



DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF HEALTH CARE FINANCING AND POLICY
1100 East William Street, Suite 101
Carson City, Nevada 89701
Telephone (775) 684-3676 • Fax (775) 687-3893
<http://dhcfp.nv.gov>

**Notice of Meeting to Solicit Public Comments and Intent to Act
Upon Amendments to the Medicaid Services Manual (MSM)**

**Public Hearing February 22, 2018
Minutes**

Date and Time of Meeting: February 22, 2018 at 1:50 PM

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

Place of Meeting: Nevada State Legislative Building
401 S. Carson Street, Room 3137
Carson City, Nevada 89701

Place of Video Conference: Grant Sawyer Office Building
555 E. Washington Avenue, Room 4412E
Las Vegas, Nevada 89101

Teleconference: North (775) 687-0999
South (702) 486-5260

Access Code: 43606

Attendees

In Carson City, NV

Lynne Foster, DHCFP
Cody Phinney, DHCFP
Tammy Moffitt, DHCFP
Erin Lynch, DHCFP
Catherine Vairo, DHCFP
Tina Holder, DHCFP
Dr. KT Green, Axis Point

Jodi Patton, DHCFP
Tracy Palmer, DHCFP
Michele Belkin, DHCFP
Cynthia Magana, DHCFP
Jason Kolenut, DHCFP
Abigail Hatch, DHCFP

In Las Vegas, NV

Gabe Lither, SAG
Steven Brotman, Jeneven Consulting

Tracy Brown May, Opportunity Village

Teleconference

Katie Diemen, Community Health Alliance
Steve Messenger, Nevada Primary Care Association

Introduction:

Ms. Lynne Foster, Chief of Division Compliance, the DHCFP, opened the Public Hearing introducing herself, Ms. Cody Phinney, Deputy Administrator and Mr. Gabe Lither, Senior Deputy Attorney General (SDAG).

Ms. Foster – The notice for this public hearing was published on January 19, 2018 in accordance with the Nevada Revised Statute 422.2369.

1. Public Comment

- No Comments.

2. For Possible Action: Review and approve meeting minutes from the January 25, 2018 public hearing on the MSM

Ms. Foster asked if any staff members have any proposed corrections to the minutes for this public hearing and none were received.

Public Comments

- No Comments.

Ms. Foster – Recommended the Deputy Administrator approve the January 25, 2018 minutes as written.

Ms. Phinney – Approved the January 25, 2018 minutes as presented.

3. Discussion of proposed changes to MSM Chapter 3100 - Hearings

Ms. Michele Belkin:

Revisions to MSM Chapter 3100 are being proposed for consistency with the federal policy language in the Code of Federal Regulations, Title 42, Chapter IV, 431 Subpart E. Language specifying the circumstances under which a provider can request an expedited fair hearing for a recipient is being added.

Entities Financially Affected: These new regulations will affect all provider types.

Financial Impact on Local Government: Unknown at this time.

The effective date is February 23, 2018.

At the conclusion of Ms. Belkin's presentation, Ms. Foster asked Ms. Phinney and Mr. Lither if they had any questions or comments.

Ms. Phinney's Comments:

- No Comments.

Mr. Lither's Comments:

- No Comments.

Public Comments:

- No Comments.

Ms. Foster – Recommended the Deputy Administrator approve MSM Chapter 3100 – Hearings as submitted.

Ms. Phinney – Approved MSM Chapter 3100 – Hearings as submitted.

Ms. Foster – Closed the Public Hearing for the MSM Chapter 3100 – Hearings.

4. Discussion of proposed changes to MSM Chapter 100 – Medicaid Program

Ms. Catherine Vairo:

Revisions to MSM Chapter 100 are being proposed to introduce new policy, such as Provisional Enrollment and to clarify or update existing policy and policy terms, such as "Applicant," "Provider," "National Provider Identifier (NPI)," "Federal Employee Identification Number (FEIN)," "ICF/IID" and "Change of Ownership."

The Fiscal Agent, Managed Care Organizations (MCO) and the Division of Welfare Field Office information is updated.

Provisional Enrollment outlines the criteria and time frame under which an applicant or provider would be provisionally enrolled. Sanction Tiers are restructured to lengthen the Tier 2 and Tier 3 sanction periods and an additional Tier 4 sanction is added. Also included is a period of time and criteria under which applicants are prohibited from enrollment consideration. Some Authority citations found throughout the Chapter are relocated to the section titled "Authority."

Additional grounds for termination and/or sanction of a provider are added, including the termination of Nevada Medicaid providers from MCOs; providers who have deactivated NPI

number or outdated NPI data elements; convictions related to “any social services” participation; providers who sell, transfer, etc. a provider group in anticipation of a conviction/exclusion; providers who fail to timely report changes; and providers who do not submit to enhanced provider screening requirements. Language is removed which limited the reporting of prop convictions, and additional clarification is included to the application of sanctions for the individuals and groups.

Also, proposed changes to MSM Chapter 100 include an update to:

Entities Financially Affected: All Medicaid enrolled providers.

Financial Impact on Local Government: Unknown at this time.

Effective Date: February 23, 2018.

At the conclusion of Ms. Vairo’s presentation, Ms. Foster asked Ms. Phinney and Mr. Lither if they had any questions or comments.

Ms. Phinney’s comments:

Ms. Phinney offered her congratulations to Ms. Vairo on reading in the changes to MSM Chapter 100.

Ms. Vairo thanked Ms. Phinney.

Mr. Lither’s comments:

Mr. Lither stated that in Section 106.3, Sanction Periods, it now had sanctions apply to owners as well. He then asked what percentage of ownership needed to be had to be sanctioned. In previous sections 5% or greater was mentioned but clarification was not specific.

Ms. Vairo confirmed that they would look at owners with 5% or more ownership.

Mr. Lither asked if this was defined somewhere within the MSM and if not, could it be added in this section for better clarification.

Ms. Vairo asked if it were sufficient clarification to have this mentioned in Section 100, B.3 and Section 100 C.3.

Mr. Lither commented that it would not be sufficient and that it should be added into Section 106.

Ms. Vairo added the suggested language from Mr. Lither in Section 106.3.

Public Comments:

- No Comments.

Ms. Foster – Recommended the Deputy Administrator approve changes to MSM Chapter 100 – Medicaid Program as submitted and allow Document Control final check of spelling, grammar and pagination

Ms. Phinney – Approved those changes to MSM Chapter 100 – Medicaid Program as outlined by Ms. Foster.

Ms. Foster – Closed the Public Hearing for the MSM Chapter 100 – Medicaid Program

5. General Public Comments

- No Comments.

6. Adjournment

There were no further comments and Ms. Foster adjourned the public hearing at 2:35 PM.

**An Audio (CD) version of this meeting is available through the DHCFP Compliance office. For more detailed information on any of the handouts, submittals, testimony and or comments please contact Ellen Felsing at Ellen.Felsing@dncfp.nv.gov or (775) 684-3684 with any questions.*