

Draft Minutes

**HOME CARE EMPLOYMENT STANDARDS BOARD – SUBCOMMITTEE ON THE
MEDICAID HOME AND COMMUNITY BASED SERVICES PLAN**

May 2, 2022

2:00 p.m.

MEETING LOCATIONS:

Per Assembly Bill (AB) 253 (2021), public bodies whose members are not required to be elected officials may hold public meetings by means of remote technology system with no physical location.

Accordingly, all members of the public were encouraged to participate by using the web-based link and teleconference number provided in the notice.

Call to order– Cody Phinney, Chair Designee

Cody Phinney, Chair opened the meeting at 2:05 p.m.

Agenda Item 2: Roll Call – Kayla Samuels, Management Analyst

Kayla Samuels reviewed expectations for the meeting and took roll call.

BOARD MEMBERS PRESENT:

Cody Phinney, Chair Designee

Farren Epstein

Sue Wagner

DIVISION OF PUBLIC & BEHAVIORAL HEALTH (DPBH) STAFF PRESENT:

Kayla Samuels, Management Analyst, Bureau of Health Care Quality and Compliance (HCQC)

Kirsten Coulombe, Division of Health Care Financing and Policy (DHCFP)

Phillip Burrell, Deputy Administrator, DHCFP

OTHERS PRESENT:

Pierron Tackes, Attorney General's Office

Marlene Lockard, The Lockard Group

Linda Anderson

Melissa Pinnick, Service Employees International Union (SEIU)

Tess Opferman

Matt McDonald, SEIU

Roll call was taken, and it was determined that a quorum of HCESB subcommittee members was present.

General Public Comment

Chair Phinney called for general public comment. None heard.

Agenda Item 4: Possible Action Item – Discussion and possible action to make recommendations to Director regarding the implementation on Medicaid’s Home and Community Based Service Plan and Personal Care Services Plan

Cody Phinney, Deputy Administrator, Division of Public and Behavioral Health

Chair Phinney said the plans referred to in the agenda item are plans for supplemental payment, some of which has been made by Medicaid, to personal care workers and personal care agencies. Chair Phinney stated this meeting is an effort to address issues in the personal care industry. The purpose of the subcommittee is to ensure we have feedback for Medicaid in the way in which those plans are being implemented. Chair Phinney said the group is primarily making recommendations about state-funded services, which are primarily funded by Medicaid. It is true that when the government does that, it tends to have impact on the industry as a whole. The personal care services that are specifically addressed by [SB 340](#) include personal care, homemaker, attendant, respite services, and companion services. These are services that are paid for, sometimes by the government, and are provided in the home of the recipient. It is possible for these services to be provided in another setting, but the Board focuses on what is happening in the home. Chair Phinney expressed wanting to make sure the subcommittee had that framework in focus as the discussion is held. Nevada Open Meeting Law (OML) does not require Robert’s Rules of Order; however, they are utilized in the main HCESB meetings to keep activities orderly with the large group. OML is about the transparency in a meeting and making sure people have the opportunity to know what the Board is discussing. Chair Phinney stated the time left in this meeting will be used to discuss what the committee would like to recommend what is told to the Director about the implementation of the payment structures discussed.

Farren Epstein said 25 percent of employers did not even apply for the \$500 supplemental payments, saying she has friends who are homecare providers and neither of them got the \$500 supplemental payments because their employers did not apply for it. Ms. Epstein made a recommendation to reopen the initial application process for the 25% of employers who did not apply and require them to submit rosters of employees and pay eligible worker. Ms. Epstein also made a recommendation to require all agencies to submit rosters of employees and pay alle eligible workers for the second round of the \$500 payments also, stating she does not think it should be optional.

Sue Wagner agreed with Ms. Epstein’s recommendations.

Chair Phinney confirmed Ms. Epstein’s recommendation to the Director that Medicaid provider agencies be required to submit for payment all eligible workers according to the rules of that supplemental \$500 payment.

