



BRIAN SANDOVAL
Governor

STATE OF NEVADA
DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF HEALTH CARE FINANCING AND POLICY
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RICHARD WHITLEY, MS
Director

MARTA JENSEN
Acting Administrator

Division of Health Care Financing and Policy
Notice of meeting to solicit public comments and intent to act
Upon Amendments to the Medicaid Services Manual (MSM)

Public Hearing November 12, 2015

Minutes

Date and Time of Meeting: November 12, 2015 at 9:20 AM

Name of Organization: State of Nevada, Department of Health and Human Services, Division of Health Care Financing and Policy (DHCFP)

Place of Meeting: Division of Public and Behavioral Health
4150 Technology Way, Room 303
Carson City, NV 89706

Place of Video Conference: Division of Health Care Financing and Policy
1210 S. Valley View Blvd., Suite 104
Las Vegas, NV 89102

Division of Child and Family Services
100 Youth Center Road
Elko, NV 89801

Attendees

In Carson City, NV

Renée Necas, DHCFP
Jaime Collins, Amerigroup
Kathy Stoner, DHCFP
Chris Bosse, Renown Health
Lynne Foster, DHCFP
Darrell Faircloth, SDAG
Colleen Lawrence, DHCFP

Kirk Gillis, Renown Health
Jared Shoemaker, Sage Health Services
Jenni Bonk, DHCFP
Joanna Jacob, Ferrari Public Affairs
Tammy Moffitt, DHCFP
Betsy Aiello, DHCFP

In Las Vegas, NV

Erin Russell, HPN
Kelly Simonson, HPN

Kristina Jones, HPN

Introduction:

Ms. Tammy Moffitt, Chief of Program Integrity, the Division of Health Care Financing and Policy (DHCFP), opened the Public Hearing introducing herself, Ms. Betsy Aiello, Deputy Administrator of the DHCFP and Mr. Darrell Faircloth, Senior Deputy Attorney General (SDAG).

Ms. Moffitt – The notice for this public hearing was published on October 9, 2015 in accordance with the Nevada Revised Statute 422.2369.

1. Public Comments

No Comments

2. For Possible Action: Review and approve meeting minutes from the October 19, 2015 public hearings.

Ms. Moffitt:

The DHCFP staff was asked if they had any proposed revisions or corrections to the October 19, 2015 meeting minutes and none received.

Public Comments

- No Comments

Ms. Moffitt – Recommended the Deputy Administrator approve as written.

Ms. Aiello – Approved as written.

3. For Possible Action: Discussion and proposed adoption of changes to the Authorization for the Use and Disclosure of Protected Health Information Form

Ms. Lynne Foster:

This form is used by individuals to request their protected health information from the Division. It meets the requirements of the Health Insurance Portability and Accountability Act, 45 C.F.R. §164.508(c). The core elements of this form remain the same; it has been edited and reformatted for clarity.

The effective date is December 1, 2015.

The following spelling corrections will be made:

Change the word “of” to “or”, in the following sentence – I hereby authorize the use or disclosure of my protected health information.....

Change the word “with” to “will” in the following sentence – Information will be used/disclosed for the following....

At the conclusion of Ms. Foster’s presentation, Ms. Moffitt asked Ms. Aiello, Deputy Administrator, and Mr. Faircloth, SDAG, if they had any questions or comments.

Ms. Aiello's Comments:

- No Comments

Mr. Faircloth’s Comments:

- No Comments

Public Comments:

- No Comments

Ms. Moffitt – Recommended the Deputy Administrator approve as submitted.

Ms. Aiello's – Approved as submitted.

Ms. Moffitt – Closed the Public Hearing for the Authorization for the Use and Disclosure of Protected Health Information Form.

4. For Possible Action: Discussion and proposed adoption of changes to MSM Chapter 3400 – Telehealth Services

Ms. Jenni Bonk:

Revisions to Medicaid Services Manual (MSM) Chapter 3400 are being proposed to align with the Nevada’s 78th Legislative Session. Policy is being updated to include services that are clinically appropriate and within a health care professionals’ scope of practice. This establishes parity between face-to-face and telehealth services. All health care services provided via telehealth follow policy as outlined in the appropriate MSM chapter.

Effective Date is December 1, 2015.

