

COMMONWEALTH OF KENTUCKY
CABINET FOR HEALTH AND FAMILY SERVICES
DEPARTMENT FOR MEDICAID SERVICES

IN RE: THERAPY SERVICES TECHNICAL ADVISORY COMMITTEE

September 10, 2019
8:30 A.M.
Cabinet for Health & Family Services
Cafeteria Conference Room
275 East Main Street
Frankfort, Kentucky 40601

APPEARANCES

Beth Ennis
CHAIR

Renea Sageser
Charlie Workman
(via video)
Linda Derossett
(via video)
Dale Lynn
(via video)
TAC MEMBERS

CAPITAL CITY COURT REPORTING

**TERRI H. PELOSI, COURT REPORTER
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APPEARANCES
(Continued)

Sharley Hughes
MEDICAID SERVICES

Jennie Handley
Lisa Lucchese
AETNA BETTER HEALTH

Pat Russell
WELLCARE

Holly Owens
ANTHEM

Rachel Vowels
Shannon Thornton
PASSPORT

Hilary Armstrong
FOUNDATION HAND &
PHYSICAL THERAPY

Appearing Telephonically:

Pam Marshall
MARSHALL PEDIATRIC THERAPY

AGENDA

1. Welcome & Introductions
2. Review and approval of July minutes
3. OLD BUSINESS
 - Any pre-certification issues currently?
 - Telehealth regulations - update on responses from DMS?
 - Any update on Medicare rules such as PT/PTA team seeing more than one patient at a time? Confusion on whether KY Medicaid was requiring these rules which would make treatment impossible in many clinics
4. NEW BUSINESS
 - Codes - if incorrect information is posted (rates or timed vs. visit), do MCOs have to retro to January 1 regardless of date of correction or is this just for new codes added to the schedule?
5. Other New Business from TAC Members
6. Public Comment
7. Recommendations to MAC
8. Adjourn

1 DR. ENNIS: Let's get started
2 in the interest of time because I know there's a 9:30
3 meeting in here. And since we're usually fairly
4 quick, I didn't move us today.

5 I think we sent out the July
6 minutes as soon as we got them from our court
7 reporter. Were there any changes that anybody saw to
8 the July minutes? I'm getting no's online. Renea,
9 you're good. Okay.

10 Sharley, do we know anything
11 about, because the telehealth regs were under
12 comment. The comment closed at the end of August.
13 Do we know when we're expecting a response back on
14 those comments?

15 MS. HUGHES: I think they're
16 due it's either the 13th or the 15th.

17 DR. ENNIS: Okay. So, within
18 the next few weeks.

19 MS. HUGHES: Well, within the
20 next few days they should be going back out.

21 DR. ENNIS: Okay. Are they
22 revising regs or just making comment on the comments?

23 MS. HUGHES: Now, I'm not sure
24 if they've actually made any revisions. I think
25 there has maybe been some corrections and things done

1 on the regs but I'm not sure what they are because I
2 haven't seen them.

3 DR. ENNIS: Okay. So, we will
4 keep our eyes out for the new versions of the
5 telehealth regs and get them out to folks as soon as
6 we see them.

7 It just dawned on me. We
8 didn't go around the room for our court reporter.
9 I'm so sorry, and I think someone just joined us on
10 the phone. So, let's start down there.

11 (INTRODUCTIONS)

12 DR. ENNIS: So, I apologize.
13 We'll jump back into the agenda now.

14 Did we get any comment back
15 from the Cabinet at all on the Medicare versus
16 Medicaid rules?

17 MS. HUGHES: I think we've
18 given the answer a couple of times and we're not
19 making any changes at this time.

20 DR. ENNIS: But we never got a
21 confirmation. It just said we're doing what we've
22 done but we never got a can you see more than one at
23 a time response.

24 MS. HUGHES: If we're currently
25 allowing you to see more than one at a time, then,

1 you can continue to see more than one at a time.
2 We're not changing our policy from what it currently
3 is.

4 DR. ENNIS: I don't know that
5 we ever got an answer on what the policy was. Nobody
6 ever knew could they or couldn't they.

7 MS. HUGHES: Have you not been
8 seeing more than one at a time and being paid?

9 DR. ENNIS: I don't know that
10 anybody has ever gotten a confirmation of whether
11 they could or couldn't. That was never clear in
12 policy.

13 MS. HUGHES: Okay.

14 DR. ENNIS: And that's what we
15 were asking for was some clarity in policy because
16 the third-party payors do not follow Medicare
17 guidelines. We don't know if Medicaid does.

18 MS. HUGHES: Okay, but didn't
19 you say that the Medicare rules changed. So, your
20 question was are we changing ours.

