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

**Public Hearing May 30, 2023
Summary**

Date and Time of Meeting: May 30, 2023, at 10:08 AM

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

Place of Meeting: DHCFTP
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	Ester Quilici
Malinda Southard, Deputy Administrator, DHCFTP	Gingi Robinson, DHCFTP
Alisa Cadenhead	Jackie Matter
Alyssa Drucker, Gainwell Technologies (GWT)	Jeana Piroli
Amber Cronn	Jeanette Verdin
Anna Olsen-Figueroa, DHCFTP	Jessica Vannucci, DHCFTP
Antonio Brown, DHCFTP	Joann Katt
April Caughron, DHCFTP	Joseph Turner, DHCFTP
Ashleigh Brunner, Department of Justice	Kaelyne Day, DHCFTP
Ashleigh Papez, GWT	Kate Kepple
Brooke Gruger, Liberty Dental	Kathy W.
Carin Hennessey, DHCFTP	Katie Pfister
Casey Angres, DHCFTP	Karen White
Christy Nguyen, Fidelis Rx	Keith Benson, DHCFTP
David Olsen, DHCFTP	Kim Taitano
De	Krystle Daniels
Deborah Jordan, DHCFTP	Laura Valentine, Division of Public and Behavioral Health (DPBH)
Ellen Flowers, DHCFTP	Laurie Curfman, DHCFTP
Elyse Monroy-Marsala	

Loren Gonzalez
Lori Follett, DHCFP
M. Capen
Mandy Coscarat
Marcel Brown, DHCFP
Maria Reyes, Fidelis Rx
Marianna McKown
Mary Gilbertson
Maxmillian Lowe
Monica Schiffer, DHCFP
Sheri Oswald, GWT
Rachael Peters

Rianna White, Fidelis Rx
Robin Oschenschlager, DHCFP
Sandra Stone, Division of Child and Family Services (DCFS)
Sarah
Serene Pack, DHCFP
Stephen Samiotes
Susana Angel, DHCFP
Tashanae Glass
Teresa
Theresa Carsten, DHCFP

Introduction:

Casey Angres, Chief of Division Compliance, DHCFP, opened the Public Hearing introducing herself, Malinda Southard, Deputy Administrator, DHCFP, and Gabriel Lither, Senior Deputy Attorney General.

Casey Angres – The notice for this public hearing was published on April 27, 2023, and revised on May 23, 2023, in accordance with Nevada Statute 422.2369.

- 1. Public Comments:** There were none.
- 2. Discussion and Proposed Adoption and Changes to MSM**

Subject: MSM Chapter 400 – Mental Health and Alcohol and Substance Abuse Services

Carin Hennessey, Social Services Program Specialist with the Behavioral Health Unit, DHCFP, presented the adoption for the proposed changes to MSM Chapter 400 – Mental Health and Alcohol and Substance Abuse Services to address the development and expansion of the Behavioral Health Unit’s crisis services policy. The additional language is found in Section 403.6I Mobile Crisis Response Delivered by Designated Mobile Crisis Team (DMCT).

In 2021, DHHS DHCFP was awarded the Mobile Crisis Planning Grant through Section 9813 of the American Rescue Plan Act (ARPA), by the Centers of Medicare and Medicaid Services (CMS). The grant was made available to assist grantee states with their qualifying community-based mobile crisis intervention services, in accordance with Section 1947 of the US Social Security Act (SSA). The addition to MSM Chapter 400, Section 403.6I Mobile Crisis Response Delivered by DMCT, will support the existing Crisis Intervention and Crisis Stabilization Center policies. The new Medicaid policy for Mobile Crisis Response delivered by DMCT is being accompanied by the creation of new provider type and specialties to deliver the service throughout Nevada.

Section 401 – Federal and State authorities have been added to the chapter in alignment with the Mobile Crisis Response Delivered by DMCT service.

Section 403.6I(1) – Scope of Services includes proposed average response times, 24/7/365 availability of DMCT response for intervention and stabilization.

Section 403.6I(2) – The access and availability of DMCT response includes in-person response to an individual in crisis at the individual’s location, as dispatched by designated call centers or self-dispatch; protocols for safety, communication, and collaboration with community partners is also located in the Section.

