

# **MEDICAID OVERSIGHT AND ADVISORY COMMITTEE**

## **Minutes**

**August 17, 2021**

### **Call to Order and Roll Call**

The meeting of the Medicaid Oversight and Advisory Committee was held on Tuesday, August 17, 2021, at 1:00 PM, in Room 169 of the Capitol Annex. Representative Daniel Elliott, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Stephen Meredith, Co-Chair; Representative Daniel Elliott, Co-Chair; Senators Ralph Alvarado, Danny Carroll, Jimmy Higdon, and Morgan McGarvey; Representatives Jim Gooch Jr., Melinda Gibbons Prunty, Steve Sheldon, and Lisa Willner.

Guests: Representative Kimberly Moser; Dr. Liza Creel, Director, Commonwealth Institute of Kentucky, Associate Professor, School of Public Health and Information Sciences, University of Louisville; Lisa Lee, Commissioner, Department for Medicaid Services, Cabinet for Health and Family Services, Robin Kinney, Associate Commissioner, Office of Finance and Operations, and Lindsey Kimbleton, Federal Program Specialist, Kentucky Department of Education; Troy Walker, President, Kentucky Ambulance Providers Association; and Gretchen Davis, Chief Executive Officer, Opportunity Center of Muhlenberg County.

LRC Staff: Chris Joffrion, Hillary Abbott, and Amanda DuFour.

### **Approval of Minutes**

A motion to approve the July 21, 2021, minutes was made by Senator Meredith, seconded by Representative Prunty, and was approved by a voice vote.

### **University of Louisville, Commonwealth Institute of Kentucky**

Dr. Liza Creel, Director of the Commonwealth Institute of Kentucky (CIK), gave an overview of the applied research the Commonwealth Institute conducts including but not limited to regional and state health outcomes and medical delivery system analysis. Dr. Creel discussed the opportunity for a partnership between the General Assembly and the Commonwealth Institute.

In response to questions and comments from Senator Meredith, Dr. Creel stated that there is an opportunity for the Commonwealth Institute researchers to look at other Medicaid delivery models and what that would look like in Kentucky. Dr. Creel stated that

CIK researchers are currently focusing on social determinants of health and the impact on public health which could be expanded to include different healthcare delivery systems.

In response to questions and comments from Representative Prunty, Dr. Creel stated that CIK's research focus is driven by responses to call for research proposals and funding appropriations and stated that if the committee was interested in CIK completing a Medicaid comparative study, the committee can contact her directly.

In response to questions and comments from Representative Elliott, Dr. Creel stated that the CIK is funded by multiple entities and can be commissioned by special interest groups for specific projects.

### **School-Based Medicaid Services**

Department for Medicaid Services Commissioner Lisa Lee and Robin Kinney, Associate Commissioner of the Office of Finance and Operations, Kentucky Department of Education, presented an overview of Kentucky's school-based Medicaid program and responded to the 2019 federal Department for Health and Human Services (HHS), Office of Inspector General (OIG) audit.

In response to questions and comments from Senator Meredith, Commissioner Lee stated that all providers under DMS have access to the child's medical records, including services provided to the student in the school-based-Medicaid program, in the KYHEALTHNET electronic medical record system, ensuring that there is not a disruption to the continuity of care. Commissioner Lee stated that the school-based Medicaid program was created through a carve-out of the Medicaid managed care program which means that managed care organizations are not facilitating the care in the schools.

In response to questions and comments from Senator Meredith, Associate Commissioner Kinney stated that while the OIG report is concerning, changes have been made since the period the report covered, which was 2014-2018, and many issues highlighted by the OIG in the report have been addressed.

In response to questions and comments from Representative Prunty, Ms. Kimbleton stated that KDE employs professional medical coders to ensure that services being billed are coded properly and reimbursement is reflective of the services rendered.

In response to questions and comments from Representative Elliott, Commissioner Lee stated that the disconnect and misunderstanding caused by the OIG report is in part due to HHS and OIG being different agencies to Centers for Medicare and Medicaid (CMS), and that CMS has not found the same deficiencies in the program that HHS and OIG have found.

In response to questions and comments from Representative Willner, Commissioner Lee stated that the time period the report covered, as well as OIG and HHS not being aware of the talks that DMS has been having with CMS, is why there was no resolution from the submitted appeal.

In response to questions and comments from Senator Alvarado, Associate Commissioner Kinney stated that she will follow-up with the number of nurses that serve the school system. Ms. Kimbleton stated that telehealth has been a success in school-based medical care and that it has expanded access to care in rural communities. Associate Commissioner Kinney added that KDE will look into telehealth stations in schools as an option for communities that do not have medical resources to spare.

In response to questions from Representative Moser, Commissioner Lee stated that DMS is working with KDE to come up with solutions to the claim errors found in the OIG report such as creating universal protocols in the claim process and making billing tied to the school to avoid a student of the same name being rejected for services despite being in a different district.

### **Medicaid Reimbursement for Ambulance Providers**

Troy Walker, president of the Kentucky Ambulance Provider's Association presented an update on the impact of 20RS House Bill 8 on Kentucky's ambulance providers and discussed Medicaid reimbursement rules for ambulance providers and the issues facing ambulance providers from the COVID-19 state of emergency.

In response to questions and comments from Representative Gooch, Mr. Walker stated that the provider tax payment that 20RS House Bill 8 implemented, is made after the assessment which should result in a profit, for ambulance providers. Mr. Walker added that due to House Bill 8, \$47 million has come into the Kentucky Emergency Medical Services (EMS) industry.

In response to questions and comments from Representative Prunty, Mr. Walker stated that the under 20RS HB 8, EMS providers pay a 5.5 percent assessment on off every emergency run but are reimbursed at 200 percent of the Medicaid rate for Medicaid emergency transport.

In response to questions and comments from Representative Willner, Mr. Walker stated that while he cannot speak for all providers, the main reason non-emergency transportation for behavioral health patients is not offered, is due to staffing shortages and an inability to be reimbursed.

### **Barriers to Behavioral Health Services**

Gretchen Davis, CEO of the Muhlenberg Opportunity Center, a Medicaid multi-specialty group, discussed barriers to providing care with managed care organizations such

as credentialing, staffing, and prior authorizations. Ms. Davis stated that the Opportunity Center lost over \$200,000 due to not having prior authorizations. Ms. Davis added that access to transportation is limited and this has prevented clients from getting to the Opportunity Center to receive services.

Senator Alvarado stated that he would like Commissioner Lee to be made aware of the issues Ms. Davis is having with MCOs so that those issues can be addressed.

**Adjournment**

There being no further business, the meeting adjourned at 4:30 pm.