21 DR. ENNIS: No.

22 MS. HUGHES: We're not making
23 any changes at this time.

24 DR. ENNIS: No. It was is
25 Medicaid requiring us to follow Medicare rules.

1 There's not been a change to Medicare, and I'm happy
2 to spell all that out again, Sharley, if you want me
3 to send it in again.

4 MS. HUGHES: I'll send an
5 email.

6 DR. ENNIS: Okay. And I can
7 put some specific bullet points together for you just
8 to make it clear.

9 MS. HUGHES: Well, if you want
10 to send me that, then, I will forward that to Lee.

11 DR. ENNIS: Okay. I'll do that
12 this morning before I leave.

13 Did I leave any Old Business
14 off? Okay.

15 One of the new things that we
16 have been working through relates to our continuing
17 problem of code correction, whether it is codes being
18 posted as visit versus timed or new codes being
19 posted on the fee schedule that were effective
20 January 1.

21 The fee schedule finally gets
22 fixed around March or April and we're having some
23 discussion with different MCOs on whether they have
24 to pay those back to January, whether it's a new code
25 or whether it's a fixed code.

1 MS. HUGHES: And we thought
2 this had been resolved.

3 DR. ENNIS: We thought it had,
4 too.

5 MS. HUGHES: We changed either
6 March or April and I thought all the MCOs had said
7 they went back.

8 DR. ENNIS: For the ones that
9 we changed, they did. For new codes that got added,
10 they're saying no or one MCO is saying no.

11 MS. HUGHES: For a new code?

12 DR. ENNIS: Yes. A code that
13 was supposed to be added January 1, and it took a
14 while to get it added because the fee schedule had to
15 get fixed. And I can let our Passport representative
16 speak to it because this has been a discussion with
17 them primarily.

18 MS. VOWELS: So, it was
19 confirmed that we retro back new codes. Like, so, if
20 it's a new code, we'll retro back to 1/1, but any
21 rate changes, we're not retroing back to 1/1. And
22 that was discussed with DMS. Passport Compliance had
23 discussed that with them.

24 DR. ENNIS: Even if it's a rate
25 change that was supposed to be effective 1/1.

1 MS. VOWELS: Yes. So, we're
2 really anxious to hear the answer here, too. I'm
3 actually looking at a discussion from my Director.
4 She is kind of wondering what will transpire today,
5 but that was our confirmation from DMS is that they
6 approved that we would retro new codes but any new
7 rates we wouldn't retro back to 1/1.

8 Once that new fee schedule was
9 posted, we would then send out that 30-day notice,
10 and at that time, after thirty days, those new rates
11 would be established.

12 MS. THORNTON: And per our
13 Compliance Department, they said that that's in our
14 contract with DMS.

15 MS. HUGHES: I'm trying to find
16 an email that sent me the contract language and I
17 cannot find it.

18 DR. ENNIS: Our understanding
19 was that anything that was supposed to be effective
20 1/1, if it was an issue with DMS getting the fee
21 schedule posted correctly, was supposed to be retro'd
22 to 1/1.

23 MS. HUGHES: I don't think all
24 that changes. I'm trying to find the email. I don't
25 know why Angie's are not coming up.

1 MS. SAGASER: I think we can go
2 back in the minutes where it has been said in this
3 room that it would go back to 1/1.

4 MS. HUGHES: The four codes
5 that we changed from----

6 MS. SAGASER: I'm not talking
7 about new codes. I'm talking about just codes that
8 needed to be updated----

9 DR. ENNIS: Rate changes.

10 MS. SAGASER: ----or rate
11 changes, that we have been told because we've been on
12 everyone to get them updated ASAP and they said it
13 doesn't matter. They will be retro'd back. So, the
14 State is taking their sweet time.

15 MS. HUGHES: Well, I don't
16 think the State is taking their sweet time. I think
17 we've answered this several times at each of these
18 TAC meetings.

19 MS. SAGASER: We were told it
20 would go back and be paid.

21 MS. ARMSTRONG: It would go
22 back to 1/1.

23 MS. HUGHES: Because we were
24 talking about those timed codes or encounters versus
25 timed.

1 DR. ENNIS: We were talking
2 about anything that changed on the fee schedule
3 because it was taking the Cabinet three months to
4 post an accurate fee schedule, that anything that was
5 supposed to be valid as of 1/1, because it took them
6 that long to fix it, was going to be retro'd to 1/1,
7 whether it was a new code, a new fee or fixed from
8 timed to visit or visit to timed.

