



Welcome to today's Special Tribal Consultation meeting!

While you are waiting TEST YOUR AUDIO. LISTEN FOR MUSIC.

You were automatically muted upon entry.

Please only join by phone or computer.

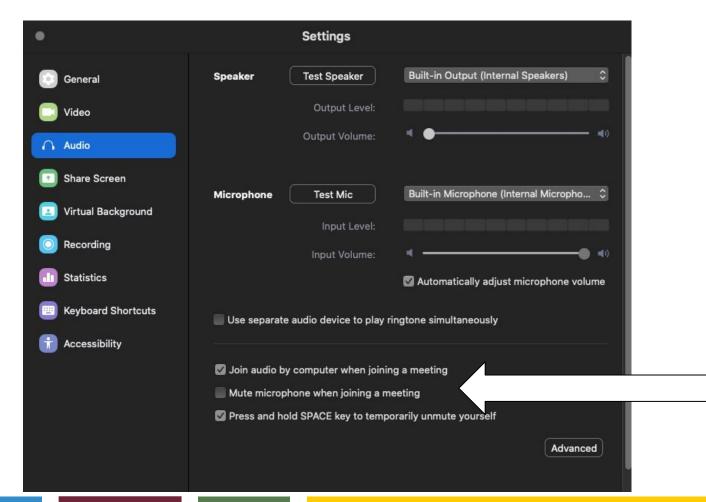


Thank you.





Audio Settings

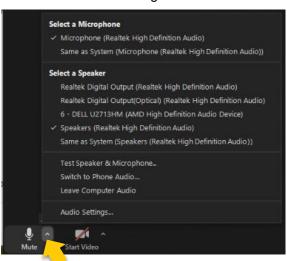




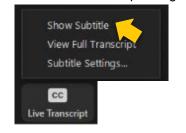
Zoom Webinar Controls

Navigating your bar on the bottom...

Audio Settings



Turn on Closed Captioning



Raise Hand



Chat



KEYBOARD SHORTCUTS TO RAISE HAND

Windows: Alt+Y to raise or lower your hand

Mac: Option+Y to raise or lower your hand



Tips for successful ZOOM PARTICIPATION





















MUTE your mic when you're not speaking





PREPARE & queue docs or links that you plan to share

BACKGROUND
NOISE watch when
turning on mic





Stay FOCUSed by not texting or side conversations

Limit the
DISTRACTIONS
around you





Use GALLERY
VIEW to see all
participants

Look at the CAMERA not your screen





Use CHAT to ask questions or share resources



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April 4, 2023 Meeting Recap

- Tribal stakeholders shared insight, experiences, and feedback
- Recommendations:
 - Licensing and Certification
 - Monitoring, Reporting, and Evaluation
 - Transportation
 - Communication
 - Policy, Rules, and Guidelines
 - Continue Meeting Series



