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Jack Dalrymple, Governor  
Carol K. Olson, Executive Director

## MEMORANDUM

Date: December 2, 2011

To: Tribal Chairman  
Tribal Health Directors  
Indian Health Service Representatives

From: Maggie D. Anderson, Director, Medical Services Division

Re: Tribal Consultation on North Dakota Technology Dependent Waiver Amendment

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 or 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 directly impacts the North Dakota Tribes and/or their Tribal members.

The Department's Medical Services Division, the Medicaid administering agency, intends to submit a 1915 (c) waiver amendment to the Centers for Medicare and Medicaid (CMS) to add non- medical transportation as an available service to waiver recipients. Non- medical transportation allows waiver recipients to access basic necessities that are not medically related.

The Technology Dependent waiver provides services to individuals who are ventilator dependent at least 20 hours per day and who are able to direct their own care. The services that are currently available under the waiver include attendant care and case management.

Services through the Technology Dependent Medicaid waiver are provided by agencies and individuals enrolled with the Department as Qualified Service Providers. The goal of the Technology Dependent Medicaid waiver is to help people remain in their home and divert or prevent institutional care therefore the Department does not anticipate any adverse impact to Tribal members.

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The Department is required to provide tribal entities with a notice of our intent to submit a waiver amendment 30 days before the estimated submission date.

You may view a current copy of the HCBS waiver at:

<http://www.nd.gov/dhs/info/pubs/docs/medicaid/nd-technology-dependent-medicaid-waiver.pdf>

If you have any comments, questions, or concerns, please contact Nancy Maier, Program Administrator at [nmaier@nd.gov](mailto:nmaier@nd.gov), or by mailing a written response to 600 East Boulevard Ave, Department 325, Bismarck, ND 58505 or by calling 701.328.4631. Please provide all input by January 1, 2012.

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."