9 MS. HUGHES: I can't get this
10 to work.

11 MS. ARMSTRONG: The printed fee
12 schedules, too, online have effective 1/1/19 on DMS.
13 So, should they not be retro'd back to that date if
14 that's what it says?

15 MS. HUGHES: The four codes
16 that were an error, they were retro'd back to 4/1,
17 but if it's new codes - and I don't want to say this
18 for sure because I don't have my email - I can't find
19 it - is that if it's a new code, I don't think they
20 have to go back. The contract, I don't think,
21 requires that.

22 MS. SAGESER: She just said the
23 opposite of what you just said.

24 MS. VOWELS: Yeah. So, I guess
25 we just need confirmation----

1 UNKNOWN: Whether it's new
2 codes or rate changes.

3 COURT REPORTER: Everyone needs
4 to speak one at a time, please.

5 MS. VOWELS: So, I guess we
6 just need confirmation because my understanding is,
7 yes, new codes retro'd back to 1/1. Any rate changes
8 would not. So, if we could get confirmation on if
9 rate changes need to also go back to 1/1.

10 And, again, going back to our
11 Compliance Department has had conversations with DMS
12 about this and that's how we went back to the new
13 rates being retro'd.

14 MS. HUGHES: It's whatever is
15 in the contract and that's what I'm trying to get up
16 here. So, if we want to go ahead until I get the
17 language because I can't pull it up on this phone app
18 apparently. It's whatever is in the contract is what
19 all of the MCOs are held to.

20 Now, if they want to go back
21 and make it, then, they can but they don't have to
22 but I've got to get the correct language here.

23 DR. ENNIS: So, I guess my
24 question would then be what else can we do, short of
25 what we're already doing of handing the current fee

1 schedule to DMS, to get the right numbers posted on
2 1/1 so people are paid what they're supposed to be
3 paid?

4 MS. ARMSTRONG: Instead of it
5 being halfway through the year.

6 MS. HUGHES: Well, these codes
7 that you're talking about that were new codes, did
8 they not come out effective January 1?

9 DR. ENNIS: They came out
10 effective January 1. They were incorrectly posted
11 until March or April.

12 MS. HUGHES: So, they were on
13 the fee schedule but incorrectly posted.

14 DR. ENNIS: But had a wrong
15 rate. They had an old pay rate that was updated
16 January 1st----

17 MS. HUGHES: Okay. So, that's
18 not a new code.

19 DR. ENNIS: Right, but it
20 didn't get updated January 1st. It got updated
21 finally in the March or April fix.

22 MS. ARMSTRONG: And there were
23 several codes not on----

24 MS. HUGHES: Okay. So, if the
25 code was on there January 1 but our fee was wrong,

1 that has nothing to do with the MCOs. If the code
2 was on the fee schedule 1/1, the MCOs should have had
3 it on their fee schedule 1/1.

4 DR. ENNIS: Right, but they're
5 not paying the new rate.

6 MS. HUGHES: They don't have to
7 pay based upon our rate.

8 DR. ENNIS: But they do pay
9 based on your rate. That's the challenge.

10 MS. HUGHES: But they don't
11 have to.

12 DR. ENNIS: I get that, but if
13 they're basing their--and we can't control what they
14 do. If they're basing their rates on what's posted
15 on DMS, how do we get DMS to post the correct
16 schedule on time?

17 MS. HUGHES: Well, we start
18 working on the fee schedules in like--we start
19 working on them now if we have them. It depends on
20 when we get the codes and stuff.

21 DR. ENNIS: Right. And that's
22 why in our November meeting, we put a list together
23 that we provide to DMS with what we've heard from CMS
24 are updates and changes so that we're providing you
25 to the best of our knowledge.

1 MS. HUGHES: The issue is not
2 that the code was not on the fee schedule.

3 DR. ENNIS: Correct. It's that
4 it was incorrectly posted on a fee schedule.

5 MS. HUGHES: But the rate
6 wasn't correct on the fee schedule.

7 DR. ENNIS: Yes.

8 MS. HUGHES: It was correctly
9 posted on the fee schedule. So, the way I understand
10 it, if it was on our fee schedule January 1, then,
11 yes, the MCOs should pay it starting January 1.

12 DR. ENNIS: Correct.

13 MS. HUGHES: MCOs are not
14 required to reimburse the same amount as our fee
15 schedule. They contract.

16 DR. ENNIS: Right, but they all
17 do pay based on your fee schedule whether they have
18 to or not.

19 MS. SAGESER: Well, it's based
20 on your contract, I agree. So, if her contract, what
21 is it?

22 MS. ARMSTRONG: Hilary.

23 MS. SAGESER: Hilary. If your
24 contract says that Passport is going to pay you 100%
25 of the Medicaid fee schedule, okay, say that's her

1 contract, the question is if DMS' fee schedule was
2 incorrect and it's now updated, does Passport, based
3 on their contract that says they have to pay 100% of
4 that fee schedule, have to go back and update those
5 rates?

