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DEPARTMENT OF HEALTH AND HUMAN SERVICES

DIVISION OF HEALTH CARE FINANCING AND POLICY

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Suzanne Bierman,
JD MPH
Administrator

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

Public Hearing September 28, 2021 Summary

Date and Time of Meeting: September 28, 2021 at 9:45 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 WebEx Attendees

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

Gabriel Lither, Senior Deputy Attorney General (SDAG)	Deborah Jordan
Dr. Antonina Capurro, Deputy Administrator	Dr. Linning
Jessica Kemmerer, HIPAA Privacy Officer	Ellen Flowers, DHCFP
Abigail Bailey, DHCFP	Gladys Cook, DHCFP
Adam Porath	Gwen Johnson
Adele Solomon	Jamelle Nance
Amber Kwiecien	Jay Kolbet-Clausell
Amy Levin, MD	Jeana Piroli
Anna Villatoro	Jeffery Stroup, DHCFP
Annette Dawson Owens	Jenny Claypool
Antonio Gudino-Vargas, DHCFP	Joy Cleveland
Briza Virgen, DHCFP	Kaelyne Day, DHCFP
Camellia Chan	Kaitlin Moore
Carin Hennessey, DHCFP	Karen Ou
Cecilia Corea	Katie Ryan, Dignity Health
Cheri Glockner, Silver Summit Health Plan (SSHP)	Kendall Lyons, CAA
Chris Bosse, Renown	Kimberly Adams, DHCFP
Chris Pierrott	Kindra Berntson, DHCFP
Crystal Biselli, DHCFP	Kurt Karst, DHCFP
David Olsen, DHCFP	Linda Lang
Dawn Dynak	Lisa Dyer, DHCFP
	Lisa Kunz

Lori Follett, DHCFP
Luke Lim
Marnie Lancz, TMG
Megan McGrew
Melissa Boesen
Michael Murphy
Molly Halligan
Nakul Bhatia
Natalie M Powell
Natasha Powell
Paige Barnes
Rebecca Vernon-Ritter, DHCFP
Regina De Rosa
Robert Taggart
Robyn Gonzalez, DHCFP
Rose Jenson
Rossana Dagdagan, DHCFP
Vimal Asokan

Sarah Botts
Sarah Dearborn, DHCFP
Sarah Fox
Sean Linehan, DHCFP
Serene Pack, DHCFP
Shanna Cobb-Adams, DHCFP
Sherron
Steve Messinger, Nevada Primary Care Association
Susana Angel, DHCFP
Syd McKenzie
Temyka Miller
Terri Chandler
Theresa Carsten, DHCFP
Tiffany Saunders-Newey
Tyler
Valerie Balen
Veronica Charles, Maxim Healthcare

Introduction:

Jessica Kemmerer, HIPAA Privacy Officer, DHCFP, opened the Public Hearing introducing herself, Dr. Antonina Capurro, Deputy Administrator of DHCFP and Gabe Lither, Senior Deputy Attorney General (SDAG).

Jessica Kemmerer – The notice for this public hearing was published on August 26, 2021 and revised on September 16, 2021 in accordance with Nevada Statute 422.2369.

1. Public Comments: None.

2. Discussion and proposed adoption of changes to MSM 3700 – Applied Behavioral Analysis (ABA)

Lori Follett, Program Specialist for Behavioral Health, DHCFP, stated DHCFP is proposing revisions to MSM Chapter 3700 Applied Behavioral Analysis (ABA) to incorporate the findings from Senate Bill 174 from Legislative Session 2019 and Senate Bill 96 from Legislative Session 2021. These chapter changes will include provider types permitted to bill ABA as well as the documentation required for treatment notes. Structural changes were made to chapter including renumbering and re-arranging sections. For Section 3704.4, the following subsections were added:

E. Provider Type (PT) 85 groups may not be linked with any other provider types. The group NPI must be unique to the group.

F. PT 60 School Health Services (SHS), PT 85 and Indian Health Services/Tribal 638/Tribal FQHCs are the only provider types permitted to bill for ABA services.

a. Providers that may enroll, link, and provide services under these PTs are limited to the following: PT 85 Specialty 310 - Licensed Behavioral Analyst (LBA) specialty, PT 85 Specialty 311 - Psychologist specialty, PT 85 Specialty 312 - Licensed Assistant Behavioral Analyst (LaBA) specialty, PT 85 Specialty 314 - Registered Behavioral Technician (RBT) specialty, PT 60 School Health Services and Indian Health Services/Tribal 638/Tribal FQHCs

G. Progress Notes: Progress notes for all ABA services are written documentation of treatment services, or services coordination provided to the recipient pursuant to the Treatment Plan, which describes the progress, or lack of progress, towards the goals and objectives of the Treatment Plan. Progress notes must be available upon request for review and investigation of claims.

a. All progress notes documented with the intent of submitting a billable Medicaid ABA service claim must be documented in a manner that is sufficient to support the claim and billing of the services provided

and must further document the amount, scope, frequency, and duration of the services(s) provided as well as the identity of the provider of the service(s).

b. A Progress Note is required for each day the services were delivered, must be legible and must include the following information:

1. The name of the individual receiving the service(s). If the services are in a group setting, it must be indicated.
2. The place of service.
3. The date the service was delivered.
4. The actual beginning and ending times the service was delivered.
5. The name of the provider who delivered the service.
6. The credentials of the person who delivered the service.
7. The signature of the provider who delivered the service.

There is no financial impact on the local government known.

The effective date of change is January 1, 2022

At the conclusion of Lori Follett's presentation, Jessica Kemmerer asked Dr. Capurro and Gabe Lither if they had any questions or comments and Dr. Capurro wanted to add clarification under F. Provider type has a number next to them, this is not the case for FQHC's. For consistency she'd like to add this into the title as well as Tribal 638 as they are labeled under F a. Mr. Lither agreed to keep the consistency with the agenda provided.

There were no public comments.

Jessica Kemmerer closed the Public Hearing for MSM Chapter 3700 - Applied Behavioral Analysis (ABA)
Dr. Capurro approved as submitted.

Jessica Kemmerer – Closed the Public Hearing for MSM Chapter 3700 - Applied Behavioral Analysis (ABA).

3. Adjournment

There were no further comments and Jessica Kemmerer adjourned the public hearing at 9:52 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 jenifer.graham@dncfp.nv.gov with any questions.***