Ms. Epstein confirmed, emphasizing making the application mandatory instead of being up to the employers. Ms. Epstein said the application timeframe was quick and does not think some

employers understood a lot of it or understood the process and a lot of homecare workers missed out. When you are making a sub-wage, that is a big deal, and that is the whole purpose of the American Rescue Plan Act (ARPA) funds.

Chair Phinney reiterated that Ms. Epstein suggested the recommendation, and Ms. Wagner agreed, so that is the quorum and vote of the committee.

Ms. Wagner asked if Chair Phinney wanted the recommendation in the form of a motion.

Chair Phinney said if Ms. Wagner had additional information to express that now was the time.

Ms. Wagner declined, but asked if the recommendation needs to be a motion.

Ms. Epstein made a recommendation to reopen the initial application for the \$500 supplemental payments for the 25 percent of employers who did not apply and require them to submit rosters of employment and pay all eligible workers. In addition, to require all agencies to submit rosters of employees and pay all eligible workers during the second round of the \$500 payments.

Ms. Wagner seconded the motion.

Chair Phinney asked Kayla Samuels if she had accurately recorded the recommendation.

Ms. Samuels confirmed and stated the recommendation will be in the minutes as well.

Chair Phinney asked if anyone in attendance wanted to say anything about the \$500 supplemental payment issue. The other part of the agenda item is the 15 percent supplemental payments to the agencies. One thing that has been expressed was that the payment was in part meant to cover any work that was associated with the other part of the supplemental payments. Chair Phinney asked if there was any discussion about that portion. No comments heard from members of the Board. Chair Phinney called for public comment.

Marlene Lockard asked the subcommittee to discuss and possibly recommend that a report should be required by the providers on how these additional dollars are spent.

Ms. Wagner moved to require the state to make a report on how much money has been spent.

Chair Phinney clarified that Ms. Wagner's motion is to require that Medicaid get reports from their agencies how they are spending that additional supplemental funding and asked Ms. Wagner if that was correct.

Ms. Wagner agreed.

Chair Phinney called for a second.

Ms. Epstein seconded and said this is also supported on what we spoke on at the last board meeting.

Chair Phinney agreed and said those two motions will go into the minutes of this meeting, into the next full committee meeting for approval, and will also see that the minutes from this meeting get to Director Whitley for his consideration. Chair Phinney asked if there was any other discussion about recommendations to Medicaid on the supplemental payment plans. Any other discussion on home and community-based services or personal care services.

Ms. Epstein asked why the rural areas get more than the regular agencies.

Chair Phinney said she does not know the answer off the top of her head, but would say any questions on Medicaid are valid, as the rates are incredibly complicated and technical. Chair Phinney stated there are resources available to the Board to provide answers to questions like that from Medicaid and asked Phillip Burrell if he was willing to provide follow-up to that question in the form of either an email to all members of the Board or at a future discussion, or if Mr. Burrell happens to know the answer now. Chair Phinney asked Pierron Tackes if Mr. Burrell is allowed to answer the question at the meeting.

Ms. Tackes said that Mr. Burrell answering the question is allowed since it is related to the agenda item, so to the extent that Mr. Burrell has any input, he is welcome to provide that

Mr. Burrell asked for the question to be repeated.

Ms. Epstein asked why the rural areas get a higher reimbursement rate and why the funds are more for the rural areas.

Mr. Burrell said he will need to gather resources that exist and are specific to this question. Mr. Burrell said he will take the question back to his office and provide more details.

Ms. Epstein said she would like to understand the situation better, stating for someone who does not understand the way everything is funded, it seems unfair sometimes to someone who does not have the big picture.

Mr. Burrell said there is information on the Medicaid website, specifically information on the supplemental payments, and can pull that information, share it with the board, then provide additional details if helpful.

Chair Phinney thanked Mr. Burrell and said the frequently asked questions on the topic have been distributed, so it is possible individuals are having trouble finding the answers to specific questions in those documents. Reading materials have also been provided on the Program of All-Inclusive Care for the Elderly (PACE), that is broader than what the Board is talking about. Though it is important to have that broad understanding of all the things being done, HCESB is very focused on those services that are being provided in consumers' homes and trying to address the workforce going into consumer homes to assist them. That can be a tricky situation and a little bit isolating to be going into someone else's home, or in the family member case, providing services in your own home. There are a lot of different angles. Chair Phinney said the committee did come up with two recommendations, which will be provided in writing and will

go to the next Board meeting for approval by the whole of HCESB. Chair Phinney asked for any other questions or discussion topics.