Opening Prayer



Gerilene Haskon

ADHS Tribal Liaison





Special Tribal Consultation Meeting

June 1, 2023





Opening Remarks



Carmen Heredia

AHCCCS Director



Jennifer Cunico

ADHS Interim Director



Offices of the Governor



Zaida Dedolph
Office of the Governor Katie Hobbs
Health Policy Advisor



Valaura Imus-Nahsonhoya
Office of the Governor Katie Hobbs
MMIP Coordinator



Meeting Facilitators



Kim Russell

AACIHC Director



April Tinhorn

Tinhorn Consulting



Scope of the Problem: The Tribal Perspective

Open Floor



AK-CHIN INDIAN COMMUNITY



Robert Miguel *Chairman*

Lemuel Vincent

Vice Chairman

Pamela Thompson

Health & Human Services Director



COCOPAH INDIAN TRIBE



Sherry Cordova

Chairwoman

Rose J. Long *Vice Chairwoman*

Sheryl Taylor
Tribal Health Maintenance Program
Director



COLORADO RIVER INDIAN TRIBES



Amelia Flores

Chairwoman

Dwight Lomayesva

Vice Chairman

Andrea Harper

Executive Director

Dept. of Health & Social Services



FORT MCDOWELL YAVAPAI NATION



Bernadine Burnette

President

Paul J. Russell *Vice President*

Rosemarie Kennaley

Acting Health Division Director



FORT MOJAVE INDIAN TRIBE



Timothy Williams

Chairman

Shan Lewis *Vice Chairman*

Connie Hilbert
Fort Mojave Indian Health Center
Interim Director



GILA RIVER INDIAN COMMUNITY



Stephen R. Lewis *Governor*

Monica Antone *Lt. Governor*

Candalerian Preston
Tribal Health Department Director



HAVASUPAI TRIBE



Thomas Siyuja, Sr. *Chairman*

Edmon Tilousi

Vice Chairman

Lenora Jones
CHR Program Director



HOPI TRIBE



Timothy L. Nuvangyaoma *Chairman*

Craig Andrews

Vice Chairman

Beatrice Norton,

Department of Health Services

Director



HUALAPAI TRIBE



Sherry J. Parker *Chairwoman*

Shelton Scott Crozier

Vice Chairman

David Dawley
Hualapai Health Education &
Wellness Director



KAIBAB BAND OF PAIUTE INDIANS



Ona M. Segundo *Chairwoman*

Carmen M. Bradley *Vice Chairwoman*

Laura Savala
CHR Health Director



NAVAJO NATION



Buu Nygren President

Richelle Montoya

Vice President

Rhonda Tuni
Department of Health
Executive Director



PASCUA YAQUI TRIBE



Peter Yucupicio *Chairman*

Robert Valencia

Vice Chairman

Reuben Howard

Health Services Division

Executive Director



QUECHAN TRIBE



Jordan D. Joaquin *President*

Ina M. Hall *Vice President*

Sosa Nita Diaz
CHR Program Director



SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY



Martin Harvier

President

Ricardo Leonard

Vice President

Nancy Mangieri

Department of Health &

Human Services Director



SAN CARLOS APACHE TRIBE



Terry Rambler *Chairman*

Tao Etpison

Vice Chairman

David Reede
Department of Health &
Human Services Executive
Director



SAN JUAN SOUTHERN PAIUTE



Johnny Lehi, Jr. *President*

Candelora Lehi *Vice President*



TOHONO O'ODHAM NATION



Ned Norris, Jr. *Chairman*

Wavalene Saunders

Vice Chairwoman

Tara Chico-Jarillo

Department of Health &

Human Services Executive

Director



TONTO APACHE TRIBE



Calvin Johnson

Chairman

Charles Lopez
Vice Chairman

Michelle Johnson

Community Health

Representative



White Mountain Apache Tribe



Kasey Valasquez

Chairman

Jerome Kasey

Vice Chairman

Jessica Rudolfo

Division of Health Services

Executive Director



YAVAPAI-APACHE NATION



Tanya Lewis *Chairwoman*

Richard Pacheco

Vice Chairman

Trudy Clark

Medical Clinic Manager



YAVAPAI PRESCOTT INDIAN TRIBE



Robert Ogo

President

Calvin Hunter, Jr. *Vice President*

Abril Caballero
CHR Health Director





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Weekly Data Summary

Sober Living Facility Closure Response

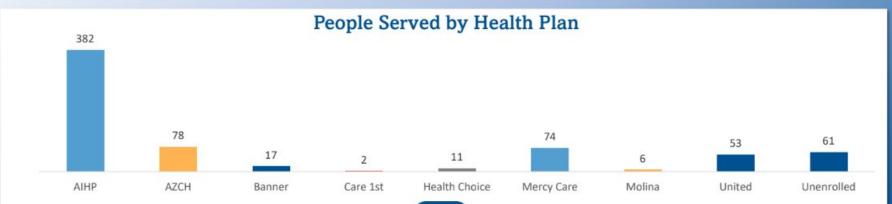






Sober Living Facility Closure Response



















AHCCCS General Session



Acronyms

- AI/AN American Indian / Alaskan Native
- AIHP American Indian Health Program
- AIMH American Indian Medical Home
- BH Behavioral Health
- CAF Credible Allegation of Fraud
- CMS Centers for Medicare and Medicaid Services
- EHR Electronic Health Record
- FFS Fee for Service
- FWA Fraud, Waste, and Abuse
- IOP Intensive Outpatient Program
- MCO Managed Care Organization
- MH Mental Health
- NEMT Non Emergency Medical Transportation
- TRBHA Tribal Behavioral Health Authority



