

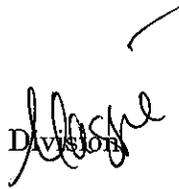


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Jack Dalrymple, Governor
Maggie D. Anderson, Interim Executive Director

Date: December 12, 2012

To: Tribal Chairman
Tribal Health Directors
Indian Health Service Representatives

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

Re: Tribal Consultation on North Dakota Home & Community Based Services (HCBS) Waiver & Technology Dependent Waiver Amendments

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, the Medicaid administering agency, intends to submit a 1915 (c) waiver amendment to the Centers for Medicare and Medicaid (CMS) to the HCBS Waiver and the Technology Dependent Waiver. The purpose of both amendments is to modify provider qualifications.

The modifications to the HCBS waiver include:

- To expand provider qualifications to allow home delivered meal providers to enroll if the meals made available to recipients are prepared in a United States Department of Agriculture (USDA) approved facility and are regulated by the USDA. (Current regulations only allow facilities that are licensed food establishments in North Dakota to enroll as a provider which limits access to services.)

- To comply with education requirements for self-employed independent social workers who enroll to provide case management as set forth in N.D.C.C. 43-41-01 to 43-41-14; N.D.A.C. 75.5-01 and 75.5-02. Social workers who are working independently and are not employed by an agency must be licensed independent clinical social workers (LICSW). Licensed social workers (LSW) who are not employed by an agency cannot provide case management, as currently stated in the waiver.

- The modifications to the Technology Dependent waiver include:
 - To comply with education requirements for self-employed independent social workers who enroll to provide case management as set forth in N.D.C.C. 43-41-01 to 43-41-14; N.D.A.C. 75.5-01 and 75.5-02. Social workers who are working independently and are not employed by an agency must be licensed independent clinical social workers (LICSW). Licensed social workers (LSW) who are not employed by an agency cannot provide case management, as currently stated in the waiver.

The HCBS Medicaid waiver provides services to adequately sustain elderly and physically disabled individuals in their own homes and communities and to delay or divert institutional care. The Technology Dependent Medicaid waiver provides service options for individuals who are ventilator dependent for a minimum of 20 hours per day to assist them to stay in their own homes and communities. Services through the HCBS and Technology Dependent Medicaid waiver are provided by agencies and individuals enrolled with the Department as Qualified Service Providers.

Expanding home delivered meal provider qualifications will increase access to home delivered meal services for waiver recipients and changing the provider qualifications for self-employed independent social workers is required to comply with State law. Therefore, the Department does not anticipate any adverse impact to Tribal members.

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.

If you have any comments, questions, or concerns, please contact Nancy Maier, Program Administrator at nmaier@nd.gov, 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 13, 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."