

Comments for Chapter 539 Local Health Departments
Effective Date July 1, 2016

<u>Comment Number</u>	<u>Date Comment Received</u>	<u>Comment</u>	<u>Status Result</u>	<u>Action for Change Status</u>	<u>Reasoning for No Change Status and FAQs</u>
			C = Change NC = No Change D = Duplicate		
1	April 11, 2016	<p>I am writing to provide public comment on chapter 539 Local health department services. I object to language which would require health departments to have a physician, physician assistant or nurse practitioner onsite during the rendering of services which are normally conducted by registered nurses. As a small health department, we are unable to afford to employ physicians, physician assistants or nurse practitioners to be onsite during all business hours.</p> <p>This will severely limit the ability of health departments to provide services and will be a roadblock for Medicaid recipients who may not have the ability to access a physician for services. This</p>			

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		<p>may have an adverse effect on the health of your insured population which may be seeking our services for STD testing and treatment or HIV testing. Both of these services are conducted by registered nurses which have received specialized training and working under BPH guidelines and the local health officers standing orders.</p> <p>I ask that you reconsider limiting nurse provided services to include immunizations only, and include at the very least STD testing and treatment, and HIV testing.</p>	Change	Added STD and HIV testing and counseling per WV legislation, SB404.	
2	April 11, 2016	<p>I have read this policy many times and have two questions/comments:</p> <p>1. Reimbursement for adult immunizations—it sounds like this is a pharmacy benefit only and that local</p>	No Change		For clarification, separated two sentences specific to reimbursement for pharmacies/pharmacists from preceding paragraph on reimbursement of adult immunizations.

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		<p>health departments will not be billing Medicaid even for flu immunizations— is that correct?</p> <p>2. On page 4 , last paragraph, it states that WV Medicaid funds are to used as the payment of last resort...and says that LHD should bill Family Planning and BCCSP and EPSTD for payment. This is different than what we are doing now.</p>	Change	Policy changed to refer to BMS Provider Manual Chapter 600, "Reimbursement Methodologies," regarding payer of last resort.	
3	April 25, 2016	<p>To whom it may concern,</p> <p>On Page 2 - 539.1 PROVIDER PARTICIPATION REQUIREMENTS "At a minimum, the LHD must have a physician, physician assistant (PA), or advance practice registered nurse</p>	Duplicate – see Comment #1		

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		<p>onsite when providing billable services other than immunizations.”</p> <p>On March 29, 2016, Governor Tomblin signed SB404. Effective 90 days from passage (March 12, 2016), SB40 allows LHDs to bill for testing and treatment of Sexually Transmitted Diseases (STD) and HIV testing and counseling. In a majority of LHDs these services are provided by RNs, LPNs and Medical Assistants (MAs).</p> <p>Prior to being able to provide these services LHD medical professionals are required to successfully complete a HIV testing and counseling training. Every five years they are also required to attend a refresher course provided by a HIV Prevention Specialist with the WV Division of STD/HIV/Hepatitis, Bureau for Public Health. Additionally the services are provided under standing orders.</p>			

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		By requiring a physician, physician assistant or advance practice registered nurse to be on-site for these services, LHDs may either have to restrict the availability of these services or eliminate some of the current services being provided. For example, in the health departments for Kanawha and Putnam Counties HIV and certain STD tests are available on a walk-in basis. If billing for the testing services can only occur when a practitioner is present, services would have to be restricted from 40 hours per week to 8 hours per week.			
		On Page 3 - 539.2 COVERED SERVICES "Immunizations may be administered by a Registered Nurse (RN) or Licensed Practical Nurse (LPN) as authorized by documented standing orders signed by the LHD's Medical Director....." In addition to RNs and LPNs, Medical Assistants (MAs) are utilized by LHD's to provide services and are covered under	No Change		See WV Board of Nursing Position Statement "APRN Delegation to the Medical Assistant."

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		the standing orders. Consideration of adding MAs to the list of medical professionals authorized by the standing orders.			