

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 NEVADA MEDICAID SERVICES MANUAL (MSM)

AGENDA

Date of Publication: February 22, 2024

Date of Revision: March 19, 2024

Date of Revision: March 25, 2024

Date and Time of Meeting: March 26, 2024, at 10:05 AM or upon completion of the amendments to the State Plan for Medicaid Services Public Hearing immediately preceding this meeting at the same location(s)

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

Place of Meeting: ~~TBD~~ There is no physical location for this meeting

Please use the teleconference/Microsoft Teams options provided below. If accommodations are requested, please advise using the information at the end of this agenda.

Note: If at any time during the meeting an individual who has been named on the agenda or has an item specifically regarding them included on the agenda is unable to participate because of technical or other difficulties, please email Jenifer Graham at documentcontrol@dhcftp.nv.gov and note at what time the difficulty started so that matters pertaining specifically to their participation may be continued to a future agenda if needed or otherwise addressed.

Please be cautious and do not click on links in the chat area of the meeting unless you have verified they are safe. If you ever have questions about a link in a document purporting to be from Nevada Medicaid, please do not hesitate to contact documentcontrol@dhcftp.nv.gov for verification.

Webinar: <http://tinyurl.com/DHCFP2024PH>

Select "Join," enter your name and email and then select "Join."

The meeting should not require a password.

Audio Only: (775) 321-6111

Conference ID: 451 974 828#

PLEASE DO NOT PUT THIS NUMBER ON HOLD (*hang up and rejoin if you must take another call*)
YOU MAY BE UNMUTED BY THE HOST WHEN SEEKING PUBLIC COMMENT, PLEASE HANG UP AND REJOIN IF YOU ARE
HAVING SIDE CONVERSATIONS DURING THE MEETING OR THOSE MAY BE HEARD BY OTHERS AND RECORDED

This meeting may be recorded to facilitate note-taking or other uses. By participating you consent to recording of your participation in this meeting.

AGENDA

1. General Public Comments (No action may be taken upon a matter raised under public comment period unless the matter itself has been specifically included on an agenda as an action item. To provide public comment telephonically, you may join the meeting by dialing (775) 321-6111 and when prompted to provide the Meeting ID, enter 451 974 828#. You may then press *5 to raise your hand during the public comment periods to provide your comment. Comments will be limited to three minutes per person. Persons making comment will be asked to begin by stating their name for the record and to spell their last name and provide the secretary with written comments).

2. **For possible action:** Discussion and adoption of changes to MSM Chapter 1200 – Prescribed Drugs

Revisions to MSM Chapter 1200 – Prescribed Drugs are being proposed to reflect recommendations approved on January 18, 2024, by the Drug Utilization Review (DUR) Board. The addition of Uplizna® and additional criteria regarding vaccines under Immunomodulator Drugs, removed genotypes from Anti-Hepatitis Agents, updated approval criteria for Incretin Mimetics, and added Lumryz®, FDA approved ages and Idiopathic Hypersomnia (Xywav®) to Narcolepsy Agents. New sections added including prior authorization criteria to include Voxzogo™ (vosoritide) for treatment of achondroplasia, Saphnelo® (anifrolumab-fnia) for therapeutic class Systemic Lupus Erythematosus, and Tavneos™ for therapeutic class ANCA-associated vasculitis (GPA or MPA). The link for Prior Authorization forms has been updated throughout the chapter.

