

Joe Lombardo
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.



Stacie Weeks,
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Administrator

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NOTICE OF MEETING TO SOLICIT PUBLIC COMMENTS AND INTENT TO ACT UPON AMENDMENTS TO THE NEVADA MEDICAID SERVICES MANUAL (MSM)

REVISED AGENDA

Date of Publication: October 26, 2023
Date of Revision: October 30, 2023
Date of 2nd Revision: November 8, 2023

Date and Time of Meeting: November 28, 2023, at 10:05 AM or upon completion of the amendments to the State Plan for Medicaid Services Public Hearing immediately preceding this meeting at the same location(s)

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

Place of Meeting: DHCFP
1100 East William Street
First Floor Conference Room
Carson City, Nevada 89701

Please use the teleconference/Microsoft Teams options provided below. If accommodations are requested, please advise using the information at the end of this agenda.

Note: If at any time during the meeting an individual who has been named on the agenda or has an item specifically regarding them included on the agenda is unable to participate because of technical or other difficulties, please email Jenifer Graham at documentcontrol@dhcftp.nv.gov and note at what time the difficulty started so that matters pertaining specifically to their participation may be continued to a future agenda if needed or otherwise addressed.

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YOU MAY BE UNMUTED BY THE HOST WHEN SEEKING PUBLIC COMMENT, PLEASE HANG UP AND REJOIN IF YOU ARE
HAVING SIDE CONVERSATIONS DURING THE MEETING OR THOSE MAY BE HEARD BY OTHERS AND RECORDED**

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your participation in this meeting.**

AGENDA

1. General Public Comments (No action may be taken upon a matter raised under public comment period unless the matter itself has been specifically included on an agenda as an action item. To provide public comment telephonically, you may join the meeting by dialing (775) 321-6111 and when prompted to provide the Meeting ID, enter 934 453 822#. You may then press *5 to raise your hand during the public comment periods to provide your comment. Comments will be limited to three minutes per person. Persons making comment will be asked to begin by stating their name for the record and to spell their last name. Those who wish to provide a written comment may submit their comment via mail to 1100 E. William Street, Ste. 101, Carson City, Nevada 89701 or via email to documentcontrol@dncfp.nv.gov).
2. **For possible action:** Discussion and adoption of changes to MSM Chapter 200 – Hospitals Services

Revisions to MSM Chapter MSM 200 – Hospital Services are being proposed to update elective/non-medically necessary cesarean sections as a non-covered service. Additionally, updates to obstetric hospital admissions for vaginal deliveries will be updated from three (3) calendar days to two (2) calendar days in accordance with the Newborns' and Mothers' Health Protection Act (NMHPA) and 29 CFR 2590.711.

Entities Financially Affected: This proposed change affects all Medicaid-enrolled providers delivering labor and delivery services. Those provider types (PT) include but are not limited to: Outpatient Surgery (PT 10), Inpatient Hospital (PT 11), Outpatient Services, Hospital Based (PT 12), Psychiatric Hospital, Inpatient (PT 13), Behavioral Health, Outpatient (PT 14), Special Clinics (PT 17), Nursing Facilities (PT 19), Physician Services (PT 20), Home Health Agency (Including Private Duty Nursing (PT 29)), Personal Care Aide Provider Agency (PT 30), Ambulatory Surgical Centers (PT 46), Indian Health Service Hospital, Outpatient (Tribal (PT 51)), Indian Health Service Hospital, Outpatient (Tribal (PT 52)), Long Term Acute Care (LTAC) Specialty Hospitals (PT 56), Managed Care Organizations (PT 62), Residential Treatment Centers (RTC (PT 63)), Hospice (PT 64), Hospice, Long Term Care (PT 65), Intermediate Care Facilities for Individuals with Intellectual Disabilities/Private (PT 68), Nurse Midwife (PT 74), Critical Access Hospital (CAH) Inpatient (PT 75), Indian Health Service Hospital, Inpatient (Non-Tribal (PT 78)), Indian Health Service Hospital, Outpatient (Non-Tribal (PT 79)), and Hospital Based End Stage Renal Disease (ESRD) Provider (PT 81).

