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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.



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 November 29, 2022 Summary

Date and Time of Meeting: November 29, 2022, 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)

Gabriel Lither, Senior Deputy Attorney General (SDAG)	Antonina Capurro, DHCFP
Karen A. Griffin, SDAG	Kirsten Coulombe, DHCFP
Casey Angres, DHCFP	David Olsen, DHCFP
Michele Klem, Aging and Disability Services Division (ADSD)	Adam Zarrin, Leukemia & Lymphoma Society, LLS
Loretta Cook, DHCFP	Antonio Gudino-Vargas, DHCFP
Mark Du, DHCFP	JC Flowers, Nevada Rural Health Center (NVRHC)
Ashley Kennedy	Melody Hall-Ramirez, DHCFP
Ellen Flowers, DHCFP	JA
Mandy Coscartart, DHCFP	Megan Quintana, DHCFP
Tiffany N. Saunders-Newey, Anthem	Steve Messinger, Nevada Primary Care Association (NPCA)
Ellen Frias-Wilcox, DHCFP	Robyn Gonzalez, DHCFP
Megan Wickland, ADSD	Kimberly Adams, DHCFP
Richard McFeely, DHCFP	Marietta Aquino, ADSD
Michael McMahan	JoAnn Casalez, ADSD
Gazelle Reveche, ADSD	Alex Tanchek
Kyril Plaskon, DHCFP	Jessie LaFollette, DHCFP
Terese Blackwell-Davis, Opportunity Village	Keith Benson
Angelica Velazquez Arias, DHCFP	Mark Malady, High Sierra Industries Reno, (HSIRENO)
Ryan A. Roa, Merck	Samantha Sato, Carrara Nevada
Kaelyne Day, DHCFP	Sarah Cummings, Dungarvin

Whitney Harper, Overturesvs
Maryanne Hawkins
Christopher Vito
Nicole J. Myers, Silver Summit
Abraham

Lisa Martin, HSIRENO
Jessica Keefhaver, University of Nevada Reno (UNR)
Don, HBLC
Madeline O'Brien
Dawn Lyons, ADSD

Introduction:

Casey Angres, Manager of Division Compliance, DHCFP, opened the Public Hearing introducing herself, Antonina Capurro, Deputy Administrator, DHCFP and Gabriel Lither, SDAG.

Casey Angres – The notice for this public hearing was published on October 27, 2022 and revised on October 31, 2022 and November 21, 2022 in accordance with Nevada Statute 422.2369.

- 1. Public Comments:** No Comments
- 2. Discussion and Proposed Adoption and Changes to Medicaid Services Manual**

Subject: Chapter 1200 Prescribed Drugs

Antonio Gudino, Pharmacy Services Manager, DHCFP, presented the proposed revisions to Medicaid Services Manual (MSM) Chapter 1200, Prescribed Drugs, to revise the current clinical criteria for Hetlioz® (tasimelteon).

The proposed revisions remove the completely blind clinical requirement for the treatment of Non-24-Hour Sleep-Wake Disorder (Non-24) and Nighttime Sleep Disturbances in Smith-Magenis Syndrome (SMS).

These proposed policy changes may affect the following provider types (PT), including but not limited to the listed PTs on the agenda.

There is no financial impact to local government.

The effective date of this policy is December 5, 2022.

At the conclusion of Antonio Gudino's presentation, Casey Angres asked Antonina Capurro and Gabriel Lither if they had any questions or comments, they had none.

Public Comments: There were none.

Antonina Capurro approved the changes, pending spelling and grammar checks.

Casey Angres – Closed the Public Hearing for proposed adoption and changes to MSM Chapter 1200, Prescribed Drugs.

3. Discussion and Proposed Adoption and Changes to Medicaid Services Manual

Subject: Chapter 2100 for Home and Community Based Services (HCBS) Waiver for Individuals with Intellectual and Developmental Disabilities (ID Waiver)

Ellen Frias-Wilcox, Waiver Program Specialist in Long Term Services and Supports (LTSS), DHCFP, presented proposed changes to the chapter are the addition of dental services to ID Waiver recipients ages 21 and older and incorporating Settings Requirements to comply with the HCBS Final Regulation before the end of the transition period March 17, 2023.

Ellen Frias-Wilcox mentioned other minor proposed changes and updates: Nevada Revised Statutes (NRS), State Plan Amendments (SPA) and Code of Federal Regulations (CFR) pertaining to dental and HCBS Final Regulation were added under Section 2101, Authority.

Throughout the chapter, grammar, punctuation and capitalization changes were made, duplications removed, acronyms used and standardized, and language reworded for clarity. Renumbering and re-arranging of sections were necessary as well.

Ellen Frias-Wilcox advised she would be jumping around the chapter to focus on the key changes.

Section 2103, Waiver Services, added Subsection L., Dental Services.

2103.2A, Provider Responsibilities, added language: For Dentist (PT 22), refer to Section 2103.14B for details, and the Provider Enrollment Checklist at <https://www.medicaid.nv.gov/providers/checklist.aspx>. ID Waiver services, with the exception of Dental Services, must be provided by Home and Community Based Waiver (PT 38). However, since the funding of Dental Services is in the approved Section 9817 of the American Rescue Plan Act, and is temporary (effective February 1, 2023 – December 31, 2023), DHCFP decided to utilize the existing Dentist (PT 22) to provide the dental services to the ID Waiver recipients as a workaround, to alleviate dental providers completing additional paperwork to enroll as Home and Community Based Waiver (PT 38) and at the implementation date will can begin providing services.

Inserted Section 2103.14, Dental Services, due to Oral health having a direct impact on the ID Waiver recipient's overall health and quality of life. Adults with Intellectual or Developmental Disability (IDD) often have specific challenges during treatment such as the need for behavioral modifications.