Entities Financially Affected: : Providers who prescribe, dispense or administer this drug may be affected by this change, including but not limited to the following PTs: Outpatient Surgery (PT 10); Hospital, Inpatient (PT 11); Hospital, Outpatient (PT 12); Intermediate Care Facilities for Individuals with Intellectual Disabilities, Public (PT 16); Special Clinics (PT 17); Nursing Facility (PT 19); Physician/Osteopath (PT 20); Podiatrist (PT 21); Advanced Practice Registered Nurse (PT 24); Pharmacy (PT 28); Home Health Agency (PT 29); Ambulatory Surgical Centers, Freestanding (PT 46); Indian Health Programs and Tribal Clinics (PT 47); Indian Health Service Hospital, Inpatient (Tribal) (PT 51), Indian Health Service Hospital, Outpatient (Tribal) (PT 52); Transitional Rehabilitative Center, Outpatient (PT 55); Inpatient Rehabilitation and Long Term Acute Care (LTAC) Specialty Hospitals (PT 56); Hospice (PT 64); Hospice, Long Term Care (PT 65); Intermediate Care Facilities for Individuals with Intellectual Disabilities, Private (PT 68); Nurse Anesthetist (PT 72); Critical Access Hospital (CAH), Inpatient (PT 75); Audiologist (PT 76); Physician’s Assistant (PT 77); Indian Health Service Hospital, Inpatient (Non-Tribal) (PT 78); Indian Health Service Hospital, Outpatient (Non-Tribal) (PT 79).

Financial impact on local government: No impact on local government known.

Effective date: April 1, 2024.

- a. Presentation of MSM Chapter 1200
- b. Public comment on proposed changes

- c. Adoption of proposed changes
3. **For possible action:** Discussion and adoption of changes to MSM Chapter 400 – Mental Health and Alcohol and Substance Abuse

DHCFP is proposing revisions to MSM Chapter 400 - Mental Health and Alcohol and Substance Use Services to remove the requirement for Behavioral Health Outpatient Treatment Provider Type (PT 14, Specialty 814), also known as Behavioral Health Community Network (BHCN) for providers to submit a Quality Assurance (QA) program to DHCFP. A QA program was a document created by a BHCN that outlines how the agency will assess quality measures and seek to improve services on an ongoing basis. DHCFP Managed Care and Quality Assurance (MCQA) Unit no longer utilizes these documents on an annual basis, for quality assurance measurements, updates are proposed to remove the submission criteria.

Entities Financially Affected: This proposed change affects all Medicaid-enrolled providers who are public or private entities that provide or are contracting with an entity that provides outpatient mental health services. Those PTs include but are not limited to: Behavioral Health Community Network (PT 14, Specialty 814).

Financial impact on local government: unknown at this time.

Effective date: March 27, 2024.

- a. Presentation of MSM Chapter 400
 - b. Public comment on proposed changes
 - c. Adoption of proposed changes
4. **For possible action:** Discussion and adoption of changes to MSM Chapter 400– Mental Health and Alcohol/Substance Use Services for the Removal of Individual Psychophysiological Therapy (Neurotherapy) and Biofeedback.

Revisions to MSM Chapter 400 are being proposed to remove Individual Psychophysiological Therapy (Neurotherapy) and Biofeedback. During 2021, DHCFP proposed the removal of Neurotherapy and Biofeedback as independently reimbursed services for the treatment of a mental health diagnosis through State Plan Amendment (SPA) to the Centers of Medicare and Medicaid Services (CMS). CMS did not approve the SPA due to a maintenance of effort (MOE) violation of the requirements of Section 9817 of the American Rescue Plan Act (ARPA) of 2021 which would have resulted in the state's 9817 enhanced Home and Community Based Services (HCBS) Federal Medical Assistance Percentages (FMAP) funding being placed at risk. The state withdrew the SPA until the end of the HCBS ARPA period at which time the elimination could be reconsidered; that period ends March 31, 2024. During the 82nd Legislative Session (2023), the DHCFP budget was approved through Senate Bill (SB) 504 which includes the removal of Neurotherapy and Biofeedback as independently reimbursed services for the treatment of a mental health diagnosis.

Entities Financially Affected: This proposed change affects all Medicaid-enrolled providers delivering Neurotherapy and Biofeedback as independently reimbursed services. Those PTs include, but are not limited to: Hospital, Outpatient (PT 12); Behavioral Health Outpatient Treatment (PT 14); Physician, M.D., Osteopath D.O. (PT 20); Advanced Practice Registered Nurse (PT 24); Psychologist (PT 26); Physician's Assistant (PT 77); and Behavioral Health Rehabilitative Treatment (PT 82), and Certified Community Behavioral Health Center (PT 17, Specialty 188).

