

## MEDICAL ASSISTANCE ADVISORY COMMITTEE MEETING

January 27, 2022

Members present: Deborah Ann Shoemaker, Jeff Bechtel, Sonia Brookins, Kathy Cubit, Richard Edley, Joe Glinka, Mark Goldstein, Terri Henning, Minta Livengood, Russ McDaid, Nancy Murray, Derron Shultz, Julie Korick, Nick Watsula

**This meeting was held via webinar due to the COVID-19 pandemic.**

Mr. Shannon Brown, of the Office of Medical Assistance Programs, called the January meeting of the Medical Assistance Advisory Committee (MAAC) to order at 10:01 a.m. Ms. Deborah Shoemaker, Chair conducted roll call. The committee approved the December 2021 meeting minutes.

### **OMAP Update**

Ms. Sally Kozak, Deputy Secretary for the Office of Medical Assistance Programs (OMAP) provided the OMAP update.

Ms. Kozak began with an update related to the January 14, 2022, announcement of the 90-day extension to the federal public health emergency (PHE). A full 90-day extension pushes the end of the PHE to April 16, 2022, and current flexibilities will remain in place. Additionally, as required by the Centers for Medicare & Medicaid Services (CMS), COVID-19 over the counter or at home tests are now covered for Medical Assistance (MA) enrolled beneficiaries through Fee-for-Service (FFS) and managed care delivery systems. Effective August 30, 2021, the MA Program will pay for eight tests per month. Kits with multiple tests are counted by the number of tests. If a kit is received containing two tests, the MA Program will pay for four of those kits.

Ms. Kathy Cubit from the Center for Advocacy for the Rights and Interests of the Elderly asked about how dually eligible individuals should access the test kits. Ms. Eve Lickers, Bureau Director for OMAP Bureau of Policy, Planning and Analysis indicated the dually eligible population was not addressed specifically, however guidance will be reviewed, discussed, and provided in the future.

Ms. Kozak continued the OMAP report with an update related to the fiscal code amendment of Act 24 of 2021 that increased the pediatric private duty shift nursing rate. The rate increase from \$45 per hour to \$50 per hour was effective January 1, 2022, for both FFS and managed care delivery systems. A notice to the public was published in the Pennsylvania Bulletin on December 25, 2021. Medical Assistance Bulletin (MAB) 05-21-10 was issued on December 27, 2021. The rate increase is completed through a pass through to the agency. The Department cannot dictate to the home health agencies how to spend the payment.

Ms. Kozak acknowledged the workforce shortage in the direct care industry. It is an issue across the spectrum. Home health agencies are having difficulty recruiting and retaining employees. Hospitals and their associations, despite bonuses and increased salaries, continue to have difficulties recruiting and retaining nurses. There is no easy solution. The Department is aware the PHE has impacted the direct care industry greatly and the issue is discussed daily.

Ms. Kozak introduced the Low-Income Household Water Assistance Program (LIHWAP) that will help individuals with low income maintain access to drinking and waste line services. LIHWAP is a new temporary, one-time payment assistance program that was established through the American Rescue Plan Act (ARPA) to help families who have past due drinking water bills or waste-water bills, or whose services were or are going to be terminated. The application period opened on January 4, 2022. Additional information regarding the program can be found on the Department website.

Ms. Kozak continued with a report on the physical HealthChoices procurement implementation. The targeted effective date of implementation is July 1, 2022. The programmatic requirements remain the same. The changes include the plans, the zones the plans operate in, and the plans exiting the marketplace. All plans are required to submit readiness review materials to be evaluated for network adequacy. The Department has identified approximately 400,000 individuals that will need to select a new plan.

### **Secretary Update**

Acting Secretary for the Department of Human Services (DHS) Meg Snead joined the meeting and discussed DHS priorities for the last year of Governor Wolf's administration. Secretary Snead discussed housing as the top priority. One billion dollars in federal funding was made available for housing and utility assistance for individuals that were impacted by the pandemic. The Department has an unprecedented opportunity to help Pennsylvania residents in terms of the Emergency Rental Assistance Program.

Secretary Snead continued with the Department's priorities related to post-partum coverage period. ARPA gave states the ability to expand the Medicaid post-partum coverage period to a full year following the birth of a baby. The United States was reported as having the highest rate of maternal mortality in the industrialized world. An extension of the post-partum period is a step in the right direction. The targeted effective date is April 1, 2022.

