

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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NOTICE OF PUBLIC MEETING TO SOLICIT COMMENTS ON AMENDMENTS TO THE STATE PLAN FOR MEDICAID SERVICES

AGENDA

Date of Publication: August 24, 2023
Date of Revision: August 25, 2023
Date of 2nd Revision: September 19, 2023

Date and Time of Meeting: September 26, 2023, at 10:00 AM

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 E. William Street
First Floor Conference Room
Carson City, Nevada 89701

Please use the teleconference/Microsoft Teams options provided below. If accommodation is 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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Webinar: <https://tinyurl.com/DHCFP2023PH>

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This meeting may be recorded to facilitate note-taking or other uses. By participating you consent to recording of 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@dhcpf.nv.gov).
2. Discussion of proposed Amendments to the State Plan for Medicaid Services and solicitation of public comments

Subject: Rate Increases for Applied Behavior Analysis Services Rendered by a Board Certified Behavior Analyst, Board Certified Assistant Behavior Analyst, or Registered Behavior Technician

The Division is proposing an amendment to Nevada Medicaid State Plan Attachment 4.19-B, page 1b (continued P.1). During the 2021 Nevada Legislative Session, Senate Bill 96 was passed and signed into law and is now codified under Nevada Revised Statutes 422.27497. This statute requires the Division to amend rates for Board Certified Behavior Analysts (BCBA), Board Certified Assistant Behavior Analysts (BCaBA), and Registered Behavior Technicians (RBT) on a biennial basis. Fee-for-service rates for BCBA, BCaBA, and RBTs must be established at an amount “comparable to rates of reimbursement paid by Medicaid programs in other states for the services of those providers.” Based on DHCfP’s research, aligning the Nevada Medicaid rates for BCBA, BCaBA, and RBTs would result in increases to reimbursement rates for some services and decreases to reimbursement rates for other services. During the 2023 Nevada Legislative Session, the Division included a fiscal projection of the anticipated impact from NRS 422.27497 as part of the agency’s budget. Legislators expressed concern with decreasing reimbursement rates for some services. As a result, the Division received legislative approval to align reimbursement rates for the specialties listed above only when the alignment would result in an increase to reimbursement rates. For any service that showed a median out-of-state reimbursement rate lower than the current Nevada Medicaid rate, there will not be a change made to the current payment amounts.

This State Plan Amendment (SPA) is anticipated to impact some providers of Applied Behavior Analysis services. These provider types include, but are not limited to, Applied Behavior Analysis (PT 85) and School Health Services (PT 60). A proposed fee schedule has been posted under the “Attachments” for this Public Hearing on the DHCfP website.

Estimated change in annual aggregate expenditures: An estimated increase in annual aggregate expenditures for

SFY ~~2023~~2024: \$205,579

SFY 20242025: \$217,606

The effective date of change is July 1, 2023.

a. Public comment regarding subject matter.

3. Discussion of proposed Amendments to the State Plan for Medicaid Services and solicitation of public comments

Subject: Rate Increases for Doula Services to Include an Additional 10% Increase for Services Rendered for Rural Recipients

The Division is proposing an amendment to Nevada Medicaid State Plan Attachment 4.19-B, page 3a. During the 2023 Nevada Legislative Session, Assembly Bill 283 was passed and signed into law. This statute requires that “on or before October 1,2023, DHHS shall submit to the United States Secretary of Health and Human Services a request to amend the State Plan for Medicaid to increase the rate of reimbursement which is provided on a fee-for-service basis pursuant to the State Plan for services provided by a doula to an amount that is intended to cover the cost of services.” Additionally, the Division is proposing increasing the reimbursement rates for doula services provided to recipients living outside urban Washoe and urban Clark counties by an additional 10%.

This SPA is anticipated to impact some providers of Doula Services (PT 90).

Estimated change in annual aggregate expenditures: An estimated increase in annual aggregate expenditures for

SFY 2024:	\$435,026
SFY 2025:	\$581,470

The effective date of change is October 1, 2023.

a. Public comment regarding subject matter.

