



Medical Services
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Jack Dalrymple, Governor
Maggie D. Anderson, Executive Director

November 27, 2013

Scott Davis
ND Indian Affairs Commission
600 E Boulevard Avenue
Bismarck ND 58505

Re: Tribal Consultation on North Dakota Medicaid Private Duty Nursing and Increase in Service Limits for Ambulatory Behavioral Health Services.

Dear Mr. Davis,

This letter is regarding the Tribal Consultation Policy established between the North Dakota Department of Human Services (Department) and the North Dakota Indian Tribes. This consultation process was established to ensure Tribal governments are included in the decision making process when changes in the Medicaid or Children's Health Insurance Program(s) will affect items such as cost sharing, coverage or other reductions and additions to the program. The North Dakota Department of Human Services engages Tribal consultation when a State Plan Amendment, waiver proposal or amendment, or demonstration project proposal is expected to directly impact the North Dakota Tribes and/or their Tribal members.

The Department's Medical Services Division intends to modify the Medicaid State Plan, as follows:

Ambulatory Behavioral Health Service Increases

The following increases, per level of service, will be effective on or after July 1, 2014.

- American Society of Addiction Medicine (ASAM) II.5 ambulatory behavioral health care services will increase from thirty to forty-five days per calendar year, per individual.

- ASAM II.1 ambulatory behavioral health care services will increase from fifteen to thirty days per calendar year, per individual.
- ASAM I ambulatory behavioral health care services is limited to twenty days per calendar year, per individual. However, an additional ten days may be approved by the Department on a case-by-case basis.

The cost impact for the above changes is estimated to be \$7,130.27 for a twelve month period.

Private Duty Nursing

- Private duty nursing services means nursing services provided, based on certification of need and a written plan of care which is provided under the direction of a physician, by a registered nurse or a licensed practical nurse under the supervision of a registered nurse to a patient in the patient's own home.
- The additional language that will be added to the Private duty nursing services will include:
 - The physician must certify that the recipient requires skilled nursing care in the home. Services must be medically necessary and the recipient service is considered the most appropriate setting consistent with meeting the recipient's medical needs. Services must be delivered by a registered nurse or a licensed practical nurse enrolled with the Department of Human Services. The State Plan language will also clarify there will be limits on private duty nursing. Those limits will be consistent with the limits for home health services; and services under both home health and private duty nursing will be considered simultaneously in determining if a limit is reached.
- Adding more defined information concerning private duty nursing will allow more recipients to be served in their home if ordered by a physician and medical necessity is determined. Therefore, the Department does not anticipate any adverse impact to Tribal members.

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Tribal Consultation-Private Duty Nursing & ABH Increase
November 27, 2013

If you have any comments, questions, or concerns, please contact Cindy Sheldon at cmseldon@nd.gov for ambulatory behavioral health services and Karen Tescher at ktescher@nd.gov for private duty nursing. Or, please mail a written response to 600 East Boulevard Ave, Department 325, Bismarck, ND 58505 or call 701.328.2321. **Please provide all input by December 30, 2013.**

The Department appreciates the continuing opportunity to work collaboratively with you to achieve the Department's mission, which is: *"To provide quality, efficient, and effective human services, which improve the lives of people."*

Sincerely,

A handwritten signature in cursive script that reads "Julie F. Schwab". The signature is written in black ink and is positioned above the typed name.

Julie F. Schwab, Director
Medical Services Division