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Governor Announces Members of the Medicaid Redesign Team II

Governor Cuomo has announced the 21 voting members of the Medicaid Redesign Team II. The Governor's FY 2021 Executive Budget proposes that the MRT II Team is charged with identifying \$2.5 billion in state savings within the Medicaid program for FY 2021, similar to the manner of the first Medicaid Redesign Team in 2011. The comprehensive recommendations should not only address the targeted FY 2021 savings, but also provide for structural changes to the Medicaid program that deliver recurring savings to keep future years of program spending within the Medicaid Global Cap confines. The individuals appointed by the Governor, categorized by industry experience, are as follows:

Hospitals

- **Co-chair:** Michael Dowling, President and CEO of Northwell Health
- Dr. Steven Corwin, President and CEO, New York Presbyterian
- Thomas Quatroche, PhD, President and CEO, Erie County Medical Center
- LaRay Brown, CEO of One Brooklyn Health

Health Plans

- Christopher Del Vecchio, President and CEO of MVP Health Care
- Pat Wang, President and CEO of Healthfirst

Legislative

- Todd Scheuermann, Secretary of Finance, NYS Senate
- Blake Washington, Secretary of Ways and Means, NYS Assembly

Labor

- **Co-chair:** Dennis Rivera, Former Chair of SEIU Healthcare
- Mario Cilento, President of New York State AFL-CIO

Long Term Care

- Emma DeVito, President and CEO of VillageCare

Home & Community Based Services

- T.K. Small, Director of Policy at Concepts of Independence

Other Professional Services

- Wade Norwood, CEO of Common Ground Health
- Donna Colonna, CEO, Services for the UnderServed (S:US)

State Agencies & Government

- Paul Francis, Deputy Secretary for Health and Human Services, Governor's Office
- Dr. Howard Zucker, Commissioner of Health
- Dr. Ann Sullivan, Commissioner for the Office of Mental Health
- Arlene González-Sánchez, Commissioner of the Office of Addiction Services and Supports
- Dr. Theodore Kastner, Commissioner of the Office for People With Developmental Disabilities
- Robert Megna, Senior Vice Chancellor and COO, SUNY
- Steven Bellone, County Executive, Suffolk County

Additionally, the MRT II will create an advisory Work Group to focus on issues associated with long-term care spending and growth and to identify efficiencies within the program. Members of the long-term care Work Group have not yet been announced.

The MRT II will hold their ***first meeting on Tuesday February 11th*** at 1:00pm. It is our understanding that there will be three formal meetings of the MRT. There are also going to be public hearings across the state over the next 4 weeks. The MRT meetings are subject to the state's open meeting laws.

Public Health and Health Planning Council Meetings

The Public Health and Health Planning Council ("PHHPC") recently held a full council meeting in New York City. A link to the full PHHPC agenda materials can be found [here](#).

The Codes, Regulations and Legislation Committee ("CRLC") met prior to the full Council meeting which they considered presented the full council two regulatory proposals for emergency adoption, two for adoptions, and two topics for information.

For emergency adoption:

- Regulation prohibiting the sale, possession, manufacturing, distribution, or offering of all flavored e-liquids was again approved for renewed for emergency adoption. The state's enforcement of this regulation is still pending litigation.

For emergency adoption ***and*** for information:

- Regulation that adds Novel Coronavirus to the list of communicable diseases that are required to be reported to the DOH by local health departments, subsequently authorizing isolation and quarantine measures if necessary.

For adoption:

- Regulation that repeals current requirement of additional years of training, beyond what is required for a limited permit holder under Education Law § 6525 and allows limited permit holders to become employed in hospitals across the state; and
- Regulation implementing changes to the CON application and review process for LHCSAs, requiring applicants to demonstrate a public need for additional LHCSAs within a county, as well as financial feasibility for the proposed agency.

The CRLC and the full Council recommended all four proposals for adoption. The CRLC also discussed for information a proposal that would reduce requirements for tuberculosis (“TB”) screening in healthcare settings by using a basis of individual risk assessment to determine the need for testing intervals.

