

Medicaid Advisory Committee Meeting August 11, 2009

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Committee Members: P- Present, A- Absent, *Proxy Present*

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| Michael Baker | A | Monica Foye | P | Dr. Judith Monroe | A |
| Lula E. Baxter | A | Maureen Griffin | P | Donald Mulligan, Sr. | A |
| Matthew Brooks | A | Maureen Hoffmeyer | P | Michael Phelps | A |
| Pat Casanova | A | Susan M. Holbert | A | Ed Popcheff | A |
| Mike Claphan | P | Ernest C. Klein <i>Glenna Shelby - Proxy</i> | P | Daniel Rexroth | A |
| Rep. William Crawford | A | John Kukla | A | Todd Stallings | P |
| Rep. Jeffrey K. Espich | A | Senator Jim Merritt | A | | |

Opening Comments

Chairman Todd Stallings opened this meeting. *Chairman Stallings* thanked everyone for attending. A quorum was not present for this meeting.

Approval of draft minutes from October 14, 2008, January 12, 2009, & May 5, 2009 meetings

At a regular meeting of the MAC held on August 11, 2009, *Chairman Stallings* announced the *Committee* could not vote regarding the draft minutes until a quorum was present. The *Committee* discussed the issue of a quorum.

LSA Document #09-262

Scott Linneweber, Staff Attorney with Family and Social Services Administration (FSSA), Office of General Counsel, reviewed LSA Document #09-262 which adds 405 IAC 2-3.2 to set forth the period of Medicaid presumptive eligibility, the process for application of benefits due to presumptive eligibility, services available to persons determined covered by presumptive eligibility, limitations on appeal rights related to presumptive eligibility, and other general requirements for defining and administering a presumptive eligibility program. *Glenna Asmus*, with the FSSA, Office of Medicaid Policy and Planning, (OMPP) was present for questions. A public hearing will be scheduled upon completion of the rules reviewed by the State Budget Agency. The date of the public hearing will be published in the Indianapolis Star, Indiana Register, and the FSSA web site.

LSA Document #09-87

Mason Pike, Attorney with Family and Social Services Administration (FSSA), Office of General Counsel, reviewed LSA Document #09-87 which amends 405 IAC 5-20-8 for purposes of adding practitioners who may be reimbursed for neuropsychological and psychological testing with prior authorization and includes practitioner obligations. This Medicaid rule amendment will allow for IHCP reimbursement of neuropsychological and psychological testing performed by mid-level mental health practitioners that are directly supervised by a health services provider in psychology (HSPP) or physician. The billing would still be done through the supervising physician or HSPP. This rule also amends 405 IAC 5-3-13 to make a technical correction to bring the rule into conformity with current practices under 405 IAC 5-20-8. The fiscal impact memo has been submitted to the State Budget Agency.

LSA Document #09-192

Mr. Pike also reviewed LSA Document #09-87 which amends 405 IAC 1-17-1 and 405 IAC 1-17-2 to include state-owned psychiatric hospitals within the state's cost-based reimbursement methodology and as facilities that fall under like levels of care. The amendment is necessary to more appropriately reimburse state-owned psychiatric hospitals in accordance with their costs. Since January 1, 2006, state-owned psychiatric hospitals have been reimbursed at a standard psychiatric level of care per diem rate of \$408.50 plus \$64.50 for capital cost reimbursement. This standard rate of reimbursement is not adequate to cover the costs of care incurred by several of these facilities. By including state-owned psychiatric hospitals to 405 IAC 1-17 these facilities will receive Medicaid reimbursement that more closely

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approximates their costs of providing care to patients. The fiscal impact memo has been submitted to the State Budget Agency.

Discussion of Organization Vacancies of the MAC and Rules Committees

Joy Heim, Attorney with Family and Social Services Administration (FSSA), Office of General Counsel said she was here to discuss the vacancies of the FSSA Advisory Committee (also known as FSSA Rules Committee) and the Medicaid Advisory Committee (MAC). The FSSA Advisory Committee has member vacancies. These members are needed to approve the rules. Currently there are eight (8) members and eight members are needed for a quorum. *Ms. Heim* distributed handouts of the vacancies of each committee. *Ms. Heim* said a requirement for the FSSA Advisory Committee is to have a MAC member on that committee. The MAC member appointed to the FSSA Advisory Committee cannot be a physician, state representative, or a representative of a Disproportionate Hospital (DSH) hospital. The FSSA Rules Committee members are all Governor appointed members that meet on the second Tuesday of each month. *Ms. Heim* reviewed the vacant positions of both committees. *Ms. Heim* asked that suggestions be turned in to the MAC Secretary, *Karen Clifton*, or herself at joy.heim@fssa.in.gov.

Questions/Other Issues

Dr. Joan Duwve, Medical Director for Public Health and Preparedness at the Indiana State Health Department spoke to the Committee of the H1N1 virus. In Indiana there have been 300 confirmed and probable cases with 4 fatalities. Nationally, as of the end of July 2009, there were 43,770 confirmed and probable cases in the US with 5,000 hospitalizations, and approximately 300 deaths. *Dr. Duwve* said caution should be given to these numbers as the confirmation process was slow in the beginning. Initially, it was the intention to get lab testing done on all probable and suspect cases. It was quickly realized that it was not going to happen. One lab in Indiana was not capable of testing every suspected case. It was determined to limit testing to hospitalized patients or fatalities with whom were suspected. There were many influenza patients who presented to physicians' offices who were not tested with who may have had this virus. It was estimated there were 10 – 30 times the number of cases actually that have been confirmed. This flu is still circulating. Influenza Type A cases are still circulating this summer. It is anticipated a vaccine could be available as early as the end of September. Currently, that vaccine is being tested. The Advisory Committee of Immunization Practices has recommended priority groups for the vaccine. There are five priority categories, however there are no ranks or file preference. All categories have equal status. Physicians are being urged not to refuse anyone in the first priority grouping for vaccine. Second, that until testing is done to make sure one vaccine or two vaccines will be required to make the vaccine effective. The Advisory Committee recommended to not hold the second vaccine, waiting for someone to come back to receive it, instead if a person needs that vaccine to give them that vaccine. The reason for these recommendations is that Centers for Disease Control (CDC) and Prevention anticipates a steady supply of the vaccine being shipped out to all of the states until everyone who wants that vaccine has been able to receive the vaccine. These priority groups consist of pregnant women, caregivers for children 0-6 months (children 0-6 months are not eligible), healthcare providers and first responders, children 6 months to 24 years (greatest flu activity in this group), and 25 – 64 years of age with a health condition. This influenza has had very little incidence of infection for persons over 65 years of age as expected to normally be 90% fatalities. CDC and Prevention has said that each state will be allotted based on population, an amount of vaccine, and it is up to each state to decide how they would like to distribute that vaccine to meet the needs of the priority groups. In Indiana, the vaccine will be shipped to local health departments, or their designees. The vaccine trials are testing whether the regular influenza vaccine and the H1N1 vaccine can be given at the same time. Questions can be directed to: jDuwve@isdh.in.gov.

Possible agenda items for the August meeting are:

1. Medicaid coverage of pediatric screenings and what is recommended by the American Academy of Pediatrics
2. EDS Enrollment Data Purge
3. IBM/ACS
4. 2010 Meeting Dates for MAC

Chairman Stallings adjourned the meeting.

Please Note: The next Medicaid Advisory Committee meeting will be held on Tuesday, October 13, 2009, from 2:00pm – 4:00pm in the IGCS Conference Center Room C.