6 MS. HUGHES: Okay. The Cabinet
7 does not get involved in contracting issues between
8 the MCOs and the providers.

9 MS. SAGESER: So, that would be
10 against the provider and the MCO. And, so, the MCO
11 at that point would have to make that decision is
12 what she is saying.

13 MS. HUGHES: Yes.

14 MS. SAGESER: That's the
15 answer.

16 DR. ENNIS: Good enough.

17 MS. HUGHES: If the code was
18 there January 1, they were paying it. They were just
19 paying it incorrectly. Is that correct?

20 DR. ENNIS: Correct. They're
21 paying the old rate.

22 MS. ARMSTRONG: There's a lot
23 of conversation that has to go on with the MCOs which
24 is a headache.

25 MS. MARSHALL: Hey, Beth?

1 DR. ENNIS: Hang on, Pam, just
2 a second for me. Okay? And I just had a thought and
3 it left my head.

4 MS. HUGHES: So, I will have to
5 actually get that language back. That's not gospel.
6 I do know because we've said many times that we don't
7 get involved in contracting issues.

8 DR. ENNIS: And I get that.
9 I'm just trying to figure out how to make this work
10 so that we have providers who will agree to take
11 patients on Medicaid.

12 MS. ARMSTRONG: Because they're
13 dropping off like flies. In our county, in Madison
14 County, that's what is happening because of those
15 issues.

16 MS. HUGHES: And is this the
17 one code?

18 DR. ENNIS: No. This is four
19 or five codes that were updated and, then, the hassle
20 of retro billing for the ones that got fixed. I
21 mean, it's a problem on top of the fact that people
22 can't keep their lights on already.

23 Pam, do you have something
24 related to this particular issue?

25 MS. MARSHALL: Yes, I do. I

1 just wanted to mention that in addition to the time
2 line of when those rates got updated was toward the
3 end of April, I believe, and the MCOs state they have
4 a certain amount of time - and I'm not quoting what
5 that is, whether it be forty-five or sixty days or
6 something to update according to the Medicaid fee
7 schedule. So, really, it's actually like into May
8 when they began paying the new rate.

9 And it is very conflicting to
10 have Medicaid say these codes, these rates, the fee
11 schedules are effective 1/1/19 but not require
12 everyone to honor that fee schedule starting on
13 1/1/19.

14 DR. ENNIS: And I think the
15 challenge is that little line that says that they can
16 pay the rates they want to pay, that they don't have
17 to follow the fee schedule.

18 MS. MARSHALL: Right.

19 DR. ENNIS: They have to follow
20 the codes. They have to provide the services that
21 are on the schedule but not at the rates that
22 Medicaid has listed for theirs. So, that's a
23 contract discussion.

24 MS. MARSHALL: Yes. Your point
25 is most of the contracts aren't set up you pay blank

1 percentage of the Medicaid fee schedule. So, there's
2 got to be some guidance of when that fee schedule
3 actually begins.

4 DR. ENNIS: Sure.

5 MS. ARMSTRONG: And if they
6 agree to pay whatever percentage, should it not be
7 effective the date that DMS says if they're going to
8 pull from that fee schedule and say these are the
9 codes and this is what we're going to pay based on
10 that fee schedule because, then, you're trying to
11 figure out what to do on the business side of it, how
12 to handle that. It's a problem.

13 DR. ENNIS: Any other new
14 issues? We'll continue to work on getting
15 information to DMS to try and get that schedule put
16 up January 1 accurately, as accurately as possible.

17 My TAC folks on the video,
18 anything from you guys from your regions?

19 MR. WORKMAN: I did send it to
20 you the fee schedule that was provided by Amy Perry
21 for 2018 so that there's the ability for a rate
22 comparison from one year to the next.

23 I don't know if it's possible
24 going forward but, then, populate it into the website
25 and send it as a Word document out of Excel, so,

1 you've got to manually go in to manipulate the whole
2 document really.

3 You mentioned the work flow in
4 preparation for the new year and how important that
5 is for timeliness of code and fee reimbursement. I'm
6 wondering if we might be able to set up a foundation,
7 either in December sometime, in December that those
8 codes are accurate and that we fully understand the
9 rate change.

10 Our constituents ask that, what
11 rate changes are we anticipating on specific CPTs,
12 and I think that's a great service for the TAC to be
13 able to provide.

