

Joe Lombardo
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.



Stacie Weeks,
JD MPH
Administrator

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Notice of Meeting to Solicit Public Comments and Intent to Act Upon Amendments to the State Plan for Medicaid Services

Public Hearing August 29, 2023

Summary

Date and Time of Meeting: August 29, 2023, at 10:00 AM

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

Place of Meeting: DHCFP
1100 E. William Street
First Floor Conference Room
Carson City, Nevada 89701

Teleconference and/or Microsoft Teams Attendees

(Note: This List May Not Include All Participants, Just Those Who Identified Themselves)

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| Malinda Southard, Deputy Administrator, DHCFP | Carole Eisner, Novartis Gene Therapies |
| Gabriel Lither, Senior Deputy Attorney General | Katie Ryan, Dignity Health |
| Casey Angres, DHCFP | Karen A. Griffin, Deputy Attorney General |
| David Olsen, DHCFP | Blayne Osborn, Nevada Rural Health Partners (NRHP) |
| Meghann Jordan, Universal Health Services (UHSINC) | Meghann Jordan, UHSINC |
| Amanda Brazeau, Rowe Law Group | Chris Bosse, Renown |
| Amy Levin, Anthem | Craig Foreman |
| Troy Smith, ContinuityMed | Sarah Hunt |
| Michelyn Y. Domingo, Anthem | Robin Ochsenschlager, DHCFP |
| Sarah E. Fox, Silver Summit | Ellen Flowers, DHCFP |
| Brooke Greenlee, Elevance Health | Amy Shrogren, Black & Wadhams |
| April Caughron, DHCFP | Alison Bartko |
| Areli Alarcon | Dominic Gaon, Anthem |
| Joan Hall, NRHP | Sean Staff, Acadia Pharmaceuticals |
| Rianna White, Fidelis-Rx | Cheri Glockner, Silver Summit |
| Candace McClain-Williams, DHCFP | Philip Ramirez, UHSINC |
| Sean Linehan, DHCFP | Melissa Madera, DHCFP |
| Brent Wilson, Acadia Healthcare | Maria Reyes, Fidelis-Rx |

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Jessica L. Bowers, Silver Summit
Casey Walker
Mark Rosenberg, Fidelis Rx
Connie Lucido, Washoe County
Thomas L. Beranek, Centene
Jessica Vannucci, DHCFF
Jimmy Lau, Ferrari Public Affairs
Keith Benson, DHCFF
Kimberly Adams, DHCFF
LaTanya McNair, Elevance Health
Lea Case, Belz & Case
Christy Nguyen, Fidelis-RX
Lisa Dyer, DHCFF

Marcel Brown, DHCFF
Amy Hale, JANUS
Shirish S. Limaye, Silver Summit
Jason Embra, Molina Health Care (MHC)
Michele Puyear
Monica Schiffer, DHCFF
Ashleigh Papez, Gainwell Technologies (GWT)
Ryan Roa, Merck
Steve Messinger, Nevada Primary Care Association
Chelsea Montervino, Encompass Health
Regan Comis, R&R Partners
Adam Porath, Renown
Thomas Fletcher, DHCFF

Introduction:

Casey Angres, Chief of Division Compliance, DHCFF, opened the Public Hearing introducing herself, Malinda Southard, Deputy Administrator, DHCFF, and Gabriel Lither, Senior Deputy Attorney General.

Casey Angres – The notice for this public hearing was published on July 27, 2023, and revised on August 3, 2023, and August 22, 2023, in accordance with Nevada Statute 422.2369.

- 1. Public Comments:** There were none.
- 2. Discussion of Amendments to the State Plan for Medicaid Services and Solicitation of Public Comments**

Subject: Attachment 4.19-B, Specialty Physician Administered Drugs (PAD)

David Olsen, Chief of Pharmacy Services, DHCFF presented the proposed amendment to the Nevada State Plan---Attachment 4.19-B. This amendment will incorporate the Medicare Part B fee schedule as a means to reimburse for outpatient drugs administered by a health care provider; billed as a professional claim, commonly known as PAD.

Prior to July 1, 2023, Nevada Medicaid has not used fee schedules to pay for outpatient drugs and only relied on an algorithm using a lesser of logic to reimburse providers for the cost of outpatient drugs. One fee schedule went into effect as part of the lesser of logic on July 1, 2023. The Medicare Part B fee schedule, which is published by CMS, will be the second fee schedule used as part of a simplified lesser of logic exclusive to PAD reimbursement.

Proposed policy changes were discussed at the public workshop conducted on June 13, 2023.