American Indian Health Program

- Approx. 150,000 members,
- Under federal law, American Indians are not required to enroll in a managed care plan; hence FFS (AIHP) is an option to this population,
- AIHP bills on a fee-for-service (FFS) basis- meaning directly to AHCCCS (not through managed care plan),
- No network restrictions for AIHP all AHCCCS registered providers must agree to serve the AIHP population,
- Available statewide no geographic restrictions.



How Did We Get Here?



Contributing Factors

- AHCCCS agency structure and staffing shortages
- Agency communication silos
- Lack of required documentation for AIHP enrollment,
- Pandemic and resulting BH and Substance Use increase
- "By Report" code for Intensive Outpatient Programs,
- Data analysis
- Health system structure, lack of managed care
- Prior to 2019 all trends were steady,
- Criminal activity-trends starting in 2019



A Variety of Schemes

- Using unlicensed, unregistered facilities,
- Providing incentives (housing, food, money, alcohol, drugs),
- Enrolling non- AI/AN members in AIHP,
- Ghost billing,
- Inappropriate use of codes,

- Overlapping use of codes,
- By-report abuse,
- Movement between companies,
- Shell companies,
- BHP use and recruitment,
- Business "consultants" and group billers,
- Paying recruiters "per person".

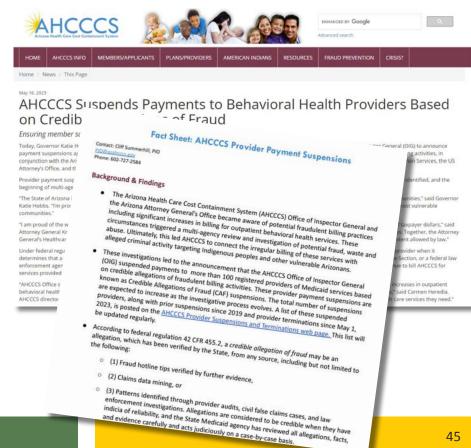


Where Are We Now?



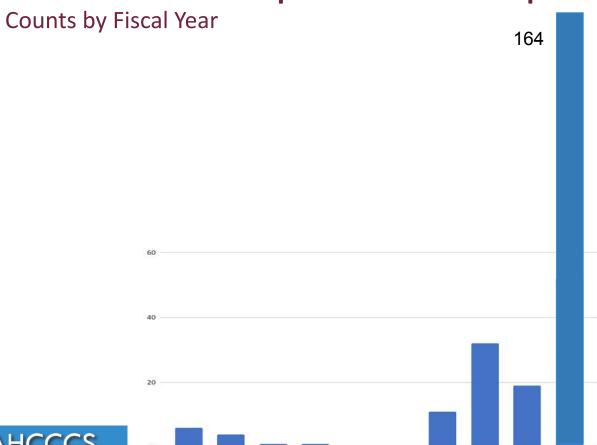
May 16, 2023 Press Release and Fact Sheet

- More than 100 providers suspended from Medicaid payments based on credible allegations of fraud
- ~7,000 members potentially impacted
- <u>List of suspended providers</u>
- Fact sheet
- Press release





AHCCCS Office of Inspector General Suspensions



FFY20

FFY21

FFY22

FFY23



Top Challenges

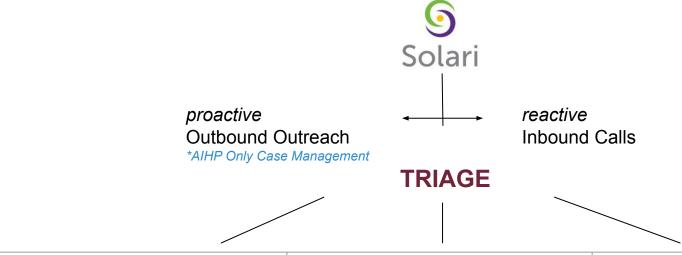
- How to find the members:
 - Bad actors were using unlicensed, unregistered facilities,
 - Ghost billing.
- Member cooperation:
 - Some members may not want to leave,
 - Some don't see themselves as victims,
 - Some are afraid to report, coercion,
 - Some members are not interested in treatment, limiting BH facility for residential treatment

