

State of Rhode Island Office of the Health Insurance Commissioner
Social and Human Service Programs Review Advisory Council
Meeting Minutes
July 19, 2024
11:00 A.M. to 12:30 P.M.

Attendance

Members:

Co-Chair Commissioner Cory King, Co-Chair Elena Nicolella, Co-Chair Sam Salganik, Beth Bixby, Garry Bliss, Margaret Holland McDuff, Tanja Kubas-Meyer, Maureen Maigret, Carrie Miranda, Jim Nyberg, Nicholas Oliver, Lisa Tomasso (on behalf of Teresa Paiva Weed), John Tassoni

Rhode Island Office of the Health Insurance Commissioner Staff:

Taylor Travers, Molly McCloskey

Unable to attend:

Linda Katz, Laurie-Marie Pisciotta

Minutes

1. Call to Order

Co-Chair Sam Salganik called the meeting to order.

2. 2024 Legislative Session Review

Molly McCloskey reviewed the social and human service programs review project background, key deliverables (10 legislatively required reports), and the OHIC 2023 rate recommendations. She highlighted that in the 2023 review, independent rate model (IRM) comparison rates were developed for services comprising approximately 45% of total Behavioral Health Medicaid FFS expenditures, 60% of total HCBS Medicaid FFS expenditures, and 20% of total Children's Services FFS expenditures. This was highlighted to give the council an idea of the work that remains to be done. Molly talked about how I/DD service rates were not included in the 2023 recommendations because they had recently been reviewed. During this year's review, OHIC plans to work closely with BHDDH and I/DD providers to discuss how to best use the HMA rate recommendations.

Commissioner King added that I/DD services are effectively a quarter of the total social and human service program review services that will now be included during this review cycle. He stated that during the 2025 review we will need the council members help to identify priority areas like we did last time. The Commissioner reminded the council members that OHIC made, and will make, recommendations on rates paid on a state established fee schedule. Some services fit into the review scope from a programmatic definitional perspective (e.g., RIDOH Tobacco Quit Line) but do not fit into the rate review part of the process.

Sam Salganik thanked OHIC, EOHHS, legislators, legislative staff, and all state partners who helped with this effort. This was a historic investment in social and human service programs. Sam stated that IRMs are resource intensive, and now we have one round of experience. We have a fair number of services where we did an IRM and another fair amount where we applied an increase based on inflation. Sam asked – how similar are the recommendations that had an IRM increase vs. an inflation increase.

Commissioner King responded that he didn't have a specific number with him; however, last summer he looked at that as a test to see if both methods were moving in the same direction and whether one produced a higher outcome than another and that was not the case. Both methods moved rates up – there might have been a more generous rate had we done inflation versus IRM and vice versa. That made him comfortable using inflation adjustments as a rate review methodology. He reminded members that the statute is silent on rate review methodology. So, there were three methodologies in play – rebuild the rate, inflate the rate from the last time it was recently updated, and using benchmarks (like what other state's Medicaid agencies pay). In the final report, OHIC talked about the strengths and limitations of each methodology and ranked them in that order. The Commissioner stated that he is not a huge fan of benchmarks – they can be useful sometimes and other times they are not so useful.

Carrie Miranda stated that I/DD providers just went through the review with Burns and Associates, and we are just settling into working out some of the kinks from the system side. Inflation increases may make sense, but it seems like a big lift to redo the rates. It probably doesn't make sense. Have you considered that?

Commissioner King stated that OHIC's plan is to meet with BHDDH to better understand the Burns and Associates review and find out if there were there matters left on the table that need to be ironed out. At this point, I don't think we would propose throwing out the Burns and Associates/BHDDH rates but the most efficient way to deal with this is if it is working, build on it and not replace it.

Carrie strongly recommended including stakeholders in that conversation. It is a year since rates were implemented and providers are still unable to bill some of the new rates. It is challenging. It is not a massive systemic issue but as one can imagine, another set of changes isn't going to be easy. Any new change to the ecosystem will be dramatic.

The Commissioner thanked Carrie and stated that OHIC will have dedicated conversations with providers to learn more about those issues.

The Commissioner reviewed State Fiscal Year 2025 Budget as Enacted as it pertains to the social and human service programs review (see slide 8). The General Assembly fully funded the 2023 social and human service programs review recommended rates.

The Commissioner reviewed Governor's Budget Amendment #8, which would have made changes to the social and human service programs review statute – the amendment was not adopted. Additionally, for the social human service programs review, the legislature appropriated approximately \$800,000 for contracted services for the 2025 review, which is approximately \$600,000 less than what was included in the Governor's January budget. The 2023 review process had a budget of \$1.3M for contracted services.

Elena Nicolella asked if the rate review process is an ongoing process indefinitely or does it have to be reauthorized every year? The Commissioner responded saying that as long as it is in law, it is an ongoing process. It is an enumerated power and duty of the office to conduct this rate review. The way it has been set up historically, is each year OHIC has to ask permission to do it by putting in a decision package. We have to put in a different budget each year since it is a biennial process. This process is in the law, and OHIC respects and follows the law.

