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CMS Proposes Medicaid “Mega-Reg”

The Centers for Medicaid and Medicare Services (CMS) recently issued proposed regulations that would significantly change the Medicaid managed care program. These regulations, which are being dubbed the “mega-reg”, would be the first major change to Medicaid managed care since 2002.

While the included regulatory changes are expansive, New York State may be better suited to integrate the proposed rule than other states, as many of the proposed provisions are already established policy in New York. Some of the proposed changes include a mandated plan medical loss ratio (MLR) of 85%, a suggested minimum MLR, required in-depth CMS analysis of plans that have rate-ranges rather than set prices, and provisions that encourage value based purchasing, such as bundled payments, patient centered medical homes (PCMHs), and care coordination. We will be preparing an in depth analysis of the proposed regulation and its impact on New York.

Comments on the proposed rule are being accepted until July 27, 2015 at 5:00 p.m.

Updated Health Home Billing Guidance

Last week, the Department of Health announced that the effective date for the new Health Home rates (HARP and Non-HARP High Medium and Low and a uniform outreach rate) has been moved to January 1, 2016. This change is intended to harmonize the rates with the updated behavioral health services transition timeline. Direct billing for existing legacy and non-legacy Health Home rates for the former OMH and COBRA Targeted Case Management (TCM) agencies as well as the OASAS Managed Addiction Treatment Services (MATS Agencies) will also remain in place until January 1, 2016.
A summary of the updated behavioral transition timeline and revised billing guidance can be found [here](#).

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### MRT Timeline Update

Last week, the Department of Health posted an updated managed care carve-in timeline. The new timeline largely reflects new dates, which have already been announced, with the addition of a few new target dates: the Assisted Living Program is now scheduled for December 1, 2016, and children residing in skilled nursing facilities are scheduled for April 1, 2017.

For more information and an excel version of the updated timeline click [here](#).

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### Correction to Public Health and Health Planning Council Meeting Agenda

The Public Health and Health Planning Council has posted their meeting [agenda](#) ahead of their June 11th full council meeting. The Council has erroneously included a resolution to disapprove numerous applications for licensure as home care services agency (LHCSA). These applications were *recommended for approval* by the Establishment and Review Committee on May 21, 2015. The included resolution should be disregarded. A revised agenda is likely to be issued.

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### Regulatory Updates

#### Department of Health

**Chronic Renal Dialysis Services (CRDS)**

The New York State Department of Health recently issued a [notice of proposed rulemaking](#) that would update chronic renal dialysis requirements for services provided in New York State chronic renal dialysis centers. The update would bring New York Code into compliance with 2008 amendments to federal regulation establishing Centers for Medicare and Medicaid Services (CMS) conditions for coverage for end-stage renal disease (ESRD) facilities. The proposed rulemaking would also require chronic renal dialysis centers to comply with certain standards that reflect current technology and practice in the field of ESRD care.

The regulation would define terms specific to dialysis treatment and related requirements. The proposed regulations also require that the operator of a chronic renal dialysis center providing pediatric services must obtain pediatric nephrology consultation services with a board certified pediatric nephrologist. Additionally, the proposed regulations establish requirements relating to water treatment and dialysate supply systems, dialysis stations, and emergency/disaster planning. Finally, the regulations would require chronic renal dialysis centers to comply with certain requirements for ESRD care, including patient assessments, LPN supervision, and employee documentation.

Comments on the proposed regulation will be accepted through July 20, 2015.
Department of Financial Services

Independent Dispute Resolution for Emergency Services and Surprise Bills

The State Department of Financial Services recently issued a notice adoption that would implement an Independent Dispute Resolution (IDR) process for emergency services and surprise bills for medical services. The IDR process proposed operationalizes Article 6 of the Financial Services Law, which established the IDR process to resolve disputes involving a bill for emergency services or a surprise bill. The revised proposed rule makes minor changes to the emergency rulemaking published in the April 1, 2015 issue of the NYS Register.

The adopted rule creates certification requirements for Independent Dispute Resolution Entities (IDREs). It also details the responsibilities of health care plans, non-participating physicians and non-participating referred health care providers, and an IDRE, including, standards for payment for the independent dispute resolution process.