The full Council meeting included presentations by Department of Health Staff including:

- ***Department of Health Commissioner, Howard Zucker*** presented updates on the Department’s activity, particularly related to monitoring and testing for the Novel Coronavirus throughout the state, as well as efforts to monitor and reduce the impact of Influenza, and the extension of the 2020 Open Enrollment Period through the first week of February. Dr. Zucker also highlighted the governor’s reconvening of a Medicaid Redesign Team (“MRT II”) to advance comprehensive recommendations that identify \$2.5 billion in state savings within the Medicaid program.
- ***Deputy Commissioner, Office of Public Health, Brad Hutton*** updated the Council on the Department’s progress to address the recent public comments regarding regulations that set minimum contaminant levels when testing public drinking water supplies, the state’s tobacco control efforts included in the Executive Budget proposal, and lastly, the state’s swift engagement and response to the concern for spread of the Novel Coronavirus over the last several weeks. The Department was commended by the Council for their strong communication and education efforts to bring awareness to this concerning issue.

The Establishment and Project Review Committee presented a report of recommendations on a series of CON applications. All applications presented were recommended for approval by the full Council, with limited discussion.

The next PHHPC Committee meetings are scheduled for Wednesday, March 18, 2020 in Albany, and the next full Council meeting is scheduled for Thursday, April 2, 2020 in Albany.

eMedNY Update – National Diabetes Prevention Program

The DOH’s [December 2019 Medicaid Update](#) includes information for providers interested in becoming a Medicaid-enrolled National Diabetes Prevention Program (“NDPP”) service provider. The article also provides a link to the [State’s Medicaid Redesign \(“MRT”\) page](#) that is dedicated to

Medicaid's coverage of the CDC NDPP, and includes the Medicaid FFS NDPP Policy and Billing guidelines.

Medicaid FFS NDPP provider enrollment is now available for any CDC recognized organizations or individuals by use of the [eMedNY NDPP provider enrollment page](#).

Additionally, the DOH will be holding a provider training webinar on March 3, 2020 at 10 a.m. and registration is now open for this session. The ***NDPP Medicaid Enrollment webinar*** is intended to familiarize providers and their staff with the Medicaid FFS enrollment process and review the resources available to accomplish enrollment successfully. The webinar will be an overview of the different enrollment processes for Individual Providers, Community Based Organizations (CBOs), Group Practices and Hospital / Clinic providers interested in enrolling in the NDPP. Interested parties can view the training schedule and register by clicking [here](#).

Regulatory Update

Department of Health

The Department of Health has issued the following notices:

Adopted rulemaking that requires any person operating a place of business where e-cigarettes or e-liquids are sold to post a sign published by the Department of Health that warns consumers about the dangers of using illegal e-cigarette and e-liquid products. This regulation was approved as an emergency adoption at the September 12th special meeting of PHHPC. This rule is effective as of February 5, 2020.

Notice of State Plan Amendment proposes to revise provisions of Early and Periodic Screening, Diagnostic and Treatment (“EPSDT”) services related to the expansion of behavioral health services provided to individuals under the age of 21 years, effective on or after February 6, 2020. This proposed State Plan Amendment is available for public review on the Department’s [website](#).

Legislative Update

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

Assembly Health – (12:30 PM, Tuesday, February 11 - Room 823 LOB)

- **A9520 (Joyner)/S7173 (Rivera)**: This Bill requires hospitals to adopt obstetric hemorrhage protocols and removes data reporting requirements to the DOH.
- **A9522 (Peoples-Stokes)/S7161 (Hoylman)**: This Bill requires hospitals to inform victims of sexual assault of the available rape crisis and local victim assistance organizations in the local area for coordination of non-medical services and requires the hospitals to provide a seven day

regimen of lily post exposure prophylaxis for those under the age of 18. This Bill also establishes a detailed tier schedule for provider reimbursement amounts by the Office of Victim Service, dependent on the level of care provided.