Secretary Snead finalized the DHS priority report by discussing juvenile justice facilities as a priority. The elements of a facility inspection in this setting needs revisited. Eleven months is not enough time to complete a regulatory overhaul, but the Department is committed to filling the gaps in the safety net.

Ms. Minta Livengood the representative for Indiana County Welfare Rights inquired about the MCOs being more productive in terms of communicating with their members the housing programs that are available. Secretary Snead responded by assuring the committee the Department is seeking all opportunities available to inform the community.

Mr. Joe Glinka from Gateway Health Plan inquired about the possibility of a retroactive post-partum period and Secretary Snead confirmed the effective date of the post-partum extension to begin with dates of service on or after April 1, 2022.

Mr. Lloyd Wertz, a consumer, inquired about the steps OMAP is taking to prevent the closure of local hospitals during the COVID pandemic. Secretary Snead acknowledged the importance of mitigating as many closures as possible. Ms. Kozak also provided that the Department works closely with the Department of Health (DOH) to evaluate facility stability. Safeguarding access points for beneficiaries is a priority. If a facility closes the Department identifies those beneficiaries impacted and works with the MCOs to execute a seamless transition. The closure of Jennersville and Brandywine significantly impacted the behavioral health community. The Office of Mental Health and Substance Abuse Services (OMHSAS) continues to address these concerns.

In closing, Secretary Snead provided that no decisions have been made to terminate any current initiatives. The Department will continue to consider new and current projects and the capacity to complete the work.

### **1115 Demonstration Waiver Renewal Presentation**

Mr. Benny Varghese, Acting Bureau Director for OMHSAS Bureau of Policy Planning and Program Development and Ms. Nicole Silks, MA Eligibility Policy Division Director for the Office of Income Maintenance (OIM) provided the Department's intent to apply for an extension of the Medicaid coverage for former foster care youth (FFCY) from a different state and substance use disorder (SUD) components of the Section 1115 Demonstration waiver.

Public hearings will be held on February 2, 2022, and February 4, 2022, from 10:00 - 11:30 a.m. A copy of the extension application and other relevant information can be found on the Department's website. An announcement of the proposed renewal was published in the *Pennsylvania Bulletin* issued January 15, 2022. The public comment period ends February 15, 2022.

Ms. Nicole Silks began with an overview of the original demonstration effective from October 1, 2017, through September 30, 2022. The original demonstration provided Medicaid coverage to out-of-state FFCY under 26 years of age, who were in foster care under the responsibility of another state or tribe in such other state and enrolled in Medicaid when they turned 18.

The objective of the out of state FFCY component is to increase and strengthen overall coverage of the FFCY population and improve health outcomes. Data showed that the demonstration has provided continuous health insurance for 40 percent of the 38-youth enrolled in the program each year and promotes improved health outcomes. Specifically noted were improvements to medication management in 100 percent of this population who have asthma or those who are on persistent medications.

Mr. Varghese continued the presentation with a brief background of the SUD component of the demonstration renewal. Following a 2016 federal provision that restricted the Department from providing critical services to individuals aged 21 to 64 in an institution of mental disease (IMD), the Department submitted the original SUD component of the demonstration. CMS approved the original demonstration in July of 2018.

Mr. Varghese reviewed the objectives of the demonstration including increased rates of identification, initiation and engagement of treatment, increased adherence to and retention in treatment, reduced overdose deaths particularly those related to opioids and reduced utilization of emergency department and inpatient hospital settings for treatment. Overall, there was improved access to care for physical health conditions.

The Department utilizes six milestones developed by CMS as the roadmap to achieving the objectives. The milestones include access to critical levels of care for opioid use disorder, use of evidence-based SUD specific patient placement criteria, use of nationally recognized evidence-based SUD program standards to set residential program standards, ensuring sufficient provider capacity at all levels of care, health information technology advancements and improved care coordination and transition between levels of care.

Mr. Varghese discussed the budget neutrality requirement of all 1115 demonstrations. CMS has confirmed the FFCY component of the demonstration is likely budget neutral. The SUD component of the demonstration has budget neutrality limits. The Department's proposed renewal is within budget limits established by CMS.

### **OMHSAS Update**

Ms. Kristen Houser, Deputy Secretary for the Office of Mental Health and Substance Abuse Services (OMHSAS) provided the OMHSAS update.

