

**NOTICE OF PROPOSED REGULATORY ACTION**

<b>Regulation or Other Reference:</b>	State Plan Attachment 4.19-D, Page 9, Section E.1.b.
<b>Requesting Agency:</b>	<b>DIVISION OF HEALTH CARE FINANCING AND POLICY</b>
<input type="checkbox"/>	<b>Intended Action (30 day notice to public)</b> <i>(Governor's office to be notified before notice is distributed to the public)</i> <input type="checkbox"/> Adoption <input type="checkbox"/> Amendment <input type="checkbox"/> Repeal <b>Date of Intended Action:</b>
<input checked="" type="checkbox"/>	<b>Workshop (15 day prior notice)</b> <i>(Governor's office to be notified before notice is distributed to the public)</i> <b>Date of Workshop:</b> NA, Drug Use Review Board actions.
<b>Notify Governor's office at least 10 days prior to final adoption of regulations</b>	
<b>Action is consistent with Governor's regulatory priorities (check all that apply):</b>	
<input checked="" type="checkbox"/>	a. Affects public health
<input type="checkbox"/>	b. Affects public safety and security
<input type="checkbox"/>	c. Necessary for the pursuit of federal funds and certifications
<input type="checkbox"/>	d. Affects the application of powers, functions and duties essential to the operation of the state agency, department, board or commission at issue
<input type="checkbox"/>	e. Affects pending judicial deadlines
<input type="checkbox"/>	f. Necessary to comply with federal law
<input checked="" type="checkbox"/>	g. Regulations will have a positive economic impact for the people of the State of Nevada.
<b>Regulatory Language must be provided as soon as possible.</b> <b>Original draft</b> <input checked="" type="checkbox"/> <b>Revised language</b> <input type="checkbox"/> <input checked="" type="checkbox"/> is attached <input type="checkbox"/> will be sent <i>(Send copy of proposed language to agency liaison in Governor's office)</i>	
<b>1. What is the problem the regulation is designed to address? Or, if the regulation does not address a specific problem, the value to the public of the regulation?</b>	
<p>The regulation establishes the methodology for special care add-on rate for Medicaid behaviorally complex recipients. The current methodology provides only one level of care and is established at the highest of the minimum staffing level (22 use hours). The change addresses the need for a rate that reimburses in a more accurate manner the level of care required by the recipient by breaking down the minimum staffing level into 3 categories.</p>	
<b>2. What is the anticipated impact of the regulation on the problem or the anticipated benefits provided by it?</b>	
<p>Currently, all behaviorally complex Medicaid nursing facility recipients are receiving care out of state. The proposed changes to the State Plan will provide a reimbursement rate that is more appropriate to the level of care required on case by case bases. This will make it more financially appealing for Nevada providers to upgrade their qualifications and be able to offer some of the service for this type of recipient in Nevada, creating better access to care</p> <p>If Nevada providers could be encouraged deliver more of these services in state, there could be savings to the state, as the rates paid to out of state qualified facilities to deliver the services are often higher. The amount of the savings has not been yet determined.</p> <p>There is also a potential for economic impact if the reimbursement currently being paid to out of state providers were paid instead to Nevada providers, thus keeping the resources in Nevada's economy.</p>	

**3. What is the anticipated adverse impact, if any, on impacted groups – including, but not limited to, businesses of all sizes, small communities and government entities?**

There is no adverse impact anticipated.

**4. What is the anticipated cost – both directed and indirect – of the regulation, including, but not limited to, the cost of enactment, enforcement and compliance?**

There is no cost anticipated for the implementation of these changes.

**5. Why is the regulation necessary?**

The new Behaviorally Complex recipient tiered add-on rate methodology will provide a more adequate reimbursement that will be in relationship to the actual level of care required by the recipient, avoiding cases of overpayment. The proposed methodology will also provide incentive to the Nevada Nursing Facility industry to upgrade their services to include behaviorally complex Medicaid recipients that otherwise would continue being placed out of state.

**6. Are there alternate forms of regulation sufficient to address the problem?**

N/A

**7. Is the regulation written clearly and concisely so as to achieve easy understanding and application?**

YES

**8. Do other regulations address the same problem?**

There are no alternate forms of regulation available.



Division Administrator



Date

  
Agency Contact Name & Number 684-3696



Date