

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.10 - MEDICAID ENHANCED PLAN BENEFITS

DOCKET NO. 16-0310-1803

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2019 Idaho State Legislature for final approval. The pending rule becomes final and effective July 1, 2019, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 56-202(b), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

This rulemaking simplifies and streamlines the current ventilator and tracheostomy special rate process to allow for less administrative burden, and to allow rates to start on the day of admission and with no semi-annual renewals.

Specifically, the ventilator and tracheostomy rates are being adjusted to allow for a fixed add-on rate, incorporating supplies, nursing and CNA hours. The rates will be updated on a yearly basis to reflect the changing costs of supplies and the Weighted Average Hourly Rate (WAHR) for nursing and CNA hours. Ventilator and tracheostomy rates do not vary significantly in requested supplies and the amount of nursing and/or CNA hours. Providing a fixed rate will allow for facilities to submit a request for a ventilator or tracheostomy add-on rate for a participant that can be effective from the date of admission or when the rate is needed. It will enable providers to bill for the participant's entire length of stay without the need to submit documentation and renewal requests throughout the year. It will reduce the burden and risk for facilities and enhance the efficiency of Medicaid staff time.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 5, 2018, Idaho Administrative Bulletin, Vol. 18-9, pages 156-159.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

The fiscal impact of this rulemaking is not expected to increase the Department's claims expenditures for special rates in nursing facilities. During state fiscal year (SFY) 2016, the Department paid \$2.4 million in claims (approximately \$1.68 million in federal funds and \$720,000 in state general funds) to provide special ventilator and tracheostomy care. The objective of a special rate for ventilator and tracheostomy care is to compile the costs of specialty supplies and additional nursing hours for this type of care. Historical data indicates that supplies and additional nursing hours have not varied significantly between participants or providers.

The Department proposes to implement fixed special rates based on the average of specialty supplies and additional nursing hours from the last fiscal year. Costs for supplies and nursing care have been and will remain subject to annual readjustment based on findings from the Weighted Average Hourly Rate (WAHR) survey and inflation adjustments for supplies.

Using the average of the historical rates is not expected to impact claims expenditures for the Department.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Alex Childers-Scott at (208) 364-1891.

DATED this _____ day of _____, 2018.

Tamara Prisock
DHW - Administrative Rules Unit
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
(208) 334-5500 phone; (208) 334-6558 fax
dhwrules@dhw.idaho.gov e-mail

Negotiated Rulemaking Meeting and Comment Summary

June 19, 2018 10:00am MST

Negotiated Rulemaking DOCKET NO. 16-0310-1803

Conference Call meeting with locations in Boise as published in the Administrative Bulletin

(see attached attendee lists)

Facilitator: Alexandria Childers-Scott, Medicaid Program Policy Analyst

Bureau: Bureau of Long Term Care

Call to Order and Outline Meeting Format

I. Purpose of Meeting

The Department is seeking input from stakeholders regarding Special Rates in Nursing Facilities for participants who require ventilator and tracheostomy care. Specifically, stakeholder recommendations for a set add-on rate including, equipment, supplies and additional registered nursing and certified nursing assistant hours is requested.

II. Discussion Points

- a. Discuss supplies needed for ventilator and tracheostomy care
- b. Discuss amount of RN and CNA hours needed for each type of care
- c. Discuss any other items that should be included in the rate

III. Follow Up

- a. Written comments for Docket No. 16-0310-1803 are to be submitted on or before June 29, 2018 to:

Alexandria Childers-Scott RN, BSN – Medicaid Program Policy Analyst

Hand Deliver: 3232 Elder Street Boise, ID 83705

Mail: PO Box 83720 Boise, ID 83720-0009

Phone: (208) 364-1891; Fax: (208) 332-7283

E-mail: Alexandria.Childers-Scott@dhw.idaho.gov

Negotiated Rulemaking - Comment Summary DOCKET NO. 16-0310-1803

Comments from June 19, 2018, Written Comments Submitted Post-Meeting, and Responses

