

In This Issue:

State Budget Update

New York State Attorney General - Announcements

Value Based Payment (VBP) Update

Medicaid Update – February 2019

Medicaid Redesign Team Announces Request for Application (RFA): Olmstead Housing Subsidy

All Payer Database (APD) - New Encounter Data Submission Site

Regulatory Update

Related Articles and Other News

Legislative Update

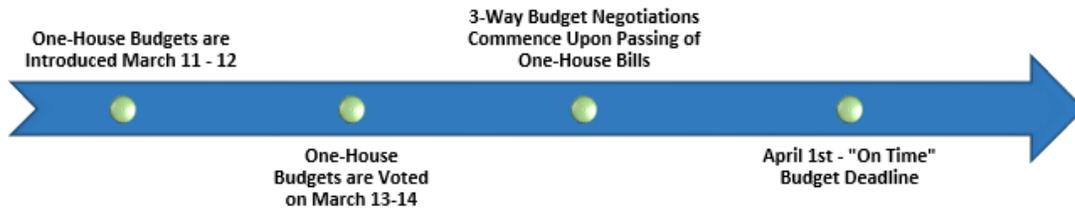
Calendar

Quick Links

State Budget Update

The Governor and legislative Leaders have failed to reach a resolution on available spending for the 19-20 State Budget by March 1st. As a result, by state law the State Comptroller has determined the available revenues to be [\\$190 million](#) (over a two year period) above the Governor's estimates, setting the starting point for 3-way negotiations between the Senate, Assembly and the Governor.

It is anticipated the Senate and Assembly will then introduce their respective SFY 2019-20 One-House Budget proposals early in the week of March 11th. Once introduced, the bills can be debated on the House floor and taken up for a vote on the third day. Once the Bills have passed their respective Houses, 3-Way budget negotiations will commence in efforts to reach an "on time" Enacted Budget deadline of April 1st.



New York State Attorney General, Letitia James Announces:

21 Attorneys General Challenge New Title X Restrictions on Access to Health Care

A coalition of 21 State Attorneys General filed a lawsuit challenging the constitutionality of the federal new Title X rule, alleging that the rule prohibits providers from referring or discussing an abortion with a patient, restricting access to reproductive health services and information for women and families. The lawsuit was filed in the U.S. District Court in Eugene, Oregon and led by Oregon Attorney General Ellen Rosenblum and New York Attorney General Letitia James.

The complaint can be found [here](#). The AG's announcement also stated that the Planned Parenthood Federation of America and the American Medical Association filed a parallel lawsuit last week in the U.S. District Court in Eugene, Oregon.

Arrest and Indictment of Former Employee of Two Brooklyn Based Hospitals

Attorney General James recently announced felony charges against a former employee of two Brooklyn based hospitals, Interfaith Medical Center ("Interfaith") and New York-Presbyterian Brooklyn Methodist Hospital ("BMH"), for allegedly stealing over \$550,000. The Attorney General's office alleges, the hospital employee, while working in the payroll department of the two hospitals between 2015 and 2018, engaged in a scheme to fraudulently direct funds from the hospitals to outside bank accounts set-up by the employee, using the personal information of other individuals. In 2012, the employee was convicted of Grand Larceny in the Third Degree for committing similar conduct when he worked in the payroll department at Kingsbrook Jewish Medical Center in Brooklyn. More details of the announcement can be found [here](#).

Value Based Payment (VBP) Update

2019 VBP Quality Measure Sets

Last week the Department of Health posted the following measure sets for 2019 to the DOH [VBP website](#):

- [2019 Managed Long Term Care \(MLTC\) Partial Subpopulation Quality Measure Set](#)
- [2019 VBP MAP and FIDA Quality Measure Set](#)
- [2019 VBP PACE Quality Measure Set](#)

Questions regarding the measure sets may be directed at: vbp@health.ny.gov

Medicaid Update – February 2019

To view the February 2019 - Medicaid Update in its entirety, click [here](#). Here are a few highlights.

New York State's Medicaid Doula Pilot Program

The New York State Department of Health recently issued an update regarding its [Doula Pilot Program](#). This article supersedes the Doula Pilot Program article published in the [December 2018 Medicaid Update](#). The following has changed since the December article:

- The number of allowable prenatal visits has increased from three to four.
- The fee for assistance during labor and delivery has increased from \$300 to \$360.
- The pilot will launch in Erie County on March 1, 2019 for both fee-for-service (FFS) and Medicaid Managed Care (MMC) members.

