

MINUTES
HOUSE HEALTH & WELFARE COMMITTEE

DATE: Thursday, January 21, 2021

TIME: 9:00 A.M.

PLACE: Room EW20

MEMBERS: Chairman Wood, Vice Chairman Vander Woude, Representatives Gibbs, Blanksma, Kingsley, Christensen, Lickley, Erickson, Ferch, Mitchell, Chew (Fuller), Rubel, Davis

**ABSENT/
EXCUSED:** Representative(s) Davis, Blanksma

GUESTS: Alexandra Fernandez and Fernando Castro, Health & Welfare; Carson Tester, Westerberg & Assoc.

Chairman Wood called the meeting to order at 9:00 a.m.

MOTION: **Rep. Lickley** made a motion to approve the minutes of the January 19, 2021, meeting. **Motion carried by voice vote.**

**DOCKET NO.
16-0309-2002:** **David Welsh**, Bureau Chief, Care Management, Division of Medicaid, presented **Docket No. 16-0309-2002**. This proposed Rule removes all Idaho Administrative Procedures Act (IDAPA) references to mental disease exclusion. It also supports implementation of previous legislation requiring the Director of the Department of Health and Welfare (DHW) to apply for federal waivers for cost-efficient use of Medicaid funds for substance abuse and/or mental health (MH) services in institutions for mental disease (IMD). A Section 1115 IMD waiver for reimbursement of both MH and substance use disorder (SUD) services in IMDs was approved, effective April 17, 2020.

As part of the approval process, an outside consulting firm was engaged for an actuarial fiscal analysis to prove the changes would be either cost neutral or a savings for state and federal funding. Quarterly proof of cost neutrality will be submitted to CMS throughout the five-year waiver demonstration period.

The waiver, which has already had a positive impact for Idahoans diagnosed with MH and SUD, will also help reduce Idaho's opioid overdoses and suicide rates.

Answering a question, **Mr. Welsh** said the IMDs provide cost neutrality or savings through lower service costs and better outcomes.

For the record no one indicated their desire to testify.

MOTION: **Rep. Gibbs** made a motion to approve **Docket No. 16-0309-2002**. **Motion carried by voice vote.**

**DOCKET NO.
16-0309-2004:** **Alexandra Fernandez**, Bureau Chief, Bureau of Long Term Care, Division of Medicaid, DHW, presented **Docket No. 16-0309-2004**. The amendments include access to peer support and recovery coaching services along with a federally required Electronic Visit Verification (EVV) for personal care and home health services.

Criminal history check clearance applicants who were denied due to alcohol and drug related criminal convictions would be able to apply for a clearance requirement variance. Because qualified providers have life experience with SUD, it is not uncommon for them to have drug or alcohol convictions on their criminal records. The changes align the Medicaid standards with the Division of Behavioral Health (BH) for services by this type of provider and furnish participants with improved access to qualified peer support and recovery coaching services.

The 21st Century CURES Act (Cures Act) requires EVV for specified Medicaid programs, with a penalty if not implemented. The proposed Rule changes establish EVV system standards for service providers. The 2020 legislative approval of \$2.4M for implementation includes associated one-time costs and a provider reimbursement rate increase to offset new software costs. The state costs are largely offset by avoidance of the non-compliance penalty.

Responding to committee questions **Ms. Fernandez** explained the non-compliance general fund penalty would be \$1.5M annually (1% of services). **Chairman Wood** requested she provide the ongoing maintenance cost information to the committee. The EVV is expected to help patients with better service information and improved caregiver reporting.

For the record no one indicated their desire to testify.

MOTION: **Rep. Lickley** made a motion to approve **Docket No. 16-309-2004. Motion carried by voice vote.**

DOCKET NO. 16-0310-2002: **Alexandra Fernandez**, Bureau Chief, Bureau of Long Term Care, Division of Medicaid, DHW, presented **Docket No. 16-0310-2002**. The proposed changes update the current nursing facility Behavioral Care Unit designation requirements and implements the EVV federal requirements.

