribute COVID-19 vaccines.
- 7.7-B: To demonstrate compliance with COVID-19 testing at Section 1905(a)(4)(F) of the Social Security Act. This section assures coverage with the Centers for Disease and Control and Prevention (CDC) definition of diagnostic screening testing for COVID-19 and its recommendations for who should receive diagnostic and screening tests for COVID-19, along with reimbursement methodology. This coverage includes all types of FDA authorized COVID-19 tests.
- 7.7-C: To demonstrate compliance with COVID-19 treatment, including specialized equipment and therapies (including preventive therapies), and conditions that may seriously complicate the treatment of COVID-19 at Section 1905(a)(4)(F) of the Social Security Act. This includes any non-pharmacological item or service described in section 1905(a) of the Act, that is medically necessary for treatment of COVID-19 and any drug or biological that is approved (or licensed) by the US Food & Drug Administration (FDA) or authorized by the FDA under an

Emergency Use Authorization (EUA) to treat or prevent COVID-19, consistent with applicable authorizations. This section also ensures reimbursement methodology for these COVID-19 services. Additionally, DHCFP assures compliance with the HHS COVID-19 PREP Act declarations and authorizations, including all of the amendments to the declaration.

Lastly, DHCFP is proposing to request a Medicaid Section 1135 Waiver of SPA submission requirements as allowed when the President has declared a major disaster AND the Secretary of the Department of Health and Human Services has declared a public health emergency. This request is to allow DHCFP to ensure there are sufficient health care items and services available to meet the needs of individuals enrolled in the Medicaid program and includes waiving notification for State Plan Amendments related to COVID-19 and allows for modification of timeframes associated with required tribal consultation including shortening the number of days before submission or conducting a consultation after submission of the SPA for COVID-19 related services.

There is no anticipated fiscal impact to Tribal Governments.

If you would like a consultation regarding these proposed changes in policy, please contact Monica Schiffer at (775) 684-3653 who will schedule a meeting. We would appreciate a reply within 30 days from the date of this letter. If we do not hear from you within this time, we will consider this an indication that no consultation is requested.

Sincerely,

Casey Angres

Casey Angres (Mar 29, 2022 16:14 PDT)

Casey Angres

Manager of Division Compliance, DHCFP

cc: Antonina Capurro, DMD, Deputy Administrator, DHCFP
Sandie Ruybalid, CPM, Deputy Administrator, DHCFP
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