Legislative Spotlight

The Legislature will be in session Monday June 8 through Thursday June 11 of this week. The Senate Insurance Committee will meet on Monday, June 8 at 12:30 p.m. The Senate Finance Committee will meet on Tuesday June 9 at 11:00 a.m. The Assembly Health Committee will meet on Tuesday June 9.

Here’s a look at what’s on the agenda for this week:

- **S.5535/A.7598 (Hannon/Gottfried):** This bill would delay the transition of persons receiving services under the traumatic brain injury (TBI) waiver or nursing home transition and diversion (NHTD) waiver into Medicaid managed care. It would also create a work group to develop recommendations relating to that transition. This bill is on the Senate Finance Committee and the Assembly Ways and Means Committee agendas.

- **S.5458-A (Hannon):** This bill would create standards for the establishment and operation of limited services clinics within a retail business or employer health service space. This bill is on the Senate Finance Committee agenda.

- **S.3444/A.4343 (Stewart-Cousins/Robinson):** This bill would require the Department of Health to provide notice to residents of Adult Care Facilities (ACFs) and assisted living when a temporary operator has been appointed. This bill is on the Senate Finance Committee agenda.

- **A.7820/S.5702 (Cymbrowitz/Serino):** This bill would extend the long term care ombudsman program, which is scheduled to end this year, for an additional two years (until 2017). This bill is on the Assembly Ways and Means Committee agenda.

- **A.7846-A/S.5486 (Cahill/Ortt):** This bill would prohibit health insurers from requiring providers of behavioral health services to offer “all products” offered by the provider of health care coverage (All products clause). This bill is on the Assembly Health Committee agenda.

- **A.7993 (Dinowitz):** This bill would grant an exception to permit the receipt of Medicaid capital cost reimbursement that includes the real property purchase price of a residential health care facility granted an operating certificate on or after March 10, 1975 when there is a change in ownership, following period of a court-ordered receivership. This bill is on the Assembly Health Committee agenda.
• **A.7155-A/S.4745 (Gottfried/Funke):** This bill would, under the Child Health plus program, establish the date of enrollment for newborn children as the date of the child’s birth, if the applicant for insurance applies prior to the child’s birth, or on the date the applicant for insurance applies for coverage if the application is made after the child’s birth. This bill is on the Assembly Health Committee agenda.

**Upcoming Calendar**

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<th>Date</th>
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<tr>
<td><strong>Wednesday, June 10</strong></td>
<td>Committee on Health Planning of the Public Health and Health Planning Council</td>
<td>11:00 a.m.</td>
<td>Department of Health, 90 Church Street, Conference Room 4 A/B New York, NY</td>
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<tr>
<td><strong>Thursday, June 11</strong></td>
<td>Full Meeting of the Public Health and Health Planning Council Committee</td>
<td>10:00 a.m.</td>
<td>Department of Health, 90 Church Street, Conference Room 4 A/B New York, NY</td>
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<tr>
<td><strong>Thursday, June 11</strong></td>
<td>Early Intervention Coordinating Council Quarterly Meeting</td>
<td>10:15 a.m. to 3:00 p.m.</td>
<td>Empire State Plaza Convention Center, Meeting Room 7, Albany This meeting will be webcast and available <a href="#">here</a>.</td>
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<tr>
<td><strong>Friday, June 12</strong></td>
<td>Preventive Health and Health Services Block Grant Committee</td>
<td>11:00 a.m. to 12:00 p.m.</td>
<td>Empire State Plaza, Concourse Level, Conference Room 125, Albany</td>
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<td><strong>Monday, June 15</strong></td>
<td>Adult HCBS Training for Health Homes</td>
<td>9:00 a.m. to 12:00 p.m. OR 1:00 p.m. to 4:00 p.m.</td>
<td>NYU Kimmel Center, Rosenthal Pavilion (10th floor) 60 Washington Square South, New York, NY Register for the morning session <a href="#">here</a>, or the afternoon session <a href="#">here</a>.</td>
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<tr>
<td><strong>Monday, June 22</strong></td>
<td>Empire State Stem Cell Board</td>
<td>9:30 a.m. to 12:30 p.m.</td>
<td>Department of Health, 90 Church Street, Conference Room 4 A/B New York, NY</td>
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To attend the meeting, provide advance notice by 4:00 p.m., Friday, June 19, at (518) 473-1394 or at nystembd@health.ny.gov.