



Nevada Office of HIV

Nevada Ryan White Part B Program

Payer of Last Resort Exemptions

Scope of Coverage

Directly applicable to Ryan White Part B Core Medical & Support Service providers, including Ryan White Part B Eligibility and Enrollment providers, funded through the Nevada Office of HIV.

Purpose of Policy

To help improve access to care and ensure continuity of care is provided to both veterans and Native Americans/Alaska Natives, both groups are exempt from the *payer of last resort* restriction under the Ryan White Part B Program requirements.

Background

The purpose of the Ryan White Part B program is to ensure persons living with HIV/AIDS (PLWH) receive HIV/AIDS related medical and support services in alignment with continuity of care standards. The program is responsible to provide HIV/AIDS related medical and support services to eligible clients in the most cost-effective delivery system. While Ryan White funding is the payer of last resort for HIV/AIDS medical and support services, including medications, this policy stands to clarify that two distinct groups are exempt from the *payer of last resort* requirement.

Instructions

Ryan White Part B Program recipients and sub recipients may not cite the *payer of last resort* language to refuse to provide services or to encourage an HIV/AIDS veteran to obtain services from the VA health care system nor encourage a Native American/Alaska Native to obtain services from the Indian Health Services (IHS) system.

As clarified in Policy Notice 07-01, Native Americans/Alaska Natives can access Ryan White program services for which they are eligible where they choose, regardless of the availability of services that may also be available to them (e.g., through IHS, tribal, or urban Indian health programs and services). Native Americans/Alaska Natives who are eligible for Ryan White services may also utilize ADAP medications and services.¹

As clarified in Policy Notice 16-01, Ryan White providers should not require eligible Ryan White veterans to access medical or supportive services in the VA system nor deny them access to care and support services, including prescription drugs, that are funded by the Ryan White Program. However, Ryan White recipients and sub recipients may refer eligible veterans to the VA for services, when appropriate and available. Should a Ryan White veteran client need to transition care from a Ryan White provider to a VA provider, Ryan White providers will need to work with the VA to ensure coordination of care. This may include continuing to provide Ryan White funded services during any such transition to VA care.²

However, Ryan White Part B Program funds cannot be used to duplicate payment for an item or service in which the VA or the IHS has already rendered payment. Payer coordination on behalf of clients must respect client choice of payer in cases where VA, IHS and Ryan White are the available payers.



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Marketplace/ Insurance Exchange Exemptions

American Indians and Alaska Natives (AI/ANs) and other people eligible for services through the Indian Health Service, tribal programs, or urban Indian programs (like the spouse or child of an eligible Indian) **do not** have to pay the fee for not having health coverage. This is called having an Indian health coverage exemption.³

Veterans enrolled in the Veterans health care program (or their eligible beneficiaries) are considered covered under the health care law and do not need to have additional health insurance through the Marketplace/Exchange.⁴ Additional types of veterans' programs that are considered covered under the health care law include:

- Veterans' health care program
- VA Civilian Health and Medical Program (CHAMPVA)
- Spina bifida health care benefits program
- TRICARE

Citation:

¹ HRSA HAB Policy Notice [07-01 Use of Funds for American Indians and Alaska Natives and Indian Health Service Programs](#)

² HRSA HAB Policy Notice [16-01 Clarification of the Ryan White HIV/AIDS Program \(RWHAP\) Policy on Services Provided to Veterans](#)

³ Marketplace <https://www.healthcare.gov/american-indians-alaska-natives/exemptions/>

⁴ Marketplace <https://www.healthcare.gov/veterans/>

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