Financial impact on local government: Estimated change in annual aggregate expenditures would include the following savings:

SFY 2024: \$1,156,958
SFY 2025: \$5,366,109

Effective date: April 1, 2024.

- a. Presentation of MSM Chapter 400
- b. Public comment on proposed changes
- c. Adoption of proposed changes

5. **For possible action:** Presentation and public comment proposed changes to the Medicaid Services Manual 3700 - Applied Behavior Analysis (ABA)

DHCFP is proposing an update to MSM Chapter 3700 - Applied Behavioral Analysis and a State Plan Amendment (SPA) (3.1-A Page 3a). These changes are in response to SB 191 of the 82nd Legislative Session. These changes will allow the use of ABA services for all eligible Medicaid recipients regardless of age. Also adding clarifying language to the policy for service limitations, testing, and diagnosis requirements.

Entities Financially Affected: This proposed change affects, but is not limited to: ~~Applied Behavior Analysis (PT 85) and School Health Services (PT 60).~~

PT 85 Specialty 310 - Board Certified Behavior Analyst (BCBA) specialty

PT 85 Specialty 311 - Psychologist specialty

PT 85 Specialty 312 - Board Certified Assistant Behavior Analyst (BCaBA) specialty

PT 85 Specialty 314 - Registered Behavioral Technician (RBT) specialty

PT 60 – School Health Services

PT 47 – Indian Health Services/Tribal Clinics/Tribal FQHCs

Financial impact on local government: Estimated total computable fiscal impact:

Total Computable SFY 2024: \$909,495
Total Computable SFY 2025: \$4,487,238

Effective date: ~~March 27, 2024~~ April 1, 2024.

- a. Presentation of MSM Chapter 3700
- b. Public comment on proposed changes
- c. Adoption of proposed changes

6. Adjournment

NOTE: To use the long link to the meeting in the event there are issues with the URL shortener, please use the following complete link:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_YmlzM2NmOGEtMjk3MC00ZWwLWewOWUtMTI1NzZmYWQwZTMMy%40thread.v2/0?context=%7b%22Tid%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22Oid%22%3a%22cc4c7a00-e2be-4dda-a27b-3405a8271b9c%22%7d

Nevada Medicaid is unaware of any financial impact to other entities or local government due to this public hearing, other than as stated above.

PLEASE NOTE: Items may be taken out of order. Items may be pulled or removed from the agenda at any time. All public comment will be limited to three minutes.

The DHCFP is exempt from Chapter 233B according to NRS 233B.039 and is not required to comply with the Nevada Administrative Procedure Act in this process. This meeting is conducted by and with state agency staff which is not a public body for purposes of NRS 241 related to Nevada Open Meeting Law but every effort is made to be transparent in notice and information provided to encourage public awareness and participation.

This notice and agenda have been posted online at <http://dhcfp.nv.gov> and <http://notice.nv.gov>, as well as Carson City, Las Vegas, Elko, and Reno central offices for DHCFP. E-mail notice has been made to such individuals as have requested notice of meetings (to request notifications please contact documentcontrol@dhcfp.nv.gov, or at 1100 East William Street, Suite 101, Carson City, Nevada 89701).

DHCFP, 1100 E. William St., Suite 101, Carson City, Nevada 89701

DHCFP, 1010 Ruby Vista Drive, Suite 103, Elko, Nevada 89801

DHCFP, 1210 S. Valley View, Suite 104, Las Vegas, Nevada 89102

DHCFP, 745 W. Moana Lane, Suite 200, Reno, Nevada 89509

If you require a physical copy of supporting material for the public meeting, please contact documentcontrol@dhcfp.nv.gov, or at 1100 East William Street, Suite 101, Carson City, Nevada 89701. Supporting material will also be posted online as referenced above.

Note: We are pleased to make reasonable accommodations for members of the public with a disability and wish to participate. If accommodated arrangements are necessary, notify DHCFP as soon as possible in advance of the meeting, by e-mail at documentcontrol@dhcfp.nv.gov in writing, at 1100 East William Street, Suite 101, Carson City, Nevada 89701.