



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

May 17, 2013

Ms. Cindy Smith, CMS/WC  
Centers for Medicare & Medicaid Services  
1600 Broadway Ste 700  
Denver CO 80202

Re: Tribal Consultation on the North Dakota Medicaid Children's Hospice Waiver, Home & Community Based Services (HCBS) Waiver, Technology Dependent Waiver and State Plan Amendment for Children's Hospice

Dear Ms. Cindy Smith,

This letter is regarding the Tribal Consultation Policy established between the North Dakota Department of Human Services and the North Dakota Indian Tribes. This consultation process was established to ensure Tribal governments are included in the decision making processes 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.

This letter is specific to:

1. A 1915 (c) waiver amendment to the Centers for Medicare and Medicaid (CMS) to the Children's Hospice Waiver: The purpose of the Children's Hospice Waiver amendment is to:
  - Change services as follows: Case Management monitoring, to ensure case plans are developed and needed services for the child are identified and provided, Skilled Respite, to allow parents time to be with identified child's siblings; such as school functions. This would