Providers who prescribe, dispense, or administer specialty drugs may be affected by this change, including but not limited to the listed provider types (PT) on the agenda. Those not impacted are providers for Federally Qualified Health Centers, Rural Health Clinics, or other providers which are reimbursed based on an encounter rate. Their reimbursement is not being changed.

There are no discernable changes to annual aggregate expenditures.

The effective date of the change is December 1, 2023, subject to CMS Approval.

At the conclusion of David Olsen's presentation, Casey Angres asked Malinda Southard and Gabriel Lither if they had any questions or comments, they had none.

Public Comments: There were none.

Casey Angres – closed the Public Hearing for Attachment 4.19-B, Specialty Physician Administered Drugs.

3. Discussion of proposed Amendments to the State Plan for Medicaid Services and solicitation of public comments

Subject: Attachment 4.19-A, Payment for Inpatient Hospital Services Assurances and Related Information

Lynnette Aaron, Administrative Services Officer for the Fiscal Services Unit, DHCFP, presented DHCFP intends to submit a Medicaid SPA in order to implement a new inpatient fee-for-service (FFS) upper payment limit (UPL) supplemental payment to all qualifying private hospitals in the state of Nevada. These changes are reflected in Nevada Medicaid's State Plan Attachment 4.19-A, Page 33b. The payments for this new program will be determined on an annual basis and disbursed quarterly. For purposes of calculating the supplemental payments, private hospitals will be subdivided into five classes of hospitals: freestanding psychiatric hospitals, rehabilitation hospitals, Long Term Acute Care hospitals (LTACs), Short Term Acute Care hospitals (STACs), and Critical Access Hospitals (CAHs). Data from the state's most recent UPL demonstration to Centers for Medicare and Medicaid Services (CMS) and trended to the payment year, will be used as the estimate for the UPL. There are two payment methodologies: one for Psych, Rehab, LTACs, CAHs. These hospitals will receive a payment equal to its contribution to the aggregate difference between Medicaid payments and the UPL for that class of hospitals. The second methodology is for STACs. Hospitals within this class will receive a payment based on their portion of total FFS paid Medicaid days provided by all STACs.

As part of establishing this program, the Division held stakeholder workshops and meetings in order to gather and evaluate feedback for providing an equitable outcome for all the hospitals.

These changes are expected to increase the annual aggregate expenditures in State Fiscal Year (SFY) 2024 and 2025 by \$71,635,852.

The effective date of this change is July 1, 2023.

At the conclusion of Lynnette Aaron's presentation, Casey Angres asked Malinda Southard and Gabriel Lither if they had any questions or comments, they had none.

Public Comments: There were none.

Casey Angres – closed the Public Hearing for Attachment 4.19-A, Payment for Inpatient Hospital Services Assurances and Related Information.

4. Discussion of proposed Amendments to the State Plan for Medicaid Services and solicitation of public comments

Subject: Attachment 4.19-B, Outpatient Hospital Services Assurances and Related Information

Lynnette Aaron, Administrative Services Officer for the Fiscal Services Unit, DHCFP, presented DHCFP intends to submit a Medicaid SPA in order to implement a new outpatient fee-for-service (FFS) upper payment limit (UPL) supplemental payment to all qualifying private hospitals in the State of Nevada. These changes are reflected in Nevada Medicaid's State Plan Attachment 4.19-B, Page 20a.

The payments for this new program will be determined on an annual basis and disbursed quarterly. For purposes of calculating the supplemental payments, hospitals will receive a payment based on their portion of total number of Medicaid claims paid for outpatient FFS for all non-CAH private hospitals. CAHs will receive a weighted payment with a factor of 2.3 applied to their claims, and Sole Community Hospitals will receive a weighted payment with a factor of 1.15 applied to their claims.

Data from the state's most recent UPL demonstration to CMS and trended to the payment year, will be used as the estimate for the UPL.

These changes are expected to increase the annual aggregate expenditures in SFY 2024 and 2025 by \$63,694,270.

The effective date of this change is July 1, 2023.

At the conclusion of Lynnette Aaron's presentation, Casey Angres asked Malinda Southard and Gabriel Lither if they had any questions or comments, they had none.

Public Comments: There were none.

Casey Angres – closed the Public Hearing for Attachment 4.19-B, Outpatient Hospital Services Assurances and Related Information.

3. Adjournment

There were no further comments and Casey Angres closed the Public Hearing at 10:11 AM.

****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 Jenifer Graham at documentcontrol@dncfp.nv.gov with any questions.***