



MINUTES

Name of Organization: Nevada Commission on Autism Spectrum Disorders

Date and Time of Meeting: September 15, 2020 4:00 p.m.

Due to the COVID-19 outbreak, Commission members will be attending telephonically and via Microsoft TEAMS. Members of the public will also participate via teleconference

Call to Order/Roll Call

Ms. Lozano called the meeting for the Nevada Commission on Autism Spectrum Disorders to order at 4:04 pm.

Members Present: Trisha Lozano, Lenise Kryk, Korri Ward, Julie Ostrovsky

A quorum was declared.

Public Comment

Ms. Gonzalez, with Legal Aid of Southern Nevada, made a comment about the Medicaid cuts for ABA and the negative impact it is having on their kids. Some kids are not receiving ABA at this time and are being placed in a care facility where no ABA services are provided there. Ms. Gonzalez is very concerned about this.

Approval of the Minutes from the September 1, 2020 Meeting (For Possible Action)

Ms. Ostrovsky made a motion to approve the minutes. Ms. Ward seconded the motion. The motion passed.

Workgroup Updates to Include Discussion Regarding Presenters for School Reopening Plans (Make Recommendations / For Possible Action)

Ms. Kryk reported on the Insurance and Funding workgroup. They are currently digging up good information and meeting every two weeks, before commission meetings. Sent questionnaires to Providers about the Medicaid rates and so far, six Providers completed them. The workgroup got to meet with ATAP and thinks it was very beneficial- learned about funding, plan types and possible barriers to some ideas they had. For the Adult part, they received a lot of research and comparison to other states and still deciding which way they would like to go with this. For the Medicaid part – they are still gathering information on what is current to then decide what to do as a

Commission. SB174 required an audit for Medicaid and ATAP, which should have been completed in the FY19-20, so once this is completed, this will impact the objectives for these workgroups. This workgroup is also looking for funding resources to do things.

Ms. Ward mentioned how everyone appreciates ATAP and loves working with them.

Ms. Lozano was not able to make the last meeting for the Workforce workgroup, however the group divide out some jobs to do research on. Ms. Lozano was able to get a contact for the Nevada Department of Ed. and is looking to gather numbers on qualified teachers to teach Autism. She did get in touch with DETR and working on gathering data for how many individuals they are serving with Autism and if there is qualified staff. The workgroup was able to get information on Licensed Behavioral Analysts in Nevada – 282. Licensed Assistant Behavioral Analysts in Nevada – 34. Registered Behavior Technicians in Nevada – 1,306. This workgroup is also working with UNLV for some information as well.

Ms. Lozano gave an update on Washoe and Clark County to present on the re-opening plans and support for students with Autism. She did get approval from Washoe County to present information on reopening plan, but still waiting on Clark County, as they did say they will get back to Ms. Lozano.

Presentation form Autism Treatment Assistance Program (ATAP) ATAP Staff

Ms. Jayme, Program Manager, commented on a couple of things that were brought to here attention before sharing her ATAP presentation. She expressed how she appreciated meeting with the Insurance and Funding workgroup and thinks it was very nice and successful.

Ms. Jayme mentioned ATAP's Insurance Assistant plan and it being a policy, but it is something that ATAP continues to look at. ATAP has been taking data on their plan types to see what is working/what is not working and how to move forward.

SB174, the audit through the Legislative Council Bureau, has been going on as well and they are looking at very comprehensive Autism services, which ATAP is still giving them this data. Ms. Jayme is interested in what the Legislative Council Bureau auditors come up with as well. Once all data is received, they will then be analyzing it and reporting their findings. Ms. Jayme is unsure about how long this will take, could be a few months, but the Legislative Council Bureau is aware it has been asked about. The Legislative Council Bureau will present final draft to ADSD, who will then share with the Commission.

Ms. Jayme stated that COVID has also thrown a wrench in things as well, as a lot of families lost their insurances or have changed their insurances.

Another things that came up in a past meeting was the utilization, so with the way information is pulled, ATAP will be looking at the utilization of funding and give an idea

of the percentage of funding that is being utilized, as well as the number of providers not accessing services. Ms. Jayme will not be going over this at this meeting, but has it noted for a future meeting.