Chair Phinney stated there is a set end time for this meeting, and asked Ms. Tackes if it is necessary for State staff to stay on the line until 3:15 pm.

Ms. Tackes replied no, to the extent that the Board has gone through everything on the agenda, then it is appropriate to adjourn as soon as the Board is completed with everything that has been agendaized.

Agenda Item 5: Possible Action Item – Recommendations for future agenda items.

Chair Phinney asked for any recommendations for future agenda items for this subgroup. None heard.

General Public Comment

Ms. Lockard asked the subcommittee to consider other items under the state Medicaid plan, and one of those being rate reimbursement issues.

Chair Phinney asked if Ms. Lockard was referring to general reimbursement rates for the five services that were identified as the Board being focused on.

Ms. Lockard confirmed and continued that in preparation for that, would like to ask Medicaid how they intend to integrate the findings of HCESB with the study Medicaid is conducting on rate reimbursement rates. On proposed increase to rate reimbursement. HCESB has developed a survey as one mechanism of information to consider in the analysis of rate increase. If Mr. Burrell can tell the Board how Medicaid can meld those findings and integrate them together for recommendation. Ms. Lockard said that information might be helpful.

Chair Phinney reiterated that what Ms. Lockard is asking is to agendaize the discussion for reimbursement on those five services and hear from Medicaid on how they are integrating their recommendations from the broader committee and with the subworking group in the information they are gathering on their rates study.

Ms. Lockard confirmed.

Mr. Burrell said that conversation will shape once it is known what the recommendations are. Mr. Burrell said as far as the survey being part of the workbook for rate analysis, he can make sure the recommendations that come from the HCESB survey can be added to the rate reimbursement analysis.

Chair Phinney asked how the recommendations from HCESB and the rate study go together to improve outcomes for homecare works, how those pieces fit together, and how the recommendations from the Board will be used at Medicaid.

Mr. Burrell said he thinks Medicaid can take in the recommendations from the two separate items and can take in the recommendations from HCESB s part of Medicaid's rate study. The HCESB surveys will likely be completed before the Medicaid rate analysis, so can also incorporate it if acceptable with HCESB.

Ms. Lockard asked Mr. Burrell about the timing of Medicaid's rates study, also stating she appreciates that Mr. Burrell will incorporate the recommendations of the Board into the Medicaid study for budget purposes for the next legislative session. Ms. Lockard asked if Mr. Burrell anticipates having the results of the Medicaid study in time to incorporate into the executive budget that is presented to the legislature.

Mr. Burrell said Medicaid's goal is to get the study in the allotted budget time. Medicaid will be asking in the June International Finance Corporation (IFC) for official approval to mve forward. Once that is received, Medicaid will start with the analysis and studies. Timing will be fast paced, but Medicaid is doing as much as they can to get as much as they can included within the timeframe. Mr. Burrell said he can continue to give HCESB updates on the status of the report if acceptable. The goal is to get as much information as possible into the studies.

Chair Phinney asked Mr. Burrell to confirm when he says he is taking this to the June IFC, he is referring to the rates study that is going for approval.

Mr. Burrell confirmed.

Anything else, any other public comment

Chair Phinney asked Ms. Samuels for the next meeting date and time of the full HCESB.

Ms. Samuels said May 24 at 2:00 PM so long as there is quorum, which will be confirmed with members of the Board soon.

Chair Phinney said she will be sending information to the Board and noted hope to have the main HCESB meeting flow more smoothly and have shorter agendas.

Ms. Wagner asked if the next HCESB meeting is on a Tuesday.

Chair Phinney confirmed the next meeting on May 24 is a Tuesday.

Adjournment – Cody Phinney, Chair Designee

Meeting Adjourned at 2:37 p.m.