



# WASHOE COUNTY

Integrity Communication Service

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## STAFF REPORT

BOARD MEETING DATE: April 14, 2020

**DATE:** March 19, 2020

**TO:** Board of County Commissioners

**FROM:** Amber Howell, Director, Human Services Agency  
(775)785-8600, ahowell@washoecounty.us

**THROUGH:** Kate Thomas, Assistant County Manager

**SUBJECT:** Recommendation to approve the revised Interlocal Contract Between Public Agencies between the State of Nevada Department of Health and Human Services Health Care Financing and Policy and Welfare and Supportive Services Divisions and Washoe County to maintain the County Match Program, under Title XIX of the Social Security Act, assistance to individuals in long term care facilities retroactive to July 1, 2019 to June 30, 2021 in total amount not to exceed [\$12,525,019.94 (\$5,828,646.98 for FY20; \$6,696,372.96 for FY21)]; and if approved authorize the Chair to execute the Contract. (All Commission Districts).

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### SUMMARY

The Agency is recommending the Board approve the revised Interlocal Contract between Public Agencies between the State of Nevada Department of Health and Human Services Health Care Financing and Policy and Welfare and Supportive Services Divisions and Washoe County to maintain the County Match Program providing assistance to individuals in long term care facilities.

**Strategic Objective supported by this item:** Safe, Secure and Healthy Communities.

### PREVIOUS ACTION

On October 22, 2019, Item 10, the Board approved the revised Interlocal Contract Between Public Agencies between the State of Nevada Department of Health and Human Services Health Care Financing and Policy and Welfare and Supportive Services Divisions and Washoe County to maintain the County Match Program, under Title XIX of the Social Security Act, assistance to individuals in long term care facilities retroactive to July 1, 2019 to June 30, 2021 for a projected amount of [\$5,000,000] per fiscal year.

On August 27, 2019, Item 15, the Board approved an Interlocal Contract Between Public Agencies between the State of Nevada Department of Health and Human Services Health Care Financing and Policy and Welfare and Supportive Services Divisions and Washoe County to maintain the County Match Program, under Title XIX of the Social Security Act, assistance to individuals in long term care facilities retroactive to July 1, 2019 to June 30, 2021 for a projected amount of [\$5,000,000] per fiscal year.

**AGENDA ITEM #** \_\_\_\_\_

On January 9, 2018, Item 14, the Board approved an Interlocal Contract Between Public Agencies between the State of Nevada Department of Health and Human Services Health Care Financing and Policy and Welfare and Supportive Services Divisions and Washoe County to maintain the County Match Program, under Title XIX of the Social Security Act, assistance to individuals in long term care facilities retroactive to July 1, 2017 to June 30, 2019 for a projected amount of [\$5,000,000] per fiscal year.

The Board has approved agreements with the State since 1989.

### **BACKGROUND**

The Agency was notified by the State of Nevada Department of Health and Human Services, Division of Health Care Financing and Policy on January 7, 2020 with a revised Interlocal Contract between Public Agencies. The revised Interlocal Contract includes the replacement of Attachment B – Business Associate Agreement with Attachment B – Confidentiality Addendum as well as changes to Section 7 – Consideration to include a “total not to exceed” amount for the contract term.

The Agency was notified by the State of Nevada Department of Health and Human Services, Division of Health Care Financing and Policy on September 19, 2019 with a revised Interlocal Contract between Public Agencies due to 2019 Legislative updates. The revised Interlocal Contract includes changes to Section E of the Scope of Work. Last legislative session it was determined the CAP for the newly eligible population would be removed and the total cap for all populations would be the percentage indicated in NRS 428.285. Changes also include a correction to the title of Steve Fisher, the Administrator of DWSS, as well as changes to the Business Associate Addendum.

The County Match Program is a Medicaid Program that allows States to draw down Federal Matching dollars through a Federal Medical Assistance Percentages (FMAP) formula to cover nursing home clients whose income is between 138% and 300% of the Social Security Supplemental Income (SSI). The current FMAP rate is 63.93% effective October 1, 2019. Washoe County is responsible for the non-Federal or State Share of the program.

The initial Interlocal Agreement for the County Match Program provided medical assistance to individuals in long-term care facilities whose monthly income was more than \$714 per month but no more than 300 percent of the Supplemental Security Income (\$1,452 effective January 1997).

In its inception, the County responsibility was for clients with incomes between 155% and 300% of SSI. The initial concept called for the State to increase its participation to 300%, however the State has never increase their responsibility beyond 156%. The rate prior to the 2011 session was 156% and during the 2011 session, due to the State budget deficit, the rate was moved down to 142%, thus increasing the County's responsibility. In addition to the increase in responsibility, the State also included clients who met eligibility through the waiver program. The proposed contract maintains the rate at 142% of SSI and continues to include waiver clients.

Under the American Reinvestment and Responsibility Act (ARRA) and the Patient Protection and Affordable Care Act (PPACA), States are prohibited from increasing a political subdivision's percentage of the non-federal share they voluntarily pay under Medicaid programs. NRS 422.272 defines the States responsibility for the non-federal share in nursing home expenditures. That provision allows the Director of the Department of Health and Human Services to set the State's responsibility. It does not, however, define the counties responsibility for nursing home expenditures.

Under NRS 428.010, the counties are responsible for the care, support and relief to the poor, indigent, incompetent and those incapacitated by age, disease or accident which would include nursing home care for indigent individuals. The County Match program allows Federal matching funds to be used for this care.

Outlined below is the Nevada Legislative approved amounts for Washoe County:

FY20	\$5,828,646.98
<u>FY21</u>	<u>\$6,696,372.96</u>
FY20/FY21 Biennial Total	\$12,525,019.94

In prior years Washoe County has paid \$4,153,300 in FY17; \$3,515,624 in FY18 and \$3,809,399 in FY19 for the County Match Program.

### **FISCAL IMPACT**

Should the Board approve this Interlocal Contract there will be no additional impact to the Human Services Agency's FY20 and FY21 budgets as there is sufficient authority within the Indigent Fund in cost center 210100 (Indigent Assistance) and GL 710725 (Nursing Home Match).

### **RECOMMENDATION**

Recommendation to approve the revised Interlocal Contract Between Public Agencies between the State of Nevada Department of Health and Human Services Health Care Financing and Policy and Welfare and Supportive Services Divisions and Washoe County to maintain the County Match Program, under Title XIX of the Social Security Act, assistance to individuals in long term care facilities retroactive to July 1, 2019 to June 30, 2021 in total amount not to exceed [\$12,525,019.94 (\$5,828,646.98 for FY20; \$6,696,372.96 for FY21)]; and if approved authorize the Chair to execute the Contract.

### **POSSIBLE MOTION**

Should the Board agree with staff's recommendation, a possible motion would be: "Move to approve the revised Interlocal Contract Between Public Agencies between the State of Nevada Department of Health and Human Services Health Care Financing and Policy

and Welfare and Supportive Services Divisions and Washoe County to maintain the County Match Program, under Title XIX of the Social Security Act, assistance to individuals in long term care facilities retroactive to July 1, 2019 to June 30, 2021 in total amount not to exceed [\$12,525,019.94 (\$5,828,646.98 for FY20; \$6,696,372.96 for FY21)]; and if approved authorize the Chair to execute the Contract.”