14 So, I just wanted to add that
15 comment. I don't know where it will go. Certainly
16 it's laborious to go in line item and try to do those
17 comparison rates where we should be able to have a
18 simple document that shows the effective changes,
19 positive or negative, either way as most of them are,
20 one direction or another.

21 DR. ENNIS: Sharley, our
22 contact thus far has been Charles Douglass.

23 MS. HUGHES: Correct.

24 DR. ENNIS: Are we still
25 working through him?

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MS. HUGHES: Yes.

DR. ENNIS: Okay, because I am happy to take what Charlie sent, put it in an Excel sheet so that it's not in Word - it's easier to work with - have a 2018, 2019 and, then, a prospective 2020 column so that if we anticipate CMS making changes to certain codes, we can highlight those and then just make sure that things are put up as best we can.

Should I reach out directly to Charles and just see if we can do kind of a checkpoint in December since we don't have a meeting then?

MS. HUGHES: Right. Now, if you're doing something as a TAC, if you all are meeting or you're emailing and you're doing this type of stuff to compile this, you cannot do that unless you're in an open TAC meeting.

So, the TAC members cannot get together outside of the TAC meeting to compile this.

DR. ENNIS: No. We haven't met. We just use an email document online with an Excel spreadsheet.

MS. HUGHES: Right. But if you're sending these documents out among TAC members

1 and asking for input and that type of stuff, that's
2 considered that you're doing TAC business and it
3 cannot be done. You have to do it during a TAC
4 meeting. You're breaking open meeting laws. No
5 business of any public agency, committees such as
6 this can be done via email. It has to be done in the
7 open. Sorry, but that's the law. I sent those
8 out----

9 DR. ENNIS: I saw that but it's
10 an interesting interpretation of the law. Charlie,
11 go ahead.

12 MR. WORKMAN: The request came
13 in from constituents to determine what's the rate
14 change. Nothing has gone out.

15 DR. ENNIS: Right.

16 MR. WORKMAN: It has come here
17 at this moment to the TAC to say this is a request.
18 And, so, we requested from Amy Perry the 2018
19 document so that we know those specific PT, OT and
20 speech therapy rates.

21 So, there's not any violation.
22 It's coming to this TAC meeting as we speak based on
23 your request for any additional information.

24 DR. ENNIS: Right. And my
25 thought is, for example, when we send the meeting

1 minutes out to be reviewed before the meeting, this
2 would be a similar thing where we're sending a list
3 out before the meeting to be reviewed so that at our
4 November meeting, we'll discuss it. Does that fit
5 with this?

6 MS. HUGHES: If you all are
7 having email conversations or telephone conversations
8 - this is not me interpreting - this is the law -
9 this is the Kentucky Attorney General document that I
10 have here - that it's interpreting the law and it
11 says--I mean, it even goes so far as to say if you
12 all are all at church or a church function or a ball
13 game and you start talking about the Therapy TAC
14 business, you're breaking open meeting laws.

15 DR. ENNIS: But we can send
16 information out to each other to review before a
17 meeting.

18 MS. HUGHES: I'm requesting
19 clarification from our General Counsel because at
20 Friday's meeting, people got upset when I said they
21 couldn't do the emailing. And, so, I am asking for
22 an interpretation from our General Counsel.

23 As far as an agenda because
24 it's hard for us to create an agenda without it, but
25 other business, when you're starting to talk about

1 looking at codes and that type of stuff, then, at
2 that point, I'm afraid you're probably bordering on
3 breaking open meeting laws.

4 DR. ENNIS: But I think there's
5 a difference sending a document around for me to her
6 to him to him versus I'm sending it out to everybody
7 to look at before the next meeting and we discuss it
8 in the next meeting.

9 MS. HUGHES: And that's an
10 example that the Attorney General Office's has given
11 is that if you and Renea meet or talk and you all
12 think, oh, yeah, this is a good idea and Renea says,
13 well, I'll call Charlie, you call Linda.

14 DR. ENNIS: But that's not what
15 I'm talking about. What I'm talking about is, for
16 example, two weeks ago, I sent out the minutes from
17 July and said review these before the meeting.

18 MS. HUGHES: Right.

19 DR. ENNIS: So, we come in
20 today and we talk and say does anybody have any
21 changes.

22 MS. HUGHES: Right.

23 DR. ENNIS: We're talking about
24 sending out a code list to everybody and say look at
25 it before the November meeting. And, then, during

1 the November meeting, we talk about are these
2 correct? Do you have changes we need to make before
3 we send them on to Charles Douglass?