Financial impact on local government: Unknown at this time.

Effective date: December 1, 2023

- a. Presentation of MSM Chapter MSM 200 – Hospital Services
- b. Public comment on proposed changes
- c. Adoption of proposed changes

3. **For possible action:** Discussion and adoption of changes to MSM Chapter 600 –Physician Services

Revisions to MSM Chapter MSM 600 – Physician Services are being proposed to update elective/non-medically necessary cesarean sections as a non-covered service. Additionally, updates to obstetric hospital admissions for vaginal deliveries will be updated from three (3) calendar days to two (2) calendar days in accordance with the Newborns’ and Mothers’ Health Protection Act (NMHPA) and 29 CFR 2590.711.

Entities Financially Affected: This proposed change affects the following Medicaid-enrolled providers delivering labor and delivery services. Those PTs include but are not limited to: Outpatient Surgery (PT 10), Inpatient Hospital (PT 11), Outpatient Services, Hospital Based (PT 12), Psychiatric Hospital, Inpatient (PT 13), Behavioral Health, Outpatient (PT 14), Special Clinics (PT 17), Nursing Facilities (PT 19), Physician Services (PT 20), Home Health Agency (Including Private Duty Nursing (PT 29)), Personal Care Aide Provider Agency (PT 30), Ambulatory Surgical Centers (PT 46), Indian Health Service Hospital, Outpatient (Tribal (PT 51)), Indian Health Service Hospital, Outpatient (Tribal (PT 52)), Long Term Acute Care (LTAC) Specialty Hospitals (PT 56), Managed Care Organizations (PT 62), Residential Treatment Centers (RTC (PT 63)), Hospice (PT 64), Hospice, Long Term Care (PT 65), Intermediate Care Facilities for Individuals with Intellectual Disabilities/Private (PT 68), Nurse Midwife (PT 74), Critical Access Hospital (CAH) Inpatient (PT 75), Indian Health Service Hospital, Inpatient (Non-Tribal (PT 78)), Indian Health Service Hospital, Outpatient (Non-Tribal (PT 79)), and Hospital Based End Stage Renal Disease (ESRD) Provider (PT 81).

Financial impact on local government:

SFY 2024:	\$ 321
SFY 2025:	\$ 734

Effective date: January 1, 2024

- a. Presentation of MSM Chapter MSM 600 – Physician Services
- b. Public comment on proposed changes
- c. Adoption of proposed changes

4. **For possible action:** Discussion and adoption of changes to MSM Chapter 600 – Physician Services

Revisions to MSM Chapter 600 are being proposed to expand Medicaid coverage for pregnant persons from 60 days to 12 months and expand coverage to full Medicaid.

Entities Financially Affected: The following PTs will potentially be affected by this change: Those provider types include, but are not limited to: Outpatient Surgery, Hospital Based (PT 10), Hospital , Inpatient (PT 11), Hospital, Outpatient (PT 12), Psychiatric Hospital, Inpatient (PT 13), Behavioral Health, Outpatient Treatment (PT 14), Special Clinics (PT 17), Physician, M.D., Osteopath, D.O. (PT 20), Advanced Practice Registered Nurse (PT 24), Psychologist (PT 26), Radiology & Noninvasive Diagnostic Centers (PT 27), Pharmacy (PT 28), Therapy (PT 34), Laboratory (PT 43), Ambulatory Surgical Centers (PT 46), Indian Health Services, Inpatient, Tribal (PT 51), Indian Health Services Hospital, Tribal, Outpatient (PT 52), School Based (PT 60), Nurse Anesthetist (PT 72), Nurse Midwife (PT 74), Physician Assistant (PT 77), Indian Health Services, Non-Tribal, Inpatient (PT 78), Indian Health Services, Non-Tribal, Outpatient (PT 79), and Behavioral Health Rehabilitative Treatment (PT 81).

Financial impact on local government: Unknown at this time.