Ms. Jayme went over transitions and Adult services – ATAP has been working with all the Regional Centers, as well as Early Intervention and their Phycologist in the South to streamline the eligibility process between Early Intervention, ATAP and the Regional Center. This process helps with the transition process. ATAP and the Regional Centers been working together monthly to share lists of co-served clients and having the Developmental Specialists check in with each other to see what services they are getting all the way around. When the time comes, ATAP tries to make the transition out as smooth as possible, starting the process about a year in advance.

Another thing that was brought up from the Workgroup was Vocational training for the older youth. Ms. Jayme stated that this is something ATAP is researching to develop because she believes this would be a great addition.

Ms. Jayme spoke about ATAP during COVID - ATAP is currently not doing home visits with the children in the program but have been utilizing the TEAMS App. to do face to face with families. They have also been able to join some of the telehealth calls that are being done in that manner. ATAP is still contacting their families monthly, if not more, providing resources and information to make them successful. Additional parent support was needed, so ATAP was able to increase parent training 1 hour per week to help support that and will continue this until December, then will reevaluate.

Ms. Jayme shared and went over ATAP's presentation that can be located on the ADSD website.

The Commission members requested the following information to be presented by ATAP on a future meeting: Breaking down the 915 Active Children by plan types and providing a list of Providers that have age restrictions.

Legislative Updates to Include General Discussion and Approval of Commission Strategies to Introduce or Propose Legislative Recommendations to Legislators (For Possible Action)

Ms. Ostrovsky requested Ms. Abbie to post the following on the ADSD website: BDR schedule and the Autism report that has been published on restraints in school districts, so these can be discussed at the next meeting.

Ms. Ostrovsky started reaching out to some legislators and people think it is crazy that we are asking for Medicaid increases right now, but there are some Legislators that are interested in championing this effort. Ms. Ostrovsky is hoping to finalize some things within the next two weeks.

Ms. Ostrovsky mentioned she was asked about SB216 – putting the Commission in statute - It was spelled out who needs to be on the Commission and it can be expanded or tweaked if there is trouble filling the vacant positions on the Commission.

Ms. Ostrovsky suggested looking for something vocational for adults as she thinks there may be 2 or 3 Legislators interested in sponsoring some Autism bills.

Ms. Kryk suggested proposing rate increases for people in the Workforce.

Ms. Rique Robb stated that their budgets were due in three weeks ago, requirements from the Governor, no increases were submitted. If it is not in the Medicaid or ATAP budget going in, then it would not have the opportunity to be funded. Prior to the budgets, they were hoping to get the information back from the audits with data, but that is not yet completed. Then COVID came and the Governor did not allow any increases or enhances, so nothing was submitted on either of those budgets. Unless there is a Legislator with a pot of money that can fund those two, Ms. Robb does not know how that would work.

Ms. Kryk asked if it is possible to use the current money differently so they can increase these rates? She is not suggesting for more money.

Ms. Robb said talking about shifting money, the main thing they can do is Evidence based – ABA, typically on the Early Intervention side.

Ms. Robb is not opposed to this but reminded to keep some things in mind: What is stated in the NRS, what caseloads look like (over 900), since the ATAP's waitlist has gone down by a lot, COVID – which cause some shifting. A major part to this is making sure the Commission has a good understanding of all the plan types because there is many, and Medicaid is only a piece of the assistance program for ATAP.

ATAP is an assistance program, so even if there was a rate increase on an assistance program does not necessarily mean they are to pay 100% of the rate.

Ms. Robb suggests the Commission do the following: Pull out the pieces you would like to research and get it on the agenda to discuss as a Commission, Ms. Robb can work with the Commission and team to end Medicaid to determine what does that say. The hardest part right now is the rate increase will not happen in this biennium and will not happen until 2 plus years.

Ms. Robb mentioned three new Providers coming on currently that have already gone through BOE, as well as between 5 and 7 that are in process of the RFQ process.

Ms. Robb also mentioned that they are tracking slightly different. ATAP will be tracked on actual utilization.