4 MS. HUGHES: I mean, that goes
5 into the email, the request that I have now to our
6 General Counsel asking about even agenda items.

7 MR. WORKMAN: Hey, Beth?

8 DR. ENNIS: Yes, Charlie.

9 MR. WORKMAN: Sorry to
10 interrupt but Amy Perry that I assume these folks
11 know, the only pathway for her to communicate with us
12 was through email per her request.

13 And, so, she asked should I
14 send it to each member of the group and I said, no,
15 I'll do that for you instead of her having to not
16 only populate their emails in but also all of their
17 contact information and all that type of thing.

18 So, this was a request of a
19 pathway by Amy Perry for the distribution of these
20 rates.

21 DR. ENNIS: Okay. Thank you.
22 Renea.

23 MS. SAGESER: I guess my
24 question was like I thought that at these meetings
25 that they wanted new business to be already put on

1 here before the business. So, I guess we're saying
2 we don't even come with an agenda.

3 MS. HUGHES: That's the
4 clarification I'm asking about is the emailing of
5 agenda items and so forth----

6 DR. ENNIS: That's why I think
7 this is an over-extension or poor interpretation.

8 MS. HUGHES: ----because when
9 you look at it--I mean, like, for instance, at the
10 TAC meeting the other day, the association that was
11 represented on that actually said to the TAC members,
12 we don't have to worry about the recommendations now.
13 Just email them to me and I will work them up and
14 present them at the MAC. And I was like, no, you're
15 conducting business of the TAC via email and it's got
16 to be done here.

17 MS. SAGESER: So, with the code
18 changes, we can just assume that November is going to
19 be a super long meeting and we need to come here and
20 do the codes here.

21 DR. ENNIS: I'm hoping before
22 then, we get an interpretation that says I can send a
23 list out to people to look at and it be ready to come
24 in. And God help us, I don't think CMS is making
25 many changes. Go ahead, Charlie.

1 MR. WORKMAN: I assume that's
2 part of the minutes and I'm certain that there's a
3 rule for minutes to go out via email, correct?

4 DR. ENNIS: I would assume so
5 because they've always been sent out by email.

6 MS. HUGHES: I can't understand
7 what he's saying.

8 DR. ENNIS: Because we always
9 send the minutes out by email to have them reviewed.

10 MS. HUGHES: Right.

11 DR. ENNIS: The codes should be
12 a part of the minutes if that's what we're
13 discussing.

14 MS. HUGHES: The codes that
15 we're talking about here today will be in the
16 minutes.

17 DR. ENNIS: We're talking about
18 the entire fee schedule, not in minute' detail but
19 the discussion is about the entire fee schedule.

20 MS. HUGHES: You're talking
21 about coming to the next meeting and having new codes
22 and all this kind of stuff.

23 DR. ENNIS: Well, they probably
24 won't be new codes. I mean, we haven't heard from
25 CMS that they're planning new codes this year but

1 there could be some fee changes and we want to make
2 sure that timed are listed as timed and visit are
3 listed as visit.

4 MS. DEROSSETT: So, she is
5 saying that if we want to do a spreadsheet to do the
6 comparison so that everybody knows what was coming
7 forward to make sure that it's correct, we have to do
8 the spreadsheet comparison while we're all on here
9 together?

10 DR. ENNIS: Correct. This is
11 what we're being told.

12 MS. HUGHES: If it's conducting
13 the business of this TAC, yes, it's to be done in
14 public. And remember, this kind of goes back to what
15 the Commissioner had said that this is really not--
16 the fee schedule is not something that even really is
17 an advisory--you all are advising the MAC.

18 DR. ENNIS: Correct, but she
19 said on things that would make things better.

20 MS. HUGHES: So, you're talking
21 about a fee schedule.

22 DR. ENNIS: And right now, if
23 people can't get paid accurately, that's a problem.
24 I mean, that's one of our biggest issues right now.

25 MS. HUGHES: Really and truly,

1 I don't think that that is an issue that is what the
2 Commissioner actually thinks should be brought up at
3 the TAC. If there's codes and stuff that you're
4 experiencing individually----

5 DR. ENNIS: We've done that.
6 They've gone to every single person they can. It's
7 been an issue for five years.

8 MS. HUGHES: Have you appealed
9 to the Cabinet? Have you filed an appeal to the
10 Cabinet, filed an official complaint to the Cabinet?
11 There is a complaint form out on our website that you
12 can complain about an MCO and file an official
13 complaint that that MCO was not paying you correctly.

14 DR. ENNIS: But if it's in
15 their contract that they don't have to, then, it
16 doesn't seem like it would make sense to do that.