Verbal and written comments were submitted by the following individuals/organizations:
South Davis Community Hospital via verbal comment during Negotiated Rulemaking and written response

Comments		Responses	
W- Written V- Verbal	Out of State Nursing Facilities and Special Rates		Policy Change
V	South Davis would like to see the inclusion of Respiratory Therapy with the add-on rate	There is a wide array of add-on rates for Utah and other surrounding states. Changing the rule to match other state's Medicaid add-on rates would be more difficult than leaving the current rule unchanged. This would allow the participant's rate to be determined on a case-by-case basis, incorporating all needs into the add-on rate. If respiratory therapy determined to be needed, it will be included as part of the add-on rate.	N
V	South Davis would like to have the Utah Medicaid rate matched for the same type of care and the ability to request for additional hours for RN and CNA care	There is a wide array of add-on rates for Utah and other surrounding states. Changing the rule to match other state's Medicaid add-on rates would be more difficult than leaving the current rule unchanged. This would allow the participant's rate to be determined on a case-by-case basis, incorporating all needs into the add-on rate. If additional RN and CNA hours are determined to be needed, it will be included as part of the add-on rate.	N
V	South Davis would like to see the option of a Super Skilled Rate or similar to Utah's negotiated rate for participants that require additional hours.	There is a wide array of add-on rates for Utah and other surrounding states. Changing the rule to match other state's Medicaid add-on rates would be more difficult than leaving the current rule unchanged. This would allow the participant's rate to be determined on a case-by-case basis, incorporating all care needs into the add-on rate.	N
V	South Davis would like to see Idaho match rates for other add-on amounts provided by Utah	There is a wide array of add-on rates for Utah and other surrounding states. Changing the rule to match other state's Medicaid add-on rates would be more difficult than leaving the current rule unchanged. This would allow the participant's rate to be determined on a case-by-case basis, incorporating all care needs into the add-on rate.	N
V	South Davis would like to see an easier, streamlined process as the current process is difficult.	The Department would like to work with South Davis to create a more efficient process regarding special rates. This can be accomplished without changes to the current rule.	N

Out of State Nursing Facilities and Special Rates

W	South Davis would like the fixed rate to include a set amount of supplies, equipment and labor and have any additional items added to the rate at 100% of provider's cost.	Medicaid and South Davis can negotiate common supplies, equipment and labor needed for participants requiring ventilator and tracheostomy care. Additional items can be approved as needed, reimbursement of these items is subject to IDAPA 16.03.09.755. This IDAPA section is not under purview of this negotiated rulemaking process.	N
W	South Davis would like an additional category for participants who exceed NF services.	There is a wide array of add-on rates for Utah and other surrounding states. Changing the rule to match other state's Medicaid add-on rates would be more difficult than leaving the current rule unchanged. This would allow the participant's rate to be determined on a case-by-case basis, incorporating all care needs into the add-on rate.	N
W	South Davis would like to have the ability to request additional nursing hours for participants who do not have ventilator or tracheostomy needs but do require suctioning or assistance with set up of CPAP or BiPap.	There is a wide array of add-on rates for Utah and other surrounding states. Changing the rule to match other state's Medicaid add-on rates would be more difficult than leaving the current rule unchanged. This would allow the participant's rate to be determined on a case-by-case basis, incorporating all care needs into the add-on rate.	N