Resources:

- Assessing who needs BH/SUD,
- Assessing who needs housing,
- Availability of resources.
- Communication:
 - Sensitive information,
 - Active criminal investigations.
- Safety:
 - Reports of violence, weapons in facilities.
- Congregate Settings



Incident Command 2-1-1 Model

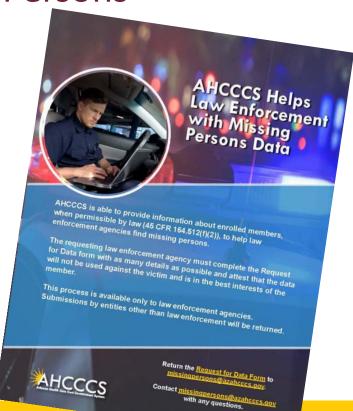


AIHP ONLY	AIHP + TRBHA / AIMH	мсо
*Solari AIHP Only case management	TRBHA / AIMH case management	MCO provider case management



Law Enforcement Partnership to Help Find Missing Persons

- Law enforcement offices may request member information to help find missing persons
- Link on <u>AHCCCS Contact Us web page</u>
- Return the Request for Data Form to missingpersons@azahcccs.gov.





System Changes & Payments Stop-Gap Plan



AHCCCS Operational Changes: To-Date

- Reporting structure changes,
- Culture of transparency,
- External audit firm,
- Provider Registration moratorium request to CMS (Provider Types B8, IC, 77, and NEMT),
- Provider Registration moving Provider Types B8, IC and 77 to high risk; in the interim conducting second level reviews of applications,
- Postponement of H20, and
- By Report rate setting.



System Improvements to Stop Fraudulent Billing and Protect Members

Recent Changes (as of May 2023)

- <u>Elevated 3 Behavioral Health Provider Types to High-Risk Screening</u>
- Established Uniform <u>H0015 Rate for Behavioral Health Intensive Outpatient</u>
 <u>Treatment Services</u> through a State Plan Amendment (SPA)
 - \$157.86 per unit effective May 1, 2023
- Added additional documentation requirements and prepayment review of specified behavioral health codes exceeding limits
- Stopped approving retroactive enrollment of providers back to the date of licensure
- Reviewing all existing claims edits which differ from national standards
- Hired an external forensic auditor to review all claims for payment since 2019



Where Are We Going?



System Improvements to Stop Fraudulent Billing and Protect Members

Upcoming Changes

- AHCCCS has requested federal approval to place a moratorium on BH providers types including Behavioral Health Outpatient Clinics, Integrated Clinics, Non-Emergency Medical Transportation providers, Community Service Agencies, and Behavioral Health Residential Facilities.
- Producing trend reports of BH billing and system reporting to flag concerning claims.



Goals, Objectives and Next Steps

- Continue to identify gaps and vulnerabilities in AHCCCS systems,
- Identify strategies to address known and future gaps, impacts and concerns,
- Obtain consensus on strategies to move forward with,
- Assess impact of proposed strategies,
- Collaboratively develop and implement agreed upon strategies.



Potential Solutions

AHCCCS is seeking feedback on the following:

- Requiring proof of tribal membership or IHS eligibility to enroll in AIHP,
- Removing the phone option for AIHP enrollment changes unless proof of IHS eligibility is on record,
- Freezing enrollment changes to AIHP unless proof of IHS eligibility is provided or on record,
- Exploring tribally-operated MCOs,
- Re-creating the Covered Behavioral Health Services Guide,
- Conducting data pulls for populations served and utilization, and/or
- Setting max limits for each code and requiring PA for anything above the limit.