Additional Section 2103.14A, Coverage and Limitations, was added: The dental services under this waiver are only provided for ID Waiver recipients ages 21 and over. All Medicaid medically necessary dental services for children under age 21 are covered in the state plan pursuant to the Early Periodic Screening, Diagnostic, and Treatment also known as EPSDT benefit.

2103.14A(2), Dental Services, include but are not limited to: Restoration (e.g., amalgam filling, resin-based composite filling, prefabricated stainless steel crown and resin-crown, core buildup, etc.); and preventative care such as regular check-ups, cleaning, fluoride treatments, x-rays, fillings, periodontal maintenance, periodontal scaling and root planning and root canal therapy. These are just some of the high-level summaries of the dental services that will be offered to ID waiver recipients. A complete list of covered dental services for ID Waiver recipients ages 21 and over should be available in January 2023 and will be posted in the Dentist (PT 22) Billing Guide as Attachment B at <https://www.medicaid.nv.gov>.

The scope and nature of this service differs from the State Plan Dental Service for Adults, which only offers emergency extractions, palliative care, and removable prosthesis with prior authorization. Secondly, although similar to Dental Services under Pregnancy Related Services, the ID Dental Services are completely separate and will have a standalone list of dental services. Dental services do not include extractions for cosmetic purposes. Dental services exceeding program limitations are not considered Medicaid benefits and are the financial responsibility of the recipient. Some dental services must be prior authorized before rendering services. The list of dental services that will be provided and available by January 2023, will include services that require prior authorization.

Section 2103.14B, Provider Responsibilities, was added. The following provider responsibilities are focused on Dentist (PT 22). Dental providers must be licensed by the Nevada State Board of Dental Examiners. They must maintain a Medicaid Services Provider Agreement and comply with the criteria set forth in MSM Chapter 100 and MSM Chapter 2100. Requests must be submitted electronically for dental services that require prior authorization before providing services to the DHCFP fiscal agent website at <https://www.medicaid.nv.gov>.

Just a reminder: Prior to rendering services, please read the provider responsibilities under this section in its entirety.

Section 2103.14C, Recipient Rights and Responsibilities, was included for consistency. It has the same format as the other waiver services recipient's right and responsibilities in the chapter. It is important for Medicaid to be current and any concerns or questions pertaining to the services or billing the recipient/designated representative or Legally Responsible Individual (LRI) may have to notify the service provider, or service coordinator or the dental care coordinator. The Second major update is the addition of Settings Requirements to applicable residential and non-residential settings to ensure compliance with the HCBS Final Regulation.

Section 2103.2B, Recipient Rights and Responsibilities, added "Recipients are informed of their rights prior to initiation of services and annually thereafter."

Section 2103.4, Residential Support Services, added "The setting is selected by the individual from among setting options including non-disability specific settings, and an option for a private unit in a residential setting. The setting options are identified and documented in the PCP and are based on the individual's needs and preferences, including choice of roommates as applicable."

Section 2103.4B(1), Provider Responsibilities, added "Providers must ensure the recipient has the freedom to furnish and decorate their sleeping or living units. The provider may make reasonable accommodations in rules, policies, practices, or services if those accommodations are necessary to ensure that the person with the disability may use and enjoy the dwelling. If accommodations cannot be met due to behavioral reason, medical condition etc., it must be documented and justified in the person-centered service plan."

Section 2103.4B(2)(a)(b)(c) added: "The recipient's lease or other agreement must not differ from those individuals who do not receive Medicaid HCBS and must include: (a) At least a 30-calendar day notification to the recipient before transferring or discharging them with the exception of a voluntary transfer or discharge, or the requirement to transfer or discharge the recipient to another facility because the condition of the recipient necessitates a higher level of care; (b) Provide the recipient and Service

Coordinator with written notice of the intent to transfer or discharge the recipient; and (c) Allow the recipient and any other person authorized by the recipient the opportunity to meet in person with the administrator of the facility to discuss the proposed transfer or discharge within 10 calendar days after providing written notice.”

Section 2103.4B(4) added “The provider will ensure recipients have the freedom and support to control their own schedules and activities and have access to food at any time.”

Section 2103.4B(5) added “The provider will ensure that recipients are able to have visitors and associates with people of their choosing at any time.”

Section 2103.6, Supported Employment, inserted the paragraph “The setting is integrated in and supports full access of individuals receiving services to the greater community, including opportunities to seek employment and work in competitive integrated settings, and engage in community life. The setting is selected by the individual from among setting options including non-disability specific settings. The service optimizes but does not regiment individual initiative, autonomy, and independence in making life choices including but not limited to, daily activities, physical environment and with whom to interact. Individuals have the freedom and support to control their own schedules and activities and have access to food at any time within the parameters of their employment. Individuals are able to have visitors and associate with people of their choosing as applicable to their employment policy. The setting is physically accessible to the individual.”

The effective date is February 1, 2023.

At the conclusion of Ellen Frias-Wilcox’s presentation, Casey Angres asked Antonina Capurro and Gabriel Lither if they had any questions or comments, they had none.

Public Comment: No comments

Antonina Capurro approved the changes, pending spelling and grammar checks.

Casey Angres closed the Public Hearing for MSM Chapter 2100, Home and Community Based Services (HCBS) Waiver for Individuals with Intellectual and Developmental Disabilities (ID Waiver).

4. **Public Option:** Moved to the December 27, 2022 Public Hearing Agenda.

5. **Adjournment**

There were no further comments and Casey Angres closed the public hearing at 10:20 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@dhefp.nv.gov with any questions.***