The Behavioral Care Unit nursing facilities serve individuals with MH or medical diagnoses and challenging behaviors. The census requirement for this designation is increased from 20% to 30%. Since 2018, the number of Behavioral Care Units has increased from seven to twenty-one. The census increase provides improved access to services and provider incentives.

Additional changes implement the previously described EVV federal CURES Act requirement for services delivered to private residences.

For the record no one indicated their desire to testify.

MOTION: **Rep. Lickley** made a motion to approve **Docket No. 16-0310-2002. Motion carried by voice vote.**

DOCKET NO. 16-0321-2001: **Lori Wolff**, Deputy Director, DHW, on behalf of the Division of Licensing and Certification, presented **Docket No. 16-0321-2001**, with proposed changes in alignment with Executive Order 2020-13.

Terminology deletions alleviate the burden on agencies operating exclusively in participant homes and communities by removing the specific means by which staff supervision requirements are met. Duplicative requirements were removed. A re-write of this chapter, scheduled for 2021, will include input from certified agency stakeholders.

For the record, no one indicated their desire to testify.

MOTION: **Vice Chairman Vander Woude** made a motion to approve **Docket No. 16-0321-2001. Motion carried by voice vote.**

DOCKET NO. 16-0417-2001: **Lori Wolff**, Deputy Director, DHW, on behalf of the Division of Licensing and Certification, presented **Docket No. 16-0417-2001**. Certified provider types include agencies delivering residential habilitation (ResHab) services to adults with intellectual and developmental disabilities (DD), usually in the individual's home or community.

In response to Executive Order 2020-13, deletions have been made to remove duplicated sections. Because agency staff assists individuals to achieve their independent living goals, a section regarding the participant's home cleanliness was determined non-applicable and removed.

For the record, no one indicated their desire to testify.

MOTION: **Vice Chairman Vander Woude**, made a motion to approve **Docket No. 16-0417-2001**. **Motion carried by voice vote.**

DOCKET NO. 16-0307-2001: **Lori Wolff**, Deputy Director, DHW, on behalf of the Division of Licensing and Certification, presented **Docket No. 16-0307-2001**. The proposed changes allow licensed independent practitioners to order home health services and monitor patients in alignment with federal requirements. Definitions have been updated to include a licensed independent practitioner and all references to "physician" have been changed to "licensed independent practitioner."

For the record, no one indicated their desire to testify.

MOTION: **Rep. Rubel** made a motion to approve **Docket No. 16-0307-2001**. **Motion carried by voice vote.**

DOCKET NO. 16-0000-2000F: **Lori Wolff**, Deputy Director, DHW, presented **Docket No. 16-0000-2000F**, proposed legislation for previously re-codified omnibus Fee Rules which were not reauthorized after the 2020 Legislative Session. Two of the seventeen chapters have changes.

The Rules Governing Certified Family Homes (CFH) interactive training requirements have been removed. This allows a CFH provider to recertify based solely on the content of their annual training and addresses a hardship faced by many of the nearly 2,600 CFH providers.

Fernando Castro, Supervisor, Criminal History Unit, DHW Bureau of Compliance, further presented **Docket No. 16-0000-2000F**. The State West Hospital has been added to the Criminal History & Background Checks Employees at State Institutions list to allow processing for individuals who will work at our newest psychiatric treatment state institution when it opens.

The list of disqualifying offenses has been updated to include Female Genital Mutilation, as defined in Idaho Code Section 18-1506B. The victim of this type of crime is a person under the age of eighteen years of age and the severity of the crime is a felony with an adjudication of life imprisonment.

For the record, no one indicated their desire to testify.

MOTION: **Rep. Gibbs** made a motion to approve **Docket No. 16-0000-2000F**. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee the meeting adjourned at 9:43 a.m.

Representative Wood
Chair

Irene Moore
Secretary