- [A9530 \(Gottfried\)/S7304 \(Hoylman\)](#): This Bill increases the number of members of the Public Health and Health Planning Council (“PHHPC”) from the current 24 members to 26 members, and increases the required consumer advocacy representatives from 1 to 3.
- [A9538 \(Gottfried\)/S7241 \(Rivera\)](#): This Bill requires Medicaid managed care plans to provide written notice of the contact information for the DOH designated independent consumer assistance program along with the independent substance use disorder and mental health ombudsman on all notices of adverse determinations, grievances and appeals.
- [A9648 \(Solages\)/S6952 \(Kaplan\)](#): This Bill requires that lactation counseling services be ordered by a physician, physician assistant, or nurse practitioner under the Medicaid program in order for such services to be covered

Assembly Higher Education – (11:30 AM, Tuesday, February 11 - Room 715 LOB)

- [A9034 \(McDonald\)/ S7115 \(Rivera\)](#): This Bill would allow for the partial filling of prescribed opioids at the discretion of the patient, and the pharmacist filling the prescription. This bill is similar to a Bill which was vetoed by the Governor. This version attempts to address the veto message (Veto #151) by now requiring that the partially filled prescription be recorded in the same manner as a refill.

Senate Health – (12 Noon, Tuesday, February 11 - Room 124 CAP)

- [S7523 \(Rivera\)/A9071 \(Gottfried\)](#): This bill enables auto-assignment into a managed long-term care plan (“MLTC”) when a person who is determined to be eligible has not chosen a plan within the first 75 days of eligibility, and also extends their eligibility if the auto-assignment has not been completed within the 75 day period. This Bill also allows individuals who have already provided documentation of resources to attest to the amount of accumulated resources if it has remained the same or has diminished.
- [S7336 \(Rivera\)](#): This Bill requires all health insurance policies, including Medicaid, to cover the equipment and supplies necessary to treat asthma, and for children under 19, requires that additional supplies for use in school are also covered if necessary.
- [S6779 \(Hoylman\)/A7281 \(Gottfried\)](#): This Bill prohibits the need for prior authorization for coverage of pre-exposure prophylaxis used to prevent HIV infection, however provides that insurer can deny a claim if determined to not be medically necessary.
- [S5397A \(Hoylman\)/A7807A \(Gottfried\)](#): This Bill requires providers who are treating patients for epilepsy to provide them with information regarding sudden unexpected death in epilepsy risk factors and conditions
- [S7304 \(Hoylman\)/A9530 \(Gottfried\)](#): This Bill increases the number of members of the Public Health and Health Planning Council

- (“PHHPC”) from the current 24 members to 26 members, and increases the required consumer advocacy representatives from 1 to 3.
- [S7335 \(Rivera\)](#): This Bill expands upon New York State's epinephrine statute allowing entities and persons to have access to epinephrine through a non-patient specific order, to also have access to rescue inhaler devices, and includes protection from liability when using inhalers in times of need.
 - [S7524 \(Rivera\)/A9097 \(Gottfried\)](#): This Bill requires the DOH to establish a work group to assess the impact of the current Doctors Across New York (DANY) grant application process for individual applicants versus the use of the New York State Grants Gateway for individual applicants.
 - [S7569 \(Skoufis\)](#) & Companion [A9003 \(Steck\)](#): This Bill requires coverage for complex rehab technology for patients with complex medical needs under the Medicaid program.

Senate Consumer Protection – (9:30 AM, Wednesday, February 12 – Room 901 LOB)

- [S3654 \(Salazar\)/A5946 \(Crespo\)](#): This Bill adds medicine to the list of consumer goods subject to price gouging laws and prohibits price gouging of medicines which are listed as being in short supply as reported by the FDA.

Calendar

Thursday, February
13, 2020

The Bureau of Tobacco Control and The New York State Tobacco Use Prevention and Control Advisory Board Meeting – Video Conference at DOH Satellite Offices

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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