Effective date: January 1, 2024

- a. Presentation of MSM Chapter 600
- b. Public comment on proposed changes
- c. Adoption of proposed changes

5. **For possible action:** Discussion and adoption of changes to MSM Chapter 3800 – Medication-Assisted Treatment and MSM Chapter 600 – Physicians Services

Revisions to MSM Chapter 3800 and Chapter 600 are being proposed to allow for services of a pharmacist to assess a patient to determine if the patient has an Opioid Use Disorder (OUD), determine whether MAT is appropriate, counsel the patient and prescribe and dispense a drug for MAT at a rate equal to the rate of reimbursement provided to a Physician (PT 20), Physician Assistant (PT 77), or an Advanced Practice Registered Nurse (PT 24) as required through the passing of Assembly Bill 156 of the 82nd Legislative Session.

Entities Financially Affected This proposed change affects all Medicaid-enrolled providers delivering MAT services for OUD. 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), Pharmacist (PT 91), Methadone Clinic, (PT 17 Specialty 171), and Substance Use Agency Model (PT 17 Specialty 215).

Financial impact on local government:

SFY 2024:	\$321
SFY 2025:	\$734

Effective date: January 1, 2024.

- a. Presentation of MSM Chapter 3800 and Chapter 600
- b. Public comment on proposed changes
- c. Adoption of proposed changes

6. **For possible action:** Discussion and adoption of changes to MSM Chapter 800 – Laboratory Services

Revisions to MSM Chapter 800 are being proposed to add a section for biomarker testing for diagnosis, treatment, management, and monitoring of cancer. Additionally, updates to the chapter include removing the Attachment Policy #08-01 and Attachment Policy #08-02 as they are a form of biomarker testing and will not be included in the added section.

Entities Financially Affected: This proposed change affects all Medicaid-enrolled providers delivering diagnosis, treatment, management, and monitoring of cancer. Those PTs include, but are not limited to: Laboratory, Pathology Clinic (PT 43), and Hospital, Outpatient (PT 12)

Financial impact on local government: Unknown at this time.

Effective date: ~~November 29, 2023~~ October 1, 2023.

- a. Presentation of MSM Chapter 800
- b. Public comment on proposed changes

- c. Adoption of proposed changes

7. **For possible action:** Discussion and adoption of changes to MSM Chapter 1000 – Dental

Revisions to MSM Chapter 1000 are being proposed to add definitions for Medically Necessary orthodontic Automatic Qualifying Conditions and to include links to all dental forms currently provided on the QIO-like vendor’s website. Also, removing a duplication of “times” as a requirement on the denture delivery receipt form.

Entities Financially Affected: All PTs billing for dental services to include Dentists (PT 22) and all specialty types, as well as Liberty Dental Plan, Medicaid’s contracted Dental Benefits Administrator (DBA) for members residing in Clark and Washoe County.

Financial impact on local government: None

Effective date: November 29, 2023

- a. Presentation of MSM Chapter 1000
- b. Public comment on proposed changes
- c. Adoption of proposed changes

8. **For possible action:** Discussion and adoption of changes to MSM Chapter 1500– Healthy Kids Program

Revisions to MSM Chapter 1500 are being proposed to remove language for pregnancy only related coverage.

Entities Financially Affected: These proposed changes affect Medicaid enrolled providers delivering Health Kid Exams, annual wellness visits, and sick visits. Those PTs include but are not limited to: Outpatient Hospital (PT 12), Physician (PT 20), Advanced Practice Registered Nurse (PT 24), and Physician Assistant (PT 77).

Financial impact on local government: No financial impact.

Effective date: 11/29/2023.

- a. Presentation of MSM Chapter 1500
- b. Public comment on proposed changes
- c. Adoption of proposed changes

9. **For possible action:** Discussion and adoption of changes to MSM Chapter 2800 – School Health Services

Revisions to MSM Chapter 2800 are being proposed to include recent updates to other Medicaid policies such as Telehealth, Applied Behavioral Analysis (ABA) and Katie Becket Policy; and clarification related to the Medical Team Conference process.

Entities Financially Affected: This proposed change affects Medicaid enrolled providers delivering School Health Services. **These PTs include but are not limited to School Health Services (PT 60).**

Financial impact on local government: Unknown at this time.