Ms. Colleen Lawrence:

I wanted to give the stakeholders and administration a little bit of background. After the chapter has been posted or public has commented, our Clinical Policy team has received several comments based upon the chapter that has been posted. Our plan is to move forward with the chapter that has been posted, there will be a lot of comments today. They are very well advised comments. We would like to move forward with the chapter that is posted due to our Public Notice. We would like to turn around and agendaize another meeting very quickly. Take in all the comments and move forward with another chapter in 30 days plus a couple of weeks for us to make the changes. Nevada Medicaid is on the cutting edge with AB 292 with Telehealth. Our previous Telehealth policy followed Medicare and it was very procedurally driven for us. Now that we are on the cutting edge of technology with Telehealth, we are finding different ways to write policy and all the information we are receiving is very well received, we appreciate all the guidance; however, we need to have time to review it and it is going to be an incremental process for us. You will hear a lot of policy suggestions today which we appreciate, we just need the time to apply it, give the due process for our policies and allow for the change to go back out to public comment. So that is our plan for today. I'll let Jenni go ahead and introduce what has already been posted on the internet.

At the conclusion of Ms. Bonk's presentation, Ms. Moffitt asked Ms. Aiello, Deputy Administrator, and Mr. Faircloth, SDAG, if they had any questions or comments.

Ms. Aiello's Comments:

- No Comments

Mr. Faircloth's Comments:

- No Comments

Public Comments:

- Mr. Kirk Gillis, Renown Health, applauded the Division for this exercise. It is a great day for the patients and beneficiaries in the state to be able to leverage a new age of technology to access healthcare. He stated that he used the word access specifically, because we all know that is one of the challenges we face in Medicaid is enabling access to care and thinks this will go a long way in doing that. Written comment has been submitted to the staff, and we have had some conversation and we look forward to and support this approach that was proposed today and look forward to further discussion. For the record he wanted to put a few comments we had on the table right now.

3403.1 – There are some references in this document as it pertains to face to face healthcare services. There is existing NRS where face to face is interpreted as being achieved through a telehealth or telemedicine encounter, specifically in the

pharmacy regulations. We were proposing that an additional or alternative term might be “in person”. So if a service can be rendered in person and it can also be rendered through telehealth, then it would be deemed appropriate for coverage through the Medicaid benefit.

3403.3 – There was some language in there that seems to call out some distinctions between the coverage for medical services and behavioral health services. Just weren’t quite sure with all of the line outs and the language eliminating those things that don’t need to be called out or restricted. Why is behavioral health still being called out specifically in the proposed language?

3403.5 – This section entitled “Coverage and Limitations,” thinks this can be discussed further, but again just for the record, there seems to be limitations here on services that could be appropriately provided through telehealth that are provided as an in person service and a covered benefit. Not quite sure why those limitations in this draft are being proposed or exist at this time. We have talked about that and will address that after this session.

3403.6 – “Non Covered Services” – The gist of this really seems to be around whether or not to cover for what is considered asynchronous telehealth services. Again, it has been discussed and think we will come to a meeting of the minds on this. Again for the record, radiology is an asynchronous service where an image is captured at one location and the image is read, interpreted, reported by a physician at another location, generally at another time and that is covered under current statute. The use of asynchronous telehealth is expanding across the country and across Nevada as the physician shortage really requires that we use their time as efficiently and effectively as we can. Asynchronous communications is the most effective way of allowing physicians to provide clinical services without the patient necessarily being in the room to affect the diagnosis and treatment plan and that is the ultimate goal of everybody here. We look forward to having further conversation around how we can make sure that the asynchronous dermatology, pathology, and radiology services are covered as a benefit in Medicaid.

Thank you for your time and the great work that you are doing.

Ms. Moffit – Ms. Aiello, would you like to address this comment?

Ms. Aiello’s comments:

- Thanked Renown for working with us on this policy. As Coleen said, it is a big change, so it will be a work in progress and we would like to get the program off the ground December 1, 2015. We definitely want to move forward with the policy as it stands, but to work with you directly as clarifications and further understanding is important for a strong policy and move forward with a second iteration of this chapter very quickly. Thank you.

Ms. Moffitt – Recommended the Deputy Administrator approve as submitted.

Ms. Aiello's – Approved as submitted but with direction to staff to continue to work with stakeholders to further clarify and solidify policy moving forward.

Ms. Moffitt – Closed the Public Hearing for the Medicaid Services Manual 3400 – Telehealth Services.

2. General Public Comments

- No Comments.

3. Adjournment

There were no further comments and Ms. Moffitt adjourned the public hearing at 9:40 AM.

**An Audio (CD) version of this meeting is available through the DHCFP Administration office. For more detailed information on any of the handouts, submittals, testimony and or comments please contact Robyn Heddy at Robyn.Heddy@dncfp.nv.gov or (775) 684-3678 with any questions.*