Sam stated that during the next legislative session, he is interested in thinking about the social and human service review process and how it might work more efficiently – especially due to the biennial nature – there are opportunities to streamline some of the processes.

The Commissioner stated that he is confident that OHIC will do a good job this time around. The legislature has been generous, not just from a funding perspective, but in giving OHIC the space to get this work done. OHIC is in a good place this cycle.

3. EOHHS Rate Implementation Update

Storm Lawrence, EOHHS, provided an EOHHS rate implementation update (slide 11).

Garry Bliss asked if it made sense to review the rate for community health workers during this cycle of the review. The Commissioner stated that that was a good observation. Over time, there will be new services and codes that fall within the scope of the statute, which is why OHIC works closely with EOHHS.

Sam asked EOHHS, for those of us with managed care arrangements that are impacted by these rate changes, when would you recommend that we reach out if we need contract amendments to update rate schedules and things like that? John Bonin (EOHHS) recommended to reach out now. Sam stated that sometimes MCOs say they need certain approvals from EOHHS before they will discuss anything. John replied that he recommends starting a dialogue now.

Elena asked if it would be easier to justify the rate increase because of the social and human service programs review process. Was it easier to respond to CMS's questions? John stated that EOHHS hasn't gotten the questions back from CMS yet. Elena asked if EOHHS feels like their justification is stronger because of this process – now it is a stronger and more transparent process. John stated that he hesitates to answer that question without having a dialogue with CMS. Other council members stated that they would be interested in knowing this.

Margaret Holland McDuff talked about how some service rates, (e.g., Healthy Families America), have blended funding where Medicaid is just one piece of the rate. How is the social and human service programs review process capturing that? Or how is EOHHS capturing that when the recommendations come to them? All the DCYF rates will be that way.

The Commissioner stated that he does not know, and that is why this is a resource intensive process. On the programmatic side of things, we can try to have a comprehensive view of the funding streams that go into a service. The way OHIC ultimately reads the statute, is to make recommendations on reimbursement rates and the only way to do that is to focus on rates from a state established fee schedule. There are many complexities in this process. There are areas where OHIC made inflation adjustment recommendations where it may actually make sense for us to build a new rate model and think about service structure changes. OHIC is going to work really closely with EOHHS on this because that is the agency with programmatic oversight.

Margaret stated that maybe her questions is something that needs to be deliberated on. It is a topic she wants to keep at this table – how can we partner with EOHHS to get more information around that and approach it in a strategic manner?

Storm reviewed slide 12.

The Commissioner complimented EOHHS on their important role in this process. OHIC will be meeting with EOHHS to discuss process improvements that can be implemented during this year's review cycle.

4. Next Steps

The Commissioner shared that Milliman remains under contract to work on the social and human service programs review. Prior to this meeting, OHIC received a question around whether it was possible to expedite review of a rate and make an off-cycle recommendation. Based on OHIC's reading of the statute, we do not think that is possible. OHIC will make recommendations every two years. Otherwise, OHIC could receive a flood of requests from providers to get certain services looked at off-cycle. The Commissioner added that OHIC will send out a request for rate prioritization around what rates should go through the IRM process. Also, OHIC asks that members let us know if we need to add a code.

Elena prompted advisory council members to think about the role of the advisory council. She asked if they think their role is clear? Or if there was something they could do differently this year.

Margaret said she thinks that their role is to bring their policy and systems perspectives to the table and to be helpful to OHIC and the consultants to pull in stakeholders as needed. That is how she viewed her role and she would be happy to play additional roles too.

Elena agreed with Margaret and asked if there were any proposed changes from the budget article that OHIC wanted to raise regarding the role of the advisory council. Molly replied that the budget article was based on the charter from the previous year. The only proposed change was to codify the council into state law. The Commissioner added that this council brings transparency to the process. Theoretically, a future Commissioner could conduct this process behind closed doors. He stated that council members' continued engagement on this process is critical and appreciated. He also stated that he was excited that we have more time to do this process this time around.

Sam shared his expectations, stating that the first time around there were many reports (e.g., detailing social and human services program eligibility rules) that required many resources last year. He said it was not his expectation that those reports will receive the same level of consulting resources again. Most of that information hasn't changed much over two years. We can focus more of our resources on the meat and potatoes.

Elena agreed. She also talked about how it is important for the council to show the impact of the rate increases and the process overall. She asked how they can show how the process results in increased access, employee retention rates going up, etc.

Maureen Maigret said that was a terrific point and agreed that there should be an evaluative component at some point.

Sam stated that there are three caveats that are important for everyone to consider when thinking about evaluation: (1) the impact of rate increases won't be felt right away – it will take multiple years, (2) this is not a controlled experiment and there are many factors beyond our control that impact access, and (3) baseline data around access is rudimentary.

5. Public Comment

Tina Spears stated that the new access rules from the federal government might be leveraged to help this process. She also stated that CPNRI has robust workforce data that could give this process a framework to work from.

6. Adjourn