Effective date: November 29, 2023.

- a. Presentation of MSM Chapter 2800
- b. Public comment on proposed changes
- c. Adoption of proposed changes

10. **For possible action:** Discussion and adoption of changes to MSM Chapter 3400 – Telehealth Services

Revisions to MSM Chapter 3400 are being proposed to align with the passing of Senate Bill (SB) 119 of the 82nd Legislative Session. SB 119 provides authority for the state to pay the nonfederal share of expenses for services in the same amount as in person or by other means for counseling or treatment relating to a mental health condition or a substance use disorder, including, without limitation, when such counseling or treatment is provided through audio-only interaction. Revisions made will remove any limitations for the service delivery of behavioral health services and incorporate the need for service delivery to be medically necessary and clinically appropriate based on the individual’s treatment needs.

Entities Financially Affected: This proposed change affects all Medicaid-enrolled providers delivering behavioral health services. Those PTs include but are not limited to: Behavioral Health Outpatient Treatment (PT 14), Behavioral Health Rehabilitative Treatment (PT 82), Psychologist (PT 26), Substance Use Agency Model (PT 17 Specialty 215), Certified Community Behavioral Health Center (PT 17 Specialty 188), and Specialized Foster Care (PT 86).

Financial impact on local government: Unknown at this time.

Effective date: November 29, 2023.

- a. Presentation of MSM Chapter 3400.
- b. Public comment on proposed changes.
- c. Adoption of proposed changes.

~~11. **For possible action:** Discussion and adoption of changes to MSM Chapter 2800 – School Health Services~~

~~Revisions to MSM Chapter 2800 are being proposed to include recent updates to other Medicaid policies such as Telehealth, Applied Behavioral Analysis (ABA) and Katie Becket Policy; and clarification related to the Medical Team Conference process.~~

~~**Entities Financially Affected:** This proposed change affects all Medicaid-enrolled providers delivering school health type of services. Those provider types include, but are not limited to: Provider Type (PT) 60.~~

~~**Financial impact on local government:** Unknown at this time.~~

~~**Effective date:** November 29, 2023.~~

- ~~a. Presentation of MSM Chapter 2800~~
- ~~b. Public comment on proposed changes~~
- ~~c. Adoption of proposed changes~~

12-11. Adjournment

NOTE: To use the long link to the meeting in the event there are issues with the URL shortener, please use the following complete link:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_OW10NGMzNTYtNDZhZi00NTA5LTlInzktNDMxNTczNjl2Y2Mz%40thread.v2/0?context=%7b%22Tid%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22Oid%22%3a%22cc4c7a00-e2be-4dda-a27b-3405a8271b9c%22%7d

Nevada Medicaid is unaware of any financial impact to other entities or local government due to this public hearing, other than as stated above.

PLEASE NOTE: Items may be taken out of order. Items may be pulled or removed from the agenda at any time. All public comment will be limited to three minutes.

The DHCFP is exempt from Chapter 233B according to NRS 233B.039 and is not required to comply with the Nevada Administrative Procedure Act in this process. This meeting is conducted by and with state agency staff which is not a public body for purposes of NRS 241 related to Nevada Open Meeting Law but every effort is made to be transparent in notice and information provided to encourage public awareness and participation.

This notice and agenda have been posted online at <http://dhcfp.nv.gov> and <http://notice.nv.gov>, as well as Carson City, Las Vegas, Elko, and Reno central offices for DHCFP. E-mail notice has been made to such individuals as have requested notice of meetings (to request notifications please contact 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 supporting material for the public meeting, please contact documentcontrol@dhcfp.nv.gov, or at 1100 East William Street, Suite 101, Carson City, Nevada 89701. Supporting material will also be posted online as referenced above.

Note: We are pleased to make reasonable accommodations for members of the public with a disability and wish to participate. If accommodated arrangements are necessary, notify DHCFP as soon as possible in advance of the meeting, by e-mail at documentcontrol@dhcfp.nv.gov in writing, at 1100 East William Street, Suite 101, Carson City, Nevada 89701.