Ms. Houser began the report with an update on 988, the new 3-digit number to the National Suicide Prevention Lifeline. The target roll-out date is July 16, 2022. Pennsylvania call centers are prepared for a July 16, 2022, implementation date. Ms. Houser offered a reminder that 988 is not just about calling the hotline, but also includes the crisis services available to the caller. The Department continues its efforts in developing legislation to defining "crisis services" and securing a sustainable funding stream.

Ms. Houser continued the report with a review of workforce support payments. Workforce support payments were made available to four specific kinds of service providers under Home and Community Based Services. The Department has sent attestation letters to those providers and expect payments to be sent within the next 30 days. OMHSAS continues to work with CMS to determine the requirements of monitoring and oversight.

### **OLTL Update**

Ms. Jamie Buchenauer, Deputy Secretary for the Office of Long-Term Living (OLTL) provided the OLTL update.

Ms. Buchenauer began the update with a report on the Community HealthChoices (CHC) participant vaccination rate update. The data presented showed 48.7% of Amerihealth Caritas Keystone First participants were vaccinated, 43.9% of Pennsylvania Health and Wellness participants were vaccinated, and 63.2% of UPMC participants were vaccinated. Overall, there was good improvement.

Ms. Buchenauer continued with an update on the financial management system (FMS) transition. Stakeholder meetings are still being held. Ms. Buchenauer encouraged individuals who are interested in the FMS transition to attend those meetings. Invites to the meetings are posted to the LISTSERV.

The Department is working with Tempest, the administrative servicer for the CHCs, to obtain critical information needed from participants and their direct care workers for a seamless transition. Participants and their direct care workers must submit the necessary information by April 1, 2022. When the necessary information is received, participants and their direct care workers will be directed to participate in the Tempest training. For the FFS population, OLTL and the Office of Developmental Programs (ODP) have submitted a request for proposal for a new vendor for FMS. The Department will request an extension to the current contract with Public Partnership, LLC if no forward progress is made by July 1, 2022.

Ms. Buchenauer reported as a result of the ARPA funding, payment rates were increased by 8% into the CHC and OBRA waivers. The rate increase applies to both agency and participant directed models of personal assistance services. The 2022 CHC agreements require the MCOs to pay, at minimum, the OBRA fee schedule rates. The Department encourages agencies to pass the increase along to the direct care workers. Strengthening the workforce payments were generated to providers who submitted the appropriate attestation.

### **ODP Update**

Ms. Kristen Ahrens, Deputy Secretary for ODP provided the ODP update.

Ms. Ahrens began with a report on the funding available for enhancing, strengthening, and expanding HCBS. ODP focused on addressing the staffing issues, supporting individuals and families on the waiting list, increasing access to the use of technology, enhancing the infrastructure that supports the HCBS system for ODP, and serving more individuals in the community.

Approximately \$134 million in supplemental one-time payments were paid to providers to assist with recruitment, retention, and COVID-related staffing issues. The Department will process payment requests through January 31, 2022. Additionally, public comments are being reviewed for ODPs proposed rate enhancements. When finalized, the rates will be effective retroactively. The estimated cost for this enhancement is \$400 million annually. The Department is committed to implementing these enhancements promptly.

Ms. Ahrens continued the report with an update to ODP's long term strategy related to workforce issues. Quality strategies are being developed to move towards a system of credentialing and certification for all direct support professionals. Funds are available through ARPA to provide supplemental payments to providers who want to adopt different kinds of credentialing. Targeted launch date is March 1, 2022. Funding allocations for individuals on the ODP waiting list are still pending. ODP is waiting for CMS approval of Appendix K.

### **MA Bulletins**

Ms. Eve Lickers, Director of the Bureau of Policy, Analysis & Planning, indicated that several MABs were issued since the last MAAC meeting. Specific mention was made about MAB 01-21-19, "Vaccine Administration by Pharmacists" and MAB 01-22-05, "Billing Procedure Update for Certified Registered Nurse Practitioners and Physician Assistants". All MABs are available on the "What's New at OMAP" page of the DHS website.

### **Subcommittee Reports**

Deferred until February

### **Adjournment**

Ms. Shoemaker received a motion to adjourn by Minta Livengood. The next meeting of the MAAC will take place on Thursday, February 24, 2022.