17 MS. HUGHES: Right, I mean, if
18 it's against their contract. We're not going to
19 force an MCO to do something that's against their
20 contract.

21 MS. ARMSTRONG: Well, part of
22 our problem last year or at the beginning of this
23 year, with OT codes, there was like ten codes listed
24 and we were in the outpatient setting only able to
25 use one of the codes.

1 MCO backdated that to 1/1.

2 DR. ENNIS: Correct. But,
3 again, if it's an issue of a timely posting of a
4 correct fee schedule - and I understand in their
5 contract, they don't have to pay by that fee schedule
6 - but if they're going to, then, we would hope that
7 the Cabinet would get it posted as quickly as they
8 could by January 1 so that they're paying the
9 providers what the providers expect to be paid based
10 on the fee schedule that's posted.

11 MS. ARMSTRONG: And that's the
12 frustrating part----

13 DR. ENNIS: And that's what
14 we're trying to work on is just getting the fee
15 schedule right the first time. That's all we're
16 trying to do----

17 MS. HUGHES: Right.

18 DR. ENNIS: ----because for
19 five years, it hasn't been. We've been March, April,
20 May before a fee schedule has been correct.

21 MS. HUGHES: And I don't think
22 it's just you all. I don't know that all of the fee
23 schedules are out there correctly on January 1.

24 MS. ARMSTRONG: Well, why is it
25 such an issue if we're talking about it now? Why

1 can't it be taken care of by January if we had all
2 this information right now? That's the frustrating
3 part of it.

4 MS. HUGHES: We have a group
5 working on all the fee schedules right now.

6 MS. ARMSTRONG: Okay.

7 MS. HUGHES: I mean, these are
8 humans working on these fee schedules. There's going
9 to be errors. And apparently on the one that was
10 filed January 1st for therapy, there was five codes
11 that I've been told, five codes or four. No. There
12 were four that was the----

13 DR. ENNIS: Four incorrect.

14 MS. HUGHES: Those were
15 corrected in March or April. The fifth code that you
16 all are talking about today was actually on the fee
17 schedule January 1. So, I don't think--I mean, yes,
18 it's September but the fee schedule was corrected in
19 I think March the 6th or April the 6th.

20 MS. ARMSTRONG: It was not
21 uploaded, though, onto the website and I guess
22 available to the other MCOs until April. So, then,
23 that affected----

24 MS. HUGHES: Okay. So, I said
25 March or April the 6th.

1 MS. ARMSTRONG: Right, but that
2 affects--with our individual contracts and it seems
3 how most MCOs are working it with the State fee
4 schedule, they're basing it like Pam Marshall said on
5 the percentage of the state fee schedule.

6 So, our problem is if the State
7 fee schedule is not uploaded on the website correctly
8 or distributed to the MCOs, then, I mean, we just
9 recently got paid correctly on all the retro codes.
10 So, it becomes a revenue cycle issue of trying to
11 plan your business, too.

12 So, I mean, I get that there's
13 humans setting this fee schedule but there's also
14 humans on our side, too, of trying to treat patients
15 and trying to take care of the providers that are
16 treating these patients as well.

17 So, if we're bringing this
18 issue up in September, why can't we get it resolved
19 and talked about and finalized by January?

20 MS. HUGHES: Okay. Ever since
21 I've been doing these TACs January 1, my impression
22 was it was the four codes. That's what everybody has
23 been talking about. Today is the first time I'm
24 hearing about this other issue that I remember.

25 Now, I will admit my memory is

1 not what it used to be. I'll have to go back and
2 look in the minutes, but----

3 DR. ENNIS: Karen Wight was
4 talking at the last meeting about two code updates
5 where the fees were updated by CMS and it didn't get
6 updated on the fee schedule through DMS until April
7 and, then, there were the added codes.

8 So, it's been several and I
9 think the bigger issue is we've had to do this every
10 year and that's why it stays on the radar because
11 when the fee schedule isn't correctly posted, yes,
12 there's human error - we get that - but when it's the
13 same mistake for five years, then, it impacts the
14 providers.

15 And, so, we're trying to figure
16 out a strategy to help that not happen again.

17 MS. HUGHES: Okay. Has CMS--I
18 really don't know----

19 DR. ENNIS: Usually it's
20 October if they're going to release any changes.

21 MS. HUGHES: Okay. So, we
22 can't----

23 DR. ENNIS: And, so, that's why
24 we want to get the basics together so that in
25 November when we come and we know what CMS is

1 updating, we can plug in those new things and say
2 here's what CMS is saying. You tell us what you're
3 going to do and here's how they should go on.

4 MS. SAGESER: September 27th.

5 DR. ENNIS: The 27th is when
6 they're releasing. Okay.

7 MS. SAGESER: And then we'll
8 respond to the comments.

9 MS. HUGHES: There's no sense--
10 I'm not the one that can make those decisions. We're
11 waiting on the clarification on the emailing back and
12 forth.

13 DR. ENNIS: And what we've
14 talked about before with Charles is he is thrilled to
15 get a list from us that says these are the updates we
16 know about and how things should go on the fee
17 schedule. It's just somewhere between there and when
18 they get inputted, something happens every year.

19 And it's not trying to point
20 fingers or anything. It's trying to streamline the
21 process to make it easier for everybody.

22 MS. HUGHES: Okay. I mean, if
23 you give me the codes, I mean, like I said, we've
24 corrected them if it's the codes that we've talked
25 about.

1 DR. ENNIS: Right. We're just
2 worried about January.

3 MS. HUGHES: Right.

4 DR. ENNIS: So, we will figure
5 it out.

6 Any other new issues from
7 anyone? Okay.

8 I do want to thank our MCO
9 folks for giving me contact information because I
10 have been ferreting it out as we get individual
11 questions from providers with certain MCOs. They've
12 had trouble reaching provider reps or something like
13 that.

14 I've been able to ferry them to
15 you guys and you've been responsive and I appreciate
16 that. It does save us a lot of time and energy in
17 these kinds of settings and helps put out some of
18 those fires pretty quickly. So, thank you guys
19 again.

20 If people change--I know two of
21 the folks or one of the folks that was at our meeting
22 in - when did we meet last - July - is no longer with
23 Passport. I got that email. It was one of the young
24 gentlemen. Is it Justin?

25 MS. VOWELS: Justin is still

1 with us. You were shocking me there for a second.
2 Jay. Jay Houchins has been gone for quite some time.
3 I've seen him on your email but, no, he's not been
4 with us for like two years.

5 DR. ENNIS: Okay. I'll take
6 him off my list, but we appreciate that because it
7 does help streamline things.

8 I think we are scheduled for
9 November 12th at 8:30. Sharley, do we know? Are we
10 in here?

11 MS. HUGHES: I don't know. I
12 will have to look and see.

13 DR. ENNIS: Okay. Keep an eye
14 on the TAC website and we'll try to make sure that
15 the meeting location is listed there.

16 I will be at the MAC, I
17 promise, I promise. It's on the 26th.

18 MS. HUGHES: Before you
19 adjourn, I sent out the calendar for next year's.
20 What I did was I looked at the dates you had this
21 year, tried to keep everybody on the same day and in
22 the same week. So, if it was September 10th this
23 year, next September, I tried to keep you all on the
24 same day the second week of September.

25 DR. ENNIS: Do Tuesday mornings

1 work for people? Yes? Okay. I think some years
2 we've been first Tuesday. Some years we've been
3 second Tuesday. If second Tuesday works best for the
4 flow with all the other TACs, then, we're fine with
5 that. If we need to shift a little to get out of the
6 great TAC madness, we're happy to do that, too.

7 MS. HUGHES: I think I've got
8 it if everybody is agreeable with the time line I
9 sent out.

10 DR. ENNIS: So, take a look at
11 the calendar. We will confirm our dates in November
12 at our next meeting just to solidify that officially.
13 If there are challenges, please let us know at that
14 meeting.

15 Anything else?

16 MS. HUGHES: Have we given you
17 all updates on the KI-HIPP Program?

18 DR. ENNIS: Via email. You've
19 been sending it out via email. Has everybody gotten
20 that information from Sharley, the KI-HIPP emails?
21 Any questions on that program? Thank you for sending
22 those out.

23 MS. HUGHES: Okay. And open
24 enrollment is coming up in November, I believe. I
25 don't have the exact date. I just remember it's

1 sometime in November. I think they're going to start
2 mailing out some stuff this week to the
3 beneficiaries.

4 The Commissioner couldn't be
5 here today because she's had a family emergency to
6 attend. She's had to go back to Florida. Stephanie
7 is working offsite and several people are working
8 offsite, and, so, we're kind of running a skeleton
9 crew.

10 And I've been checking my email
11 and I don't know what Angie's schedule is. She's
12 probably in a meeting but I don't know why I can't
13 pull up the email that she sent me last week or the
14 week before that had the contract language.

15 MS. VOWELS: So, then, we
16 should have confirmation about that in November's
17 meeting?

18 MS. HUGHES: Yes.

19 DR. ENNIS: Okay. Thank you,
20 guys. I appreciate it.

21 MEETING ADJOURNED

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