Section 403.6I(3) – Operational Requirements set forth inclusive services, best practices, privacy, and confidentiality standards, and excluded services.

Section 403.6I(4) – Provider Eligibility Requirements outline endorsement and certification standards by DHHS and enrollment under Nevada Medicaid. Supervision, team staffing, and training are also outlined in this section.

Section 403.6I(5) – Recipient Eligibility Requirements state the availability to all Medicaid recipients qualified to receive the service.

Section 403.6I(6) – Authorization and Clinical Documentation of the Service is the last added section and includes documentation requirements, no requirements for prior authorization of service, and the requirement for Designated Mobile Crisis Teams to maintain a daily log of responses.

The policy for Crisis Stabilization Centers has been renumbered under Section 403.6J.

The proposed changes affect all Medicaid enrolled providers delivering Mobile Crisis Services. Mobile Crisis Services delivered by DMCT will be a separate service, reimbursed at a higher rate.

There is an estimated change in annual aggregate expenditures for State Fiscal Year (SFY) for 2024 and 2025. A friendly amendment was made to the wording on the agenda. The total estimated Fiscal impact for SFY 2024 is \$5, 531,404 and \$6,195,884 for SFY 2025. The total computable Fiscal impact for SFY 24-25 Biennium is \$11,727,288.

The effective date of these changes is May 31, 2023.

At the conclusion of Carin Hennessey’s. presentation, Casey Angres asked Malinda Southard and Gabriel Lither if they had any questions or comments, they had none.

Public Comments: There were none.

Malinda Southard approved the changes, pending spelling and grammar checks.

Casey Angres – Closed the Public Hearing for proposed adoption and changes to MSM Chapter 400 – Mental Health and Alcohol and Substance Abuse Services.

3. Discussion and Proposed Adoption and Changes to MSM

Subject: MSM Chapter 1200 – Prescribed Drugs

Antonio Brown, Manager for Pharmacy Services, DHCFP, presented the proposed revisions to MSM 1200 – Prescribed Drugs Appendix B to include new clinical Prior Authorization (PA) criteria for Physician Administered Drugs (PAD).

The proposed changes include new PAD specific PA criteria for: Libtayo® (cemiplimab-rwlc), Ocrevus® (ocrelizumab), Opdivo® (nivolumab) and Tecentriq® (atezolizumab) within the Anti-PD-1 Monoclonal Antibodies section; addition of new PAD-specific PA criteria for Eylea® (aflibercept), Lucentis®, Byooviz™; Cimerli™(ranibizumab), Susvimo® (ranibizumab) within the Anti-Angiogenic Ophthalmic Agent section; addition of new PAD-specific PA criteria for SCIG (immune globulin): Hizentra®, Gammagard Liquid®, Gamunex®-C, Gammaked®, HyQvia®, Cuvitru®, Cutaquig®, Xembify® within the Immunoglobulins section; addition of new PAD-specific PA criteria for Pemetrexed within the Antimetabolites section; addition of new PAD-specific PA criteria for Perjeta® (pertuzumab), Herceptin®; Ogivri®; Kanjinti™; Trazimera™; Herzuma™; Ontruzant® (Trastuzumab); Herceptin Hylecta™ (trastuzumab and hyaluronidase-oysk) within the HER2 Inhibitor section; addition of new PAD-specific PA criteria for Rituxan®, Truxima®, Ruxience™, Riabni™ (Rituximab) and Rituxan Hycela® (rituximab and hyaluronidase human) within the CD20 Monoclonal Antibodies section; addition of new PAD-specific PA criteria for Soliris® (eculizumab), Ultomiris® (ravulizumab-cwyz) within the Selective Immunosuppressants section; addition of new PAD-specific PA criteria for Yervoy® (ipilimumab) within the Anti-CLTA-4 Monoclonal Antibodies section.

Providers who prescribe, dispense, or administer this drug may be affected by this change, including but not limited to the PTs listed on the agenda.

There are no financial impacts on local government known.

The effective date of these changes is July 1, 2023.