The pilot will launch in Kings County for both FFS and MMC members at a later date. On April 23, 2018, New York State (NYS) announced a comprehensive initiative to target maternal mortality and reduce racial disparities in health outcomes. This initiative includes a Medicaid pilot program to cover doulas. A doula is a non-medical birth coach who provides physical, emotional, and informational support to pregnant clients before, during, and after childbirth. Certified doulas have been shown to improve health outcomes in both mothers and babies.

NYS Medicaid FFS and MMC Plans will launch a pilot program to reimburse doula services. The Medicaid pilot program will be implemented through a phased-in approach in order to ensure access to this new benefit. Phase 1 of the pilot launches in Erie County on March 1, 2019. The Department continues to work with doulas in Kings County to enroll as Medicaid providers and Phase 2 of the pilot will launch in Kings County when provider capacity is reached. The ZIP codes included in the doula pilot are outlined the Doula Provider Manual, which can be found on the [eMedNY](#) website.

Policy and Billing Updates:

Reporting of the National Drug Code is Required for all Fee-for-Service Physician-Administered Drugs - Effective April 1, 2019, in an effort to improve claims accuracy and completeness, an accurate National Drug Code (NDC) must be reported for all physician administered drugs billed on the Institutional claim form. Drugs obtained at the 340B price, indicated by the UD modifier, will also require the NDC. There will be no exceptions to this policy. The eMedNY billing system will enforce this requirement effective July 1, 2019.

New HCPCS Code to be Used When Billing for Voretigene Neparvovec-rzyl (LUXTURNA™) - Effective [April 1, 2019](#), hospital claims for voretigene neparvovec-rzyl (brand name LUXTURNA™) should be billed to Medicaid using Healthcare Common Procedure Coding System (HCPCS) code “J3398”. Hospitals submitting claims for LUXTURNA™ for the period April 1, 2018 through March 31, 2019 should bill using HCPCS code “J3590”, unlisted biologic. Additional details for coverage and billing guidelines can be found [here](#).

Credentialed Alcoholism and Substance Abuse Counselor Now Approved for Billing Within an Article 28 Setting for DSRIP – Effective January 1, 2019, an Article 28 facility that has been granted Integrated Outpatient Services (IOS) or Delivery System Reform Incentive Payment (DSRIP) Project 3.a.i authority may bill for services rendered by a Credentialed Alcoholism and Substance Abuse Counselor (CASAC). The CASAC must be

properly supervised and medically directed. Clinics may bill for screening, individual and/or group counseling and other services, as applicable.

All Providers:

Maintaining and Updating Your Enrollment Records - Effective March 1, 2019, applications and change of address forms will be rejected if a telephone number is not associated with each service address. The 21st Century Cures Act requires all state Medicaid programs to develop and maintain a Provider Directory. Required elements of the directory include: provider name, specialty, service address, and telephone number for each service address. The State Medicaid program has made a directory of providers enrolled in the fee-for-service (FFS) program available on their [website](#) for viewing.

New York Medicaid EHR Incentive Program – The Medicaid Electronic Health Record (EHR) Incentive Program promotes the transition to EHRs by providing financial incentives to eligible professionals (EPs) and hospitals. Since the start of the program in 2011, 38,157 payments totaling almost \$1 billion have been distributed to Eligible Professionals & Eligible Hospitals. For additional details on registering as an EP, click [here](#).

Medicaid Redesign Team Announces Request for Application (RFA): Olmstead Housing Subsidy

The State Department of Health’s Office of Health Insurance Programs (OHIP), Medicaid Redesign Team (MRT) recently announced the release of the Olmstead Housing Subsidy RFA. DOH is seeking applications from community-based organizations to provide rental subsidies and non-medical services to Medicaid members who are looking to transition from a Skilled Nursing Facility (SNF) and move back into the community.

A link to the RFA can be found [here](#).

All Payer Database (APD) - New Encounter Data Submission Site

New York State Department of Health, All Payer Database has recently announced the development of a new Original Source Data Submitter ([OSDS](#)) area of the NYS Health Connector website. This area is under development and will be updated regularly. Additionally, the OSDS Project Team recently posted a questions and answers (Q&A) document which can be found [here](#). Additionally, this Q&A document will be updated on a regular basis by the OSDS Project Team, and encourages submitters to become familiar with submitted questions and responses, as well as welcomes data submitter questions and feedback at: apd.osds@health.ny.gov

Regulatory Update

Office for People with Developmental Disabilities

Enrollment in Medicare Prescription Drug Plans and Fully Integrated Duals Advantage Plans for IDD

The Office for People with Developmental Disabilities (OPWDD) has issued a notice of [expiration](#) for a proposed rule that allows individuals to be enrolled in a Medicare Prescription Drug Plan and Fully Integrated Duals Advantage Plan for Individuals with Intellectual and Developmental Disabilities (FIDA –IDD) through certain parties, when the individuals lack capacity to enroll themselves. This regulation was originally posted in the [February 14, 2018](#) issue of the State Register.