Ms. Kryk had the following to share: Is the \$31.30 rate for ABA services through ATAP policy or NRS? Presenting on plan type information. Is ATAP's budget final once

submitted? Ms. Kryk stated that she will continue to ask these hard questions and advocate for this community.

Ms. Robb took note of these things and answered that Medicaid cuts and agency request are different. Agency requests go to the Director's office, then to the Governors finance office, then the finance office works with the Governor and everything is confidential until the Governor makes his/her recommendation. Then it goes to the Legislator which then works with the Governors recommended budget to then deem it approved or not.

Ms. Frischmann suggests a flow chart for this process be posted to the ADSD website for a better understanding. She also understands it is a difficult time and recognizes the impact some of the decisions and short falls have. She stated that it is not taken lightly and is taken into consideration.

If Ms. Robb was a Commission member, she stated she would do the following: Make sure all Commission members know their information, discussion and meeting about what public comment and testimony will look like, making sure the Legislators have the most consistent information, recording and formalizing everything that is done. She believes a Commission completing these steps will be very successful.

Ms. Kryk asked how long is it taking for Providers to get on board with ATAP? How the budget was used previously?

Ms. Robb stated all previous budgets are online as public information and can be accessed.

Ms. Frischmann stated that the provider process goes through the Department of Admin. and not just ATAP, so it can vary on how long it takes.

Presentation on Mental Health Parity and Addiction Equity Act (MHPAEA) Division of Health Care Financing and Policy

Mr. Dwayne Young, Deputy Administrator for the Division of Healthcare and Policy, wanted to share some brief topics about what the division has done. The Mental Health Parity and Addiction Equity Act was passed by congress in 2008 and allowed some lead time for Medicaid needed to apply to commercial payers first. This then had a delayed implementation for Medicaid, with Medicaid needing to be in compliance by 2018. In 2017 the Division of Healthcare and Policy established a team across the agency that looks at what was divided into buckets for every Medical service. At this time, ABA services were applied in the Behavioral Health bucket and viewed by Medicaid as Medical services. They also looked at each managed care plan to get information about each one. Mr. Young stated what MHPAEA boils down to is on the behavioral health side, there be no absolute hard limits. At this time, they authorized two Medicaid service manual changes: 1. Dealing with crisis intervention 2. Dealing with services under case management, which applied a Prior Authorization.

Discussing Children Under MHPAEA – Children for EPSDT, they allow for override for those services if the service is medically necessary, even if it is restricted in policy or it is covered. So for those services MHPAEA often has limits that may be in policy are Prior Authorizations, but for a child who's medical/behavioral condition is severe, they are able to put in an exceptional form under EPSDT for Medicaid to cover those services up to the age of 21.

Mr. Young highlighted that several children with Autism qualify under the Katie Beckett program, which it is also governed under MHPAEA. This helps family with a secondary Insurance.

Ms. Ward asked if MHPAEA only applies for children, because right now Medicaid is not providing ABA services for adults?

Mr. Young answered that MHPAEA applies across the board for both Adults and children, however, since there is not corresponding medical services for adults in these aspects, ABA has not been offered for adults.

Mr. Young provided his email address: dyoung@dhcfp.nv.gov

Discussion and Possible Approval of Topics for the Biennium Report to the Governor Office (Make recommendations / For Possible Action)

Discuss and Approve Agenda Items for Future Commission Meetings (For Possible Action)

Ms. Lozano suggests looking at 'Discussion of Topics for the Biennium Report' at the next meeting on September 29th. There is also another Commission meeting scheduled for October 13th, which is the deadline to submit the topics for the report. Also, talk about ATAP and have them present on the questions that were presented.

Ms. Ostrovsky moved to discuss possible topics for the biennium report and having ATAP present on October 13th, 2020. Ms. Kryk Seconded the motion. The motion passed.

Public Comment

Ms. Frischmann reminded everyone of the ABA Board meeting, tomorrow at 2pm. The Listserv went down today but the agenda is posted on the website.

Ms. Dwiggins stated she happily get additional articles from a colleague. She mentioned to look at Peter Gerhart if you want to know about effective practice-based services in utilizing ABA for adults and adolescence. She can get this information to Ms. Kryk.

Ms. Lozano adjourned the meeting at 5:58 pm