American Indian Health Program Enrollment: Proposed Solution

Ewaryst Jedrasik



Current Enrollment Policy

- American Indian customers may change from an available health plan to American Indian Health Program (AIHP) or from AIHP to an available health plan at any time.
- No proof of American Indian identity is required to make these changes, and the change can be requested using any standard modality, including by phone and online.
 - A verbal attestation of tribal affiliation is all that is currently required.

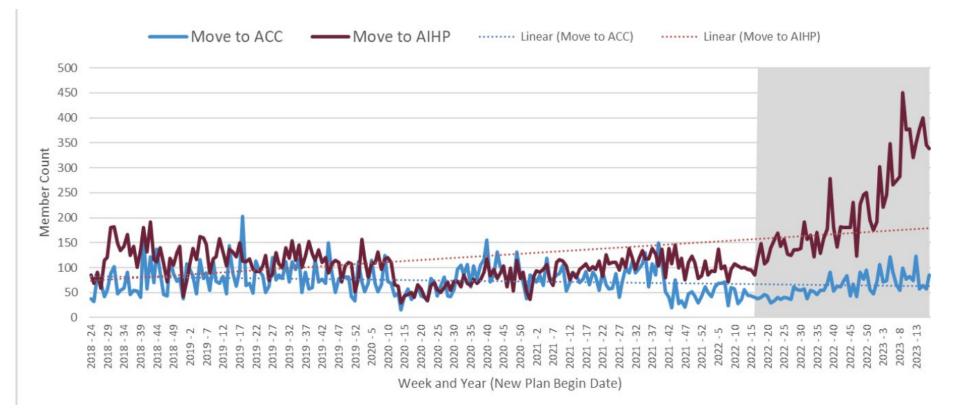


Policy Background and Basis

- This policy was initially implemented:
 - Because of past issues of eligible individuals experiencing barriers or delays in accessing services through IHS;
 - To further align with Medicaid "simplicity of administration" rules;
 - Because there is no Medicaid enrollment requirement for proof of eligibility for IHS services;
 - Because certain non-Indian individuals are eligible for IHS services;
 - AHCCCS placed priority on the efficient enrollment of individual customers to increase ease of coverage and access to care.



Movement Between MCO and AIHP





Proposed Solution: AIHP Enrollment

 AHCCCS is seeking feedback on the implementation of required documentation to improve the verification of Native American/ Alaskan Native status. Below are the documents the agency is considering requiring:

Members of federally recognized tribes and their children and grandchildren may submit documentation including, but not limited to the following examples:

- Certificate of degree of Indian blood
- □ Tribal ID
- Tribal census record
- Other document provided by the tribe stating that the person is a member of the tribe

- An official letter on tribal letterhead from the tribe stating that the applicant is a child or grandchild of a tribal member
- A document verifying the tribal member's enrollment in the tribe and a document verifying that the applicant is a child or grandchild of the tribal member



Other Potential Solutions



Other **Potential** Solutions

- AHCCCS is also seeking any feedback you may have on:
 - Removing the phone option for AIHP enrollment changes unless verification of IHS eligibility is on record,
 - Freezing enrollment changes to AIHP unless documentation of Tribal membership is provided,
 - Exploring tribally operated MCOs,
 - Recreating the Covered Behavioral Health Services Guide,
 - Conducting data pulls for populations served and utilization, and/or
 - Setting max limits for each code and requiring PA for anything going above the limit.



Breakout Session	Facilitator	Audience	Room
#1	Kim Russell	In-Person Attendees	Conf. Room 200
#2	April Tinhorn	In-Person Attendees	Conf. Room 104
#3	Alex Demyan	In-Person Attendees	Conf. Room 200
#4	Jon Clark	Virtual Tribal Leaders	Virtual
#5	Susan Kennard	Virtual All Other Attendees	Virtual