Other

	<p>South Davis Community Hospital, in Utah, is an out-of-state nursing facility that, historically, takes medically complex and difficult to place Idaho Medicaid participants. Utah Medicaid's range of various add-on rates and Utah providers' ability to negotiate additional care costs to be incorporated with the add-on rate for participants, meeting these requests would be a substantial change to the current rule. Changes to the rule to match other states' Medicaid nursing facility benefits, could open a route for uncontrolled spending by the Department to out-of-state providers and could reduce the Department's ability to meet individualized needs of participants placed in out-of-state facilities. Current rule enables the Department to review and consider all care needs, supplies, and equipment for participants placed in out-of-state nursing facilities when determining the add-on rate. Instead of rule changes for out-of-state nursing facilities, the Department will engage South Davis in discussions regarding process changes to simplify and expedite out-of-state special rate requests while addressing all skilled needs for Idaho Medicaid participants.</p>	
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C.L. "BUTCH" OTTER – Governor
RUSSELL S. BARRON – Director

IDAHO DEPARTMENT OF HEALTH & WELFARE

MATT WIMMER - Administrator
DIVISION OF MEDICAID
Post Office Box 83720
Boise, Idaho 83720-0009
PHONE: (208) 334-5747
FAX: (208) 364-1811

**NEGOTIATED RULEMAKING MEETING
DEPARTMENT OF HEALTH AND WELFARE
16.03.10 – MEDICAID ENHANCED PLAN BENEFITS
SPECIAL RATES FOR NURSING FACILITIES**

TUESDAY, JUNE 19, 2018	
In Person Meeting 10:00am to 11:00am (Mountain Local Time)	Teleconference Meeting 10:00am to 11:00am (Mountain Local Time)
3232 Elder Street Conference Room D-East Boise, ID 83705	Toll-Free: 1-877-820-7831 Participant Code: 169996

Facilitator

Alexandria Childers-Scott, RN, BSN
Medicaid Program Policy Analyst

Meeting Purpose

The Department is seeking input from stakeholders regarding Special Rates in Nursing Facilities for participants who require ventilator and tracheostomy care. Specifically, stakeholder recommendations for a set add-on rate including, equipment, supplies and additional registered nursing and certified nursing assistant hours is requested.

Agenda

• Welcome
• Review of meeting purpose and discussion
• Next Steps <ul style="list-style-type: none"> ○ Proposed Rule and Comment Period
• Adjourn

All written comments on negotiated rules must be received on or before June 29, 2018.

- Mail: Idaho Department of Health and Welfare, Division of Medicaid, Attn: Alexandria Childers-Scott - PO Box 83720 Boise, ID 83720-0009
- Hand Deliver: Idaho Department of Health and Welfare, Division of Medicaid, Attn: Alexandria Childers-Scott - 3232 Elder Street, Boise, ID 83705
- Email: Alexandria.Childers-Scott@dhw.idaho.gov
- Fax: 1-208-332-7283

Examples:

Supplies and Equipment Included in Tracheostomy Special Rate

Suction Catheter Kit	21/week	A4624
Trach Ties	3/week	A7526
Trach Care Kits	7/week	A4629
Inner Cannula	7/week	A4623
Cuffed Trach	1/month	A7520
PMV	1/month	L8501
Saline Bullets	56/week	J7051
Sterile Water/500 ml	4/week	A4217

Supplies and Equipment Included in Ventilator Special Rate

Ventilator (Bedside)	7/week	E0465
Suction pump	7/week	E0600
Disposable neb	1/week	A7003
HME	7/week	A4483
Tubing/suction	1/week	A7002
Closed Suction	3/week	A4605
Saline Bullets	56/week	J7051
Saline 500 ml	4/week	A4217
Suction Cath Kits	21/week	A4624
Trach Care Kits	7/week	A4629
Inner Cannula	7/week	A4623
Trach Ties	3/week	A7526
Suction Canister	1/week	A7000
Speaking valve	1/year	L8501
Trach	1/month	A7520
Bacteria Filters	1/week	A7013
Corrugated Tube	1/week	A7010

Request Additional Registered Nurse and Certified Nursing Assistant Hours

(Tracheostomy) CNA	0 - 3.5 hours per day
(Tracheostomy) RN	2 – 4 hours per day
(Ventilator) CNA	3 – 4 hours per day
(Ventilator) RN	4 - 6.6 hours per day



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