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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.



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Administrator

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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 December 26, 2023
Summary**

Date and Time of Meeting: December 26, 2023, at 10:20 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
Second 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)

Malinda Southard, Deputy Administrator, DHCFP
Karen Griffin, Senior Deputy Attorney General
Casey Angres, DHCFP
Kirsten Coulombe, DHCFP
Elizabeth Scott, DHCFP
Lisa Dyer, DHCFP
Donna Laffey
Sean Gamble
Marcel Brown, DHCFP
Annette Logan-Parker
Thomas Fletcher, DHCFP
Jacqueline Melson, DHCFP
Amy Carl, Anthem
Melody Hall-Ramirez, DHCFP
Sarah Dearborn, DHCFP
Sarah E. Fox, Silver Summit Health Plan
De
Jessica Vannucci, DHCFP
Tanya Benitez, DHCFP
Julie Knight, DHCFP

Dr. Keiko Duncan, DHCFP
Dr. Marcia Tinberg, DHCFP
Sean Linehan, DHCFP
Cloris Barrientos, DHCFP
Lisa Collier, DHCFP
Ellen Frias-Wilcox, DHCFP
Mark Du, DHCFP
Teri Henning, Aveanna
Brooke Gruger, Liberty Dental Plan
Tricia Schares, Liberty Dental
Belz & Case Government Affairs Scribe by Rewatch
Rianna White, Fidelis-Rx
Joseph Filippi, Division of Health and Human Services (DHHS)
Jennifer Frischmann, Aging and Disability Services Division, (ADSD)
Nicole Catoner, DHCFP
Sabrina Schnur, Belz & Case
Hazel Moreno, Liberty Dental Plan
Mike Willden

Monica Schiffer, DHCFP
Afshin Arian, Liberty Dental Plan
Crystal Wren, ADSD
Lucille Wroldsen, DHCFP
Katiushka Posada
Elyse Monroy-Marsala, Belz & Case
Margaret L. Keteian, Anthem
Amy Shogren, Black & Wadhams
Keri Kelley, Silver Summit Health (SSH)
Joy Thomas, Anthem
Brooke Greenlee, Elevance Health
Mandy Coscart, DHCFP

Rachael Devine, DHCFP
Bre Stark, Liberty Dental
Erin Robinson, Nevada State Library & Archives (NSLA)
Sara Knight, DHCFP
Lori Follett, DHCFP
Sheri Gaunt, DHCFP
Ellen Flowers, DHCFP
Alex Tanchek - Silver State Government Relations
Theresa Carsten, DHCFP
Amy Levin, MD, Anthem
Mary Gilbertson, UCare
Shelle Sponseller, Accessible Space, Inc

Introduction:

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

Casey Angres – The notice for this public hearing was published on November 22, 2023, and revised on December 19, 2023, in accordance with Nevada Statute 422.2369.

- 1. Public Comments:** There were none.
- 2. Discussion and Proposed Adoption and Changes to MSM 200**

Subject: MSM Chapter 200 – Hospital Services

Julie Knight, on behalf of Evette Cullen, Chief, Medical Benefits Coverage Unit, DHCFP, presented pursuant to the passing of Assembly Bill (AB) 277 during the 82nd Legislative Session, the Nevada MSM Chapter 200 - Outpatient Hospital Services, Section 206.1 is being revised. This update will allow rural emergency hospitals to enroll as a new provider type (PT). This proposed policy update may affect the following PTs, including but not limited to rural emergency hospitals, PT to be determined. There are no expected changes in annual aggregate expenditures.

The effective date of this new policy is January 1, 2024, pending CMS approval of the State Plan Amendment (SPA) submitted in relation to this update.

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 200 – Hospital Services.

- 3. Discussion and Proposed Adoption and Changes to MSM 1200**

Subject: MSM Chapter 1200 – Prescribed Drugs

Dr. Keiko Duncan, Pharmacy Director for Pharmacy Services, DHCFP, presented the proposed revisions to MSM 1200 – Prescribed Drugs, based on recommendations approved at the July 27, 2023, Drug Utilization Review (DUR) Board Meeting.

The proposed changes include the addition of Remicade® (infliximab) biosimilars, Avolsa® (infliximab-axxq) and Ixifi® (infliximab-dyyb). Update Inflectra® (infliximab -qbtx) and Remicade® (infliximab) to Renflexis® (infliximab-abda) under Immunomodulator Drugs. The addition of Myfembree® under Gonadotropin Releasing Hormone Receptor (GnRH) Antagonist and Combinations. The addition of Strensiq® (asfotase alfa) for therapeutic class “Hypophosphatasia (HPP) Agents” and Tzield® (teplizumab-mzwv) for therapeutic class “Disease Modifying Agents for Type 1 Diabetes.” Updated prior authorization link throughout the document. Update the “Last Reviewed by DUR Board” date.

There is no financial impact on local government known.

The effective date of these changes is January 2, 2024.

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 1800

Subject: MSM Chapter 1800 – Home and Community Based State Plan Option Adult Day Health Care and Habilitation Service

Dr. Marcia Tinberg, 1915(i) Policy Specialist, DHCFP, presented revisions to MSM Chapter 1800, 1915(i) Home and Community Based State Plan Adult Day Health Care and Habilitation Services are being proposed. References were added regarding the Home and Community Based Services (HCBS) for the final regulation to the Authority and Provider Responsibility Sections. One of the major changes that will be included is the deletion of the Provider Service Plan (SP) and updates to and to Denial and Termination reasons.

Entities Financially Affected: Adult Day Health Care provider type (PT 39) and Day and Residential Habilitation Services (PT 55).

There is no known impact to local government.

The effective date of this new policy is January 1, 2024.

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 1800 – Home and Community Based State Plan Option Adult Day Health Care and Habilitation Service.

5. **Discussion and Proposed Adoption and Changes to MSM Chapters 900, 1400, 2200, 2300, 2600, and 3500 related to the 21st Century Cures Act mandatory implementation of an Electronic Visit Verification (EVV) systems**

Subject: MSM Chapter 900 – Private Duty Nursing (PDN), 1400 – Home Health Agency, 2200 – Home and Community Based Services Waiver for the Frail Elderly (FE), 2300 - Home and Community Based Services Waiver for Persons with Physical Disabilities (PD), 2600 – Intermediary Service Organizations (ISO), and 3500 – Personal Care Services (PCS)

Kirsten Coulombe, Chief, Long Term Services and Supports (LTSS), DHCFP, presented additions to the MSM related to the EVV system. This is a federal mandate from the 21st Century Cures Act. There have been questions regarding the public notice for these changes so Kirsten Coulombe said she would give a high-level overview for the record of a timeline of communication to providers related to the changes. A public notice was issued soliciting stakeholder engagement on March 29, 2022. That was for a request for a proposal. It was open for 30 days to solicit comment on the proposed changes for adding Home Health and Private Duty Nursing (PDN). A request for proposal was published September 19, 2022. Subsequently, a public workshop related to these updates was held prior to this public hearing. All policy changes were presented at a public workshop on October 19, 2023. Prior to that public workshop web announcements with providers were sent July 2, 2023, and October 2023. Quarterly meetings were also held with providers for Home Health and PDN February 2023, July 2023, and October 2023.

Because the federal mandate with the 21st Century Cures Act does require home health care services to be added and Nevada Medicaid currently does have the system set up with the same PT of a home health agency for PDN, Nevada Medicaid is requiring PDN to use an EVV system (that can be evaluated at a later date). However, as it is going live in a few days, that is where it stands today. For those changes to have the requirement for PDN and MSM Chapter 900 and for home health for MSM Chapter 1400 that's being added on that requirement, and it references back to a new Addendum B. The existing EVV has been a requirement for the past four years, updates are being made to those chapters for the PCS-like services under MSM Chapter 2200 for the FE waiver, MSM Chapter 2300 for the waiver for persons with PD, as well as MSM Chapter 2600 for the ISO, and MSM Chapter 3500 for the PCS. EVV has already been a mandate for the past four years for those chapters, but the four chapters are being updated to essentially reference the new Addendum B, and more detail about the EVV requirements will be in Addendum B. Thus, if changes need to be made in the future, only Addendum B will need to be updated instead of six chapters.

Entities Financially Affected: Home Health and Private Duty Nursing (PT 29), Personal Care Services (PT 30), FE Waiver (PT 48, Specialty Codes: 039-Homemaker, 191-Respite, 199-Chore Services, 208-Adult Companion Service), PD Waiver (PT 58, Specialty Codes: 039-Homemaker, 189-Attendant services, 191-Respite Care, 199-Chore), and Intermediary Service Organization (PT 83).

There is no known financial impact to local government.

The effective date of this change is January 1, 2024.

Public Comments: There were none.

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

Casey Angres – Closed the Public Hearing for MSM Chapter 900 – Private Duty Nursing (PDN), 1400 – Home Health Agency, 2200 – Home and Community Based Services Waiver for the Frail Elderly (FE), 2300 - Home and Community Based Services Waiver for Persons with Physical Disabilities (PD), 2600 – Intermediary Service Organizations (ISO), and 3500 – Personal Care Services (PCS).

6. Discussion and Proposed adoption of Addendum B outlining the authority, scope, and system requirements of an Electronic Visit Verification (EVV)

Subject: MSM Addendum B

Kirsten Coulombe, Chief, Long Term Services and Supports (LTSS), DHCFP, advised this is the new Addendum B as discussed in Item 5. This is a new document being added to the policy services. Addendum B will essentially contain all the policy for the Authority, Scope, and System Requirements of an EVV system. It is being proposed this new document will be referenced to in the other MSM chapters. This is just a way for DHCFP to outline the requirements for the 21st Century Cures Act, as well as outlining the Provider and Recipient Responsibilities. There has been a change to the document that was posted for the 30 days. There was a reference that some providers need to use an election form that is no longer being used. Consequently, any language stating “the appropriate election form must be submitted to DHCFP before use of the system” will be struck out

Entities Financially Affected: Home Health and Private Duty Nursing (PT 29), Personal Care Services (PT 30), FE Waiver (PT 48, Specialty Codes: 039-Homemaker, 191-Respite, 199-Chore Services, 208-Adult Companion Service), PD Waiver (PT 58, Specialty Codes: 039-Homemaker, 189-Attendant services, 191-Respite Care, 199-Chore), and Intermediary Service Organization (PT 83).

There is no known financial impact to local government.

The effective date of this change is January 1, 2024.

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 Addendum B.

7. Discussion and Proposed Adoption and Changes to MSM 1000

Subject: MSM Chapter 1000 – Dental

Tanya Benitez, Social Services Program Specialist, Managed Care and Quality Assurance Unit, DHCFP, presented DHCFP is proposing revisions to MSM Chapter 1000 – Dental Services, to add language for a new specialty type of dental hygienist that has limited prescribing rights, pursuant to the passage of Nevada SB 310 during the 82nd Legislative Session. In Section 1003.19, Conditions for Participation, added: Dental hygienists that have satisfied the requirements set by both the Board of Pharmacy and Nevada State Board of Dental Examiners (NSBDE) can prescribe preventative medication within their scope of practice outlined by the NSBDE.

This proposed change affects all Medicaid-enrolled providers delivering dental hygienist services. Those provider types include but are not limited to Dental Hygienist under Dentists (PT 22).

The fiscal impact on local government is unknown at this time.

The effective date of the change is January 1, 2024.

Public Comments: There were one.

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

Casey Angres – Closed the Public Hearing for proposed adoption and changes to MSM Chapter 1000 – Dental.

8. Discussion and Proposed Adoption and Changes to MSM 1100

Subject: MSM Chapter 1100 – Ocular Services

Julie Knight, on behalf of Evette Cullen, Chief, Medical Benefits Coverage Unit, DHCFP, pursuant to the passing of SB 385 during the 82nd Legislative Session, the Nevada MSM Chapter 1100, Ocular Services, Section 1103.1A(3)(a)(3) is being removed and 1103.1A(3)(a)(4) is being revised to cover polycarbonate lenses with no requirements.

Entities financially affected including but not limited to: Optometrists (PT 25) and Opticians (PT 41).

There are no expected change in annual aggregate expenditures.

The effective date of this new policy is January 1, 2024.

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 1100 – Ocular Services.

9. Adjournment

There were no further comments and Casey Angres closed the Public Hearing at 10:42 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.***