A revised version of a similar rule was adopted as an emergency adoption in the [July 11, 2018](#), issue of the State Register. The adopted version of this regulation was effective as of June 20, 2018.

Related Articles and Other News

[Support for \\$15 million Budget Proposal to Provide Waiting List Relief for Aging Adults](#)

[CMS to Unfreeze Star Ratings and Push for Improvements in Quality Measures](#)

[CMS Considers Tossing Hospital Star-Rating Methodology](#)

Legislative Update

The Legislature will be in session Monday through Thursday of this week. The following bills of interest have been placed on committee agendas:

Senate Health (Tuesday, March 12 at 11:00)

- [S870 \(Holyman\)/A4071 \(Gottfried\)](#): This Bill would increase the number of Public Health and Health Planning (PHHPC) members from the current 24 to 36 members. This Bill has passed the Assembly.
- [S3118 \(Hoylman\)/A2785 \(Gottfried\)](#): This Bill would establish a medication synchronization policy under Medicaid and Medicaid managed care. The Bill would require managed care plans to cover partial fills for prescription drugs and would prohibit pro-rating the pharmacy dispensing fee.
- [S3458 \(Rivera\)/A2794A \(Gottfried\)](#): This Bill would require Medicaid coverage for medically tailored meals and nutrition therapy.
- [S4183-A \(Rivera\)/A1034-A \(Gottfried\)](#): This Bill exempts oral prescriptions for patients in nursing home from the requirements for electronic prescribing for 2 years. This Bill has passed the Assembly.

Senate Women's Issues (Monday, March 11 at 10:30)

- [S3387 \(Kaplan\)/A2345 \(Solages\)](#): This Bill requires Medicaid coverage for lactation support, care, services and equipment w/out being ordered by a physician, PA, NP or midwife.
- [S4211 \(Sepulveda\)/A5975 \(Reyes\)](#): This Bill establishes lactation as a pregnancy-related condition requiring employers to make reasonable accommodations in the workplace.
- [S3543 \(Salazar\)](#): This Bill is a chapter amendment to Contraception Coverage Act, which was passed earlier this Session. It provides that the Act is limited to policies that provide medical, major medical, or similar comprehensive-type coverage. It also provides that vasectomies are covered without cost-sharing under the Act by clarifying that vasectomies are currently an Essential Health Benefit (EHB).

Assembly Insurance (Tuesday, March 12 at 10:00)

- [A2817 \(Simotas\)/S719 \(Savino\)](#): This Bill mandates health insurance coverage for in vitro fertilization (IVF) and fertility preservation services.
- [A2904 \(Quart\)](#): This Bill would prohibit health insurers from requiring prior authorization for the dispensing of buprenorphine for treatment of opioid addiction.
- [A6186A \(Gunther\)](#): This Bill would amend the Mental Health and Substance Use Disorder Parity Reporting Act passed last year to require health insurers to provide reports every two years, beginning on July 1, 2019.

Assembly Codes (Tuesday, March 12 at 11:00)

- [A3050 \(Simon\)](#): This Bill establishes specific procedures for the closure of assisted living residences (ALRs), including a prohibition on accepting new residents or increasing charges or fees upon the submission of a closure plan.

Calendar

Wednesday, March 13,
2019

Early Intervention Coordinating Council
10:15 am - 3:00 pm
Empire State Plaza Convention Center, Meeting Room 1,
Concourse Level, Albany

Wednesday, March 13
& 14, 2019

New York State HIV Advisory Body (HAB)
March 13 @ 10:45 a.m. and March 14 @ 9:00 a.m.
DoubleTree by Hilton, 100 Nott Terrace, Schenectady, 12308

Tuesday, March 19,
2019

NY Medicaid EHR Incentive Program Webinars
2:00 pm to 3:00 pm

Thursday, March 28,
2019

Meeting of the Public Health and Health Planning Council's
Committee on Establishment and Project Review (EPRC)
10:00 a.m.
Empire State Plaza, Concourse Level, Meeting Room 6, Albany

QUICK LINKS

[NYS Department of Health](#) --- [NYS DOH –Meetings, Hearings & Special Events](#) --- [Medicaid Redesign Team](#) --- [Senate Health Committee Website](#) --- [Assembly Health Committee Updates](#) --- [NYS Division of Budget](#)

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