

Meeting summary for OHCA NF Member Call (08/27/2024)

Quick recap

pete and Mandy led a member call for the Hca. Snf., discussing updates on the approval process for private rooms, Medicaid overpayments, and ongoing legal matters. They also provided updates on the Department of Aging's new technical assistance program, the state's new approach to technical assistance for facilities, and the expansion of My Care Ohio. Lastly, they discussed the structure of Mycare, Ohio, and the upcoming changes.

Next steps

- Nursing facilities to review their private room applications and expect potential site visits from ODM for verification.
- Nursing facilities to carefully review their ventilator claims and use clinical judgment when billing for non-invasive ventilation to avoid potential audits.
- Nursing facilities to review their SNF VBP performance score reports and submit any corrections by August 31st.
- Nursing facilities interested in the Department of Aging's EXCEL Academy program to apply for participation in the medication optimization cohort.

Summary

Hca. Snf. Member Call Instructions

pete and Mandy led a member call for the Hca. Snf. Mandy provided instructions for those joining via Zoom on how to participate, and pete acknowledged her precise delivery of the instructions. The pair also indicated that there were several updates to be discussed.

Medicaid Private Room Approval Process

pete informed Joe about the approval process for private rooms initiated by the Department of Medicaid. He clarified that the 40-day approval process, originally expected to start in September, would begin on July 9th, with approvals issued after that date. Medicaid would also conduct onsite visits to 51 facilities to verify the nature of their private rooms. pete and Joe discussed the distribution of notices regarding these visits, with pete confirming that notifications would be sent to the individuals who had submitted the private room applications. They also discussed the uncertainty surrounding the allocation of 51 buildings, with pete advising Joe to be patient and wait for notification.

Medicaid Overpayments and Non-Invasive Ventilator Rates

pete and Erin discussed the issue of payment and overpayment from Medicaid. Erin explained that there were two types of overpayments: ongoing ones due to regular issues like duplicate payments or non-deduction of patient ability, and future ones related to the December 2023 mass claim reprocessing resulting in system-wide overpayments. The latter have not yet started, but the Ohio Department of Medicaid intends to stagger the recoupment of these overpayments. Erin also warned about potential misuse of the non-invasive ventilator rate due to vendors pressuring nursing facility operators to inflate patient numbers. She urged caution and clinical judgment, and offered assistance from the Association if needed.

Legal Matters and Pending Legislation

pete and Debbie discussed ongoing legal matters including non-compete litigation and minimum staffing litigation. Debbie provided an update on the minimum staffing litigation, mentioning that a briefing schedule had been put forth by HCA against CMS and a decision was expected by March 2023. She also noted that the State of Texas had filed a separate lawsuit against CMS. Additionally, a federal court ruled in favor of non-compete clauses, meaning they could continue to be used unless appealed. pete added that there was pending legislation which, if passed, would affirm that CMS had no authority beyond the 8-hour RN coverage requirement, making the current litigation redundant.

Excel Academy Technical Assistance Program Update

pete shared updates regarding the Department of Aging's new technical assistance program, known as Excel Academy. The program aims to provide technical assistance and best practices to facilities based on issues cited in surveys. The first topic of the program is medication optimization, with weekly webinars, on-site visits, and collaborative group discussions planned for a 10-week period. The program is set to begin with a handful of facilities, with more to follow. However, pete noted that previous training programs have received mixed reviews.

State's New Technical Assistance Approach

pete discussed the state's new approach to technical assistance for facilities. Initially, the state had intended to target specific facilities, but after objections, they decided not to select providers at all, instead allowing anyone interested to apply. The aim is to help providers improve in areas they've been cited for deficiencies. pete also apologized for not communicating this information more effectively.

New Initiative, COVID-19 Vaccines, My Care Ohio

pete discussed the ongoing process of selecting candidates for a new initiative, led by Nancy Bucci, with a potential total of 10 participants chosen on a first-come, first-served basis. He also mentioned that additional cohorts are planned for the future. pete further shared updates regarding the approval of updated versions of the COVID-19 vaccines by the FDA and CDC, emphasizing the importance of these updates for reporting

purposes. Lastly, he provided an update on the plan to expand and restructure My Care Ohio, a Medicare Advantage plan with a Medicaid component, set to take effect on January 1, 2026.

Mycare Ohio Changes and Expansion

pete discussed the current structure of Mycare, Ohio, and the upcoming changes. He explained that dual eligible individuals are automatically enrolled in a Mycare plan for both Medicare and Medicaid, but they can opt out of one. However, the state intends to continue requiring dual eligible individuals to be in a managed care plan for their Medicaid benefits, even if they opt out for Medicare. He also mentioned that the state planned to expand Medicaid statewide in 2026. However, automatic enrollment for the Mycare program will not be allowed by the Federal Government, leading to questions about how the state will operationalize the new system.

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