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# 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,  
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Administrator

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## PUBLIC NOTICE TO SOLICIT COMMENT ON INTENT TO SUBMIT A STATE PLAN AMENDMENT TO AMEND REIMBURSEMENT RATES FOR CERTAIN PROVIDERS WHO RENDER APPLIED BEHAVIOR ANALYSIS SERVICES

**Date of Publication:** June 23, 2023

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

General public comments are encouraged to be submitted in writing. You may submit comments in one of two ways. (Please choose only one of the ways listed below):

**Electronically:** You may email comments to [DocumentControl@dhcfp.nv.gov](mailto:DocumentControl@dhcfp.nv.gov). Write "State Plan Amendment for Applied Behavior Analysis Rate Changes Public Notice" in the subject line.

**Mail:** You may mail written comments to the following address:  
Division of Health Care Financing and Policy  
ATTN: "State Plan Amendments for Applied Behavior Analysis Rate Changes Public Notice"  
1100 E. William Street, Suite 101, Carson City, Nevada 89701

**Purpose:** The purpose of this notice is to provide the public with information and to collect public feedback regarding the state's intent to submit a State Plan Amendment (SPA) for federal approval of reimbursement rate changes for certain providers of Applied Behavior Analysis services. The Division intends to publish the draft SPA and other supporting materials on its website within the coming months at: <http://dhcfp.nv.gov/>. Emails will be sent to such individuals as have requested public notice of SPAs and meetings (to request notifications please contact [documentcontrol@dhcfp.nv.gov](mailto:documentcontrol@dhcfp.nv.gov), or at 1100 East William Street, Suite 101, Carson City, Nevada 89701.

**Overview:** During the 2021 Legislative Session, Senate Bill 96 was signed into law and is now codified under Nevada Revised Statutes 422.27497. Among other requirements, NRS 422.27497 directed DHCFP to determine the reimbursement rates paid by other states' Medicaid programs for Applied Behavior Analysis (ABA) services rendered by Board Certified Behavior Analysts (BCBAs), Board Certified Assistant Behavior Analysts (BCaBAs), and Registered Behavior Technicians (RBTs). Reimbursement rates paid to these providers by the Division of Health Care Financing and Policy are required to be set at a rate commensurate with the reimbursement rates paid by other states' Medicaid programs. This rate alignment is effective beginning July 1, 2023, and updated on a biennial basis.

Based on DHCFP's research to date, aligning reimbursement rates as described above would result in rate increases for some procedures/specialties, but would also result in decreases to some reimbursement rates. During the 2023 Legislative Session, DHCFP included a requested authorization within the DHCFP budget to implement these rate changes. Feedback from legislators and the public indicated concern with potentially reducing some reimbursement rates. As such, the legislative body indicated that Nevada Medicaid should only align reimbursement rates with other states in the event the change would result in an **increase** to the current rates.

**Methodology:** The Rate Analysis and Development Unit has been researching other states' reimbursement rates for ABA services rendered by BCBAs, BCaBAs, and RBTs using fee schedule information found on each state's website. The Division makes every effort to ensure the parameters of services provided in other states are equitable to the service provided in Nevada prior to including the reimbursement rate in the comparison.

DHCFP then calculates the median reimbursement rate among other states for each procedure code billable by each specialty indicated in the statute. If the median reimbursement rate paid by other states exceeds the current rate paid by Nevada Medicaid for the same procedure and specialty, the reimbursement rate will be increased to align with the median rate paid by other states. In the event aligning the reimbursement rate paid by Nevada Medicaid with the median rate would result in a decrease to the rate, no change will be made to the reimbursement for that procedure and specialty. Of the 21 reimbursement rates analyzed, 13 reimbursement rates are expected to increase while 8 reimbursement rates will remain unchanged. The state is seeking an effective date of July 1, 2023, for these rate increases. Rate changes are anticipated to be enacted July 1 of each odd-numbered year.

**Expected Expenditures:** The state anticipates an increase to annual aggregate expenditures as follows to implement the rate increases as described above:

- **State Fiscal Year 2024:**
  - Total computable expenditures: \$205,579
  - State Share: \$77,182
- **State Fiscal Year 2025:**
  - Total computable expenditures: \$217,606
  - State Share: \$84,931

## Notice Information

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

## Public Hearing

The Division will host a public hearing prior to submitting the State Plan Amendment to seek further public comment. This public hearing will be held by the end of the third quarter of calendar year 2023. Additional information will be shared at that time noting changes to specific reimbursement rates for each procedure and specialty impacted. This information will be posted online at <http://dhcfp.nv.gov>, as well as Carson City, Las Vegas, Elko, and Reno central offices for DHCFP. Email notice has been made to such individuals as have requested notice of meetings (to request notifications please contact [documentcontrol@dhcfp.nv.gov](mailto: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.