Open Discussion





ADHS General Session





Arizona Department of Health Services Overview & Updates



Thomas Salow

ADHS Assistant Director

Public Health Licensing





ADHS Licensing: Sober Living Homes & Behavioral Health Residential Facilities

June 1, 2023

Tom Salow | Assistant Director

ADHS Leadership

Jennie Cunico - Acting Director/Deputy Director

Sheila Sjolander - Deputy Director

Tom Salow - Assistant Director

Megan Whitby - Deputy Assistant Director

Tiffany Slater - Bureau Chief

Siman Qaasim - Health Equity Administrator

Gerilene Haskon - Tribal Liaison



Topics

- Overview of Licensing SLHs & BHRFs
- Growth
- ADHS' regulatory role
- Actions taken to address bad actors
- How can we do more?
- Tools for the public

Overview

Sober Living Homes

- Supervised setting for a group of unrelated individuals recovering from substance use disorders that may provide activities that are directed primarily toward recovery from substance use disorders
- NO medical or clinical services provided
- Not covered by insurance, AHCCCS, Medicare/Medicaid, etc.
- Addresses are confidential

Behavioral Health Residential Facilities

- Health Care Institution
- Behavioral health services MUST BE
 provided on-site, which may include treatment for a mental disorder, personality disorder, substance use disorders or a significant psychological or behavioral response to an identifiable stressor(s)
- Typically covered by insurance, AHCCCS, Medicare/Medicaid, etc.
- Addresses are not confidential

BHRF & SLH Growth

Bill passed in 2018 requiring SLH Licensure

*Licensing numbers from January of each year

Licensed BHRFs:

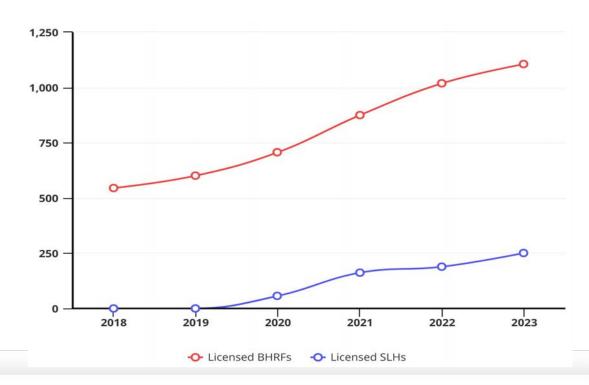
- 2018 = 545
- 2023 = 1,106

Licensed SLHs:

- 2018 = 0
- 2023 = 251

2023 New Applications:

- BHRFs = Over 300
- SLHs = Over 500





Regulatory Tools

Ensures only facilities that meet the **Applications** minimum regulatory requirements become licensed Most facilities inspected at least Compliance annually to ensure they are operating in Inspections compliance with regulations Investigate all complaints that allege Complaint facilities are not operating within **Investigations** regulations Due to substantial noncompliance, Enforcement licensees may be subject to: revocation, **Actions** application denial, fines, etc.

Regulatory Limitations

ADHS does **not** have authority over:





Complaint Investigations

- Investigate high-priority complaints timely (serious risk to health/safety)
- Investigate unlicensed complaints and issue C&D orders with fines
 - BHRF = \$500/day
 - SLH = \$1,000/day
- Substantiated allegations may result in:
 - Technical assistance
 - Statements of Deficiencies
 - Enforcement action (revocation, suspension, civil penalties, etc.)



In 2022, 54/55 A & B Complaints for BHRF & SLH Facilities investigated timely

60-Day Touchpoint

In February 2023, ADHS began inspecting new facilities after they've been licensed for about 60 days (accredited/certified facilities are exempt from this inspection).

These inspections:

- Allow health/safety concerns to be addressed much earlier
- Provide licensees with a technical assistance (T/A) opportunity
- Have already led to enforcement actions

Enforcement Actions

Our goal is always to work with licensees to get them into compliance. However, serious health/safety concerns result in enforcement.

From January-April 2023, ADHS determined enforcement action was needed for over 200 licensed BHRFs. Those actions included:

- 175 BHRFs were assessed fines
 - \$198,260 in total fines assessed
- 40 BHRFs were subject to Notices of Intent to Revoke

How can we do more?

There is room to improve our regulatory oversight of SLHs and BHRFs with the help of legislative changes and budgetary action.