At the conclusion of Antonio Brown’s presentation, Casey Angres asked Malinda Southard and Gabriel Lither if they had any questions or comments, they had none.

Public Comments: There were none.

Malinda Southard 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.

4. Discussion and Proposed Adoption and Changes to MSM

Subject: MSM Chapter 2500 – Targeted Case Management (TCM)

Marcel Brown, Social Services Program Specialist within the Behavioral Health Unit, DHCFP, presented the proposed revisions to MSM 2500 – Targeted Case Management

The proposed changes are being presented to add Nevada local county agencies as qualified providers under PT 54 to deliver TCM Services to adults with Serious Mental Illness (SMI). Currently county agencies are identifying recipients with SMI in need of Case Management services but are unable to be reimbursed for these services to assist. This will allow county agencies to continue to see and provide services to these

recipients when the need arises at their prospective agencies. Language is also being clarified to identify a Nevada University Health System as a provider in both the State Plan and MSM rather than the Nevada School of Medicine.

An amendment was made under Section 2503.2(C) for the Target Group of Adults with SMI. An update was made to Provider Qualifications where the addition of the local county agency and Nevada School of Medicine replaced with the University Health System can be found.

The proposed changes affect all Medicaid enrolled providers delivering Case Management Services. Those PTs include but are not limited to: Targeted Case Management (PT 54).

There are no financial impacts on local government known.

The effective date of these changes is May 31, 2023.

At the conclusion of Marcel Brown's presentation, Casey Angres asked Malinda Southard and Gabriel Lither if they had any questions or comments, they had none.

Public Comments: There were none.

Malinda Southard approved the changes, pending spelling and grammar checks.

5. Discussion and Proposed Adoption and Changes to MSM

Subject: MSM Chapter 2500 – Medication Assisted Treatment (MAT)

Marcel Brown, Social Services Program Specialist within the Behavioral Health Unit, DHCFP, presented the proposed revisions to MSM Chapter 3800 – Medicaid Assisted Treatment

DHCFP is proposing changes to MSM 3800 – Medicaid Assisted Treatment to remove language related to the "DATA-Waiver Program" and language contradictory to the harm reduction model. The "DATA-Waiver Program," also known as an X-waiver, was eliminated when Congress signed the Consolidated Appropriations Act of 2023 into law on December 29, 2022. The passing of the Act removed patient limits for prescribing providers, X-waiver enrollment requirements for providers, and required provider training. On January 12, 2023, the Drug Enforcement Agency (DEA) and the Substance Abuse and Mental Health Services Administration (SAMHSA) announced the immediate elimination of the X-Waiver for prescribing buprenorphine. These MSM 3800 Chapter changes are aligned with DEA and SAMHSA guidance.

In Section 3800 – Introduction, Medications for Opioid Use Disorder (MOUD) was added as another term for MAT and the "X" Waiver reference removed. In Section 3801 – Authority, the DATA 2000 removed as an authority. In Section 3802 – Coverage and Limitations, DHCFP removed references to the DATA 2000 and patient limit requirements, as well as updated the requirement for a DEA license to prescribe medication. In Section 3804 – Phases of Care, DHCFP rephrased the treatment agreement documentation requirements and removed a requirement that is opposed to the principle of harm reduction.

The proposed changes affect all Medicaid enrolled providers delivering MAT. Those PTs include, but are not limited to: Physician, M.D., Osteopath, D.O. (PT 20), Advance Practice Registered Nurse (PT 24), Nurse Midwife (PT 74), Physician's Assistant (PT 77), CCBHC (PT 17, Specialty 188), and SAAM (PT 17, Specialty 215).

There are no financial impacts on local government known.

The effective date of these changes is May 31, 2023.

At the conclusion of Marcel Brown's presentation, Casey Angres asked Malinda Southard and Gabriel Lither if they had any questions or comments, they had none.

Public Comments: There were none.

Malinda Southard approved the changes, pending spelling and grammar checks.

6. **Adjournment**

There were no further comments and Casey Angres closed the Public Hearing at 10:29 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@dncfp.nv.gov with any questions.***