4. Discussion of proposed Amendments to the State Plan for Medicaid Services and solicitation of public comments

Subject: Hospitals Serving Low-Income Patients Disproportionate Share Hospitals (DSH)

Section VIII, Hospitals Serving Low-Income Patients Disproportionate Share Hospitals (DSH) State Plan will need specific language to be updated for fiscal year 2024.

In Section VIII, Subsection B, the time period referenced in the subsection header paragraph will be updated from “beginning July 1, 2022, and July 1, 2023....” Will change to “effective July 1, 2022...”

In Section VIII, subsection B (2), the DSH state plan rate year will be updated from “July 1, 2022, to June 30, 2023” to the current fiscal year “July 1, 2023, to June 30, 2024.”

In Section VIII, subsection B (2), the total DSH to be paid out during the time period of July 1, 2023, to June 30, 2024, will be updated from the previous fiscal year 2023 projection amount of “\$18,317,765.95” to the recently updated fiscal year 2024 projection amount of “\$22,432,159.05.”

This proposed change affects all Medicaid-enrolled providers delivering hospital services. Those provider types include, but are not limited to:” Outpatient Surgery, Hospital Based (PT 10); Hospital, Inpatient (PT 11); Hospital, Outpatient (PT 12); Behavioral Health Outpatient Treatment (PT 14); Special Clinics (PT 17); Nursing Facility (PT 19); Physician, M.D., Osteopath, D.O. (PT 20); Pharmacy (PT 28); Ambulance, Air or Ground (PT 32); Therapy (PT 34); Swing-bed, Acute Hospital (PT 44); Critical Access Hospital (CAH), Inpatient (PT 75); Hospital Based ESRD Provider (PT 81).

Estimated change in annual aggregate expenditures: An estimated increase in annual aggregate expenditures for

SFY 2023: \$18,317,765.95
SFY 2024: \$22,432,159.05

The effective date of change is July 1, 2023.

a. Public comment regarding subject matter.

5. Discussion of proposed Amendments to the State Plan for Medicaid Services and solicitation of public comments

Subject: Supplemental Payment for Inpatient Hospitals, Indigent Accident Fund (IAF)

Section VIII, Hospitals Serving Low-Income Patients Disproportionate Share Hospitals (DSH) State Plan will need specific language to be updated for fiscal year 2024.

In section XV of the State Plan, under Supplemental Payment for Inpatient Hospitals time periods referenced, and total payment amount will need to be updated. Specifically:

- Page 32b paragraph A1 will be updated from: *"For the period July 1, 2022 to June 30, 2023 the total computable payment will be \$78,105,149.82"* to *"For the period October 1, 2023 to June 30, 2024 the total computable payment will be \$70,196,969.02"*
- Page 32b paragraph A2 will be updated from: *"The aggregated amount of supplemental payments to inpatient hospitals shall not exceed the Upper Payment Limit (UPL) for each one of the respective periods. The supplemental payment for the period of July 1, 2022 to June 30, 2023 will be accounted for in the UPL room available for July 1, 2022 to June 30, 2023"* to *"...The supplemental payment for the period of October 1, 2023 to June 30, 2024 will be accounted for in the UPL room available for July 1, 2023 to June 30, 2024"*
- The following PTs will potentially be affected by this change: Inpatient Hospitals (PT 11), Critical Access Hospitals (CAH) (PT 75), Psychiatric Inpatient Hospitals (PT 13), Rehabilitation, Specialty or Long-Term Acute Care (LTAC) (PT 56).

Estimate change in annual aggregate expenditures: An estimated decrease in annual aggregate expenditures for

SFY 2023: \$78,105,149.82
SFY 2024: \$70,196,969.02

The effective date of change is October 1, 2023.

a. Public comment regarding subject matter.

6. Discussion of proposed Amendments to the State Plan for Medicaid Services and solicitation of public comments

Subject: Community Health Workers (CHW) Supervision

Pursuant to the passing of Senate Bill 117 during the 82nd (2023) Legislative Session, Nevada Medicaid State Plan Attachment 3.1-A Pages 3a and 3a (Continued) is being revised to update the allowable providers who may supervise Community Health Workers (CHW). Additional providers are to include Dentist, Licensed Clinical Social

Worker (LCSW), Licensed Marriage and Family Therapist (LMFT), Clinical Professional Counselor (CPC), Nurse Anesthetist and Nurse Midwife are being proposed to be allowed to supervise CHWs.

This proposed change affects all Medicaid-enrolled providers delivering X type of services. Those provider types include but are not limited to: Dentist (PT 22), LCSW (PT 14 Specialty 302), LMFT (PT 14 Specialty 306), CPC (PT 14 Specialty 307), Nurse Midwife (PT 74), and Nurse Anesthetist (PT 72).

Estimated change in annual aggregate expenditures: The estimated change in expenditures has been combined in a Fiscal State Plan Amendment to be presented later this year.

The effective date of change is July 1, 2023, pending CMS approval.

a. Public comment regarding subject matter.

7. Discussion of proposed Amendments to the State Plan for Medicaid Services and solicitation of public comments

Subject: Gender Dysphoria/Gender Incongruence

Pursuant to the passing of Senate Bill 163 during the 82nd (2023) Legislative Session, Nevada Medicaid State Plan Attachment 3.1-A Page 2 and Attachment 3.1-A Page 2I is being updated to revise physician services whether furnished in the office, the patient’s home, a hospital, a nursing facility or elsewhere as a provided service with limitations. The update will also include the addition of section 5.a. which indicates cosmetic surgery performed by a plastic surgeon or reconstructive surgeon or any gender affirming or gender transition treatment for an individual who has been diagnosed with gender dysphoria or gender incongruence, when such surgery does not meet the definition of medically necessary as described under state law and further outlined in the Nevada MSM Chapter 103.1 is not an allowable service.

This proposed change affects the following Medicaid provider types, 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).

Estimated change in annual aggregate expenditures: An estimated increase in annual aggregate expenditures for

SFY 2024:	\$1,239,126
SFY 2025:	\$1,250,143

The effective date of change is July 1, 2023, pending CMS approval.

a. Public comment regarding subject matter.

8. Discussion of proposed Amendments to the State Plan for Medicaid Services and solicitation of public comments

Subject: Rare Disease Clinics

Pursuant to the passing of Senate Bill 221 during the 82nd (2023) Legislative Session Nevada Medicaid State Plan at Attachment 3.1.-A Page 4a is being revised to create a special clinic for providers who treat children with cancer and rare diseases.

This proposed change affects the following Medicaid provider types, 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); Registered Dietitian (PT 15); Special Clinics (PT 17); Physician, M.D., Osteopath, D.O. (PT 20); Podiatrist (PT 21); Hearing Aid Dispenser and Related Supplies (PT 23); Advanced Practice Registered Nurse (PT 24); Optometrist (PT 25); Psychologist (PT 26); Radiology & Noninvasive Diagnostic Centers (PT 27); Pharmacy (PT 28); DMEPOS (PT 33); Therapy (PT 34); Chiropractor (PT 36); Laboratory (PT 43); End Stage Renal Disease Facility (PT 45); 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); Audiologist (PT 76); Physician Assistant (PT 77); Indian Health Services, Non-Tribal, Inpatient (PT 78); Indian Health Services, Non-Tribal, Outpatient (PT 79); Behavioral Health Rehabilitative Treatment (PT 81); and Applied Behavior Analysis (PT 85).

Estimated change in annual aggregate expenditures: The estimated change in expenditures will be noted on the reimbursement State Plan Amendment to be presented at a Public Hearing later this year.

The effective date of change is July 1, 2023, pending CMS approval.

- a. Public comment regarding subject matter.

4.9. 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_OW10NGMzNTYtNDZhZi00NTA5LTlInzktNDMxNTczNjI2Y2Mz%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@dhcp.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@dhcp.nv.gov in writing, at 1100 East William Street, Suite 101, Carson City, Nevada 89701.