Eliminate ownership loopholes

 Prevent licensees in enforcement from being able to "sell" the company and complete a change of ownership (CHOW) process, which prevents the licensing history from following them.

Increase fine limits in statute

- Statute limits fines for violating a regulation to \$500 for BHRFs, which is not effective.
- Consider: AHCCCS pays BHRFs at least \$261.67 per day for each member, and many BHRFs have at least 5 beds.

Require fine payment with annual licensing fee

- ADHS has authority to assess fines, but cannot force licensees to pay them.
- Requiring fines to be paid in order to maintain license would be more effective.

Monitoring fee for non-compliant licensees

- All licensees are subject to the same licensing fees.
- Those not in substantial compliance cost much more to regulate, due to the additional staff and legal resources required.

Eliminate inspection loopholes

- Accredited BHRFs not subject to annual compliance inspections.
- If a BHRF has a deficiency-free survey, they are exempt from compliance inspections for 24 months.
- AzRHA-certified SLHs are exempt from initial and and annual compliance inspections.



More Stringent Requirements for BHRFs

- Rules are non-prescriptive, and do not provide enough direction regarding staffing, care, and oversight.
- Exempt rulemaking authority would allow ADHS to quickly address gaps to ensure health and safety.

Remove SLH confidentiality

- ADHS prohibited from sharing SLH addresses with everyone except local law enforcement and zoning officials.
- Causes frustration for the public and hinders collaboration with other agencies.

- While our number of licensed facilities have increased significantly, additional funding is needed to effectively regulate the increased number of licensees.
- Raising licensing fees and increasing our appropriation would help address the needs identified on the following slides.

Residential Facilities Program Costs



Funding for electronic systems

- The SLH and BHRF licensing teams rely on paper processes and outdated systems.
- Moving the programs to the ADHS electronic Licensing Management System would make processes more efficient, and allow more information to be posted on www.AZCareCheck.com in a more timely manner for the public.

Funding for additional staff

- The number of BHRFs has nearly doubled from 545 in 2018 to 1,014 today, but staffing levels have remained stagnant.
- Additional staff is needed to ensure compliance and complaint inspections can be completed timely.

Online Complaint Forms

www.AZDHS.gov



www.AZCareCheck.com

Allows the public to:

- · Find a licensed provider in their area
- Verify licensing information
- View cited deficiencies
- View plans of correction
- View enforcement actions



AZCareCheck.com

THANK YOU

AZDHS.gov/Licensing
Main Licensing Line: 602.364.2536

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Open Discussion



Tomorrow's Schedule

- Open Mic: Tribal Perspective
- Questions for Comment and Discussion
- Post Consultation Call to Action Items for ADHS & AHCCCS Next Steps



Follow & Support AHCCCS on Social Media









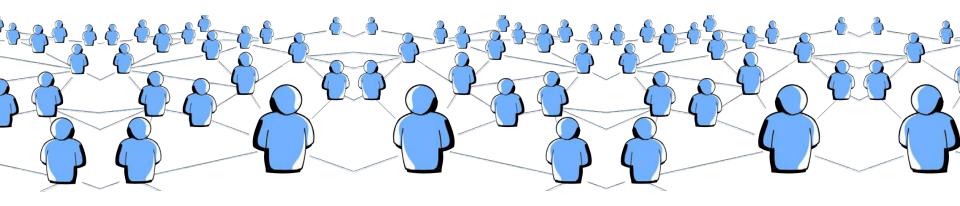
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Handle: @AHCCCS

Channel: **AHCCCSgov**





Learn about AHCCCS' Medicaid Program on YouTube!









Watch our Playlist:

Meet Arizona's Innovative Medicaid Program



Other Resources - Quick Links

- AHCCCS Waiver
- AHCCCS <u>State Plan</u>
- AHCCCS <u>Grants</u>
- AHCCCS Whole Person Care Initiative (WPCI)
- AHCCCS <u>Office of Human Rights</u>
- AHCCCS <u>Office of Individual and Family Affairs</u>
- Future RBHA Competitive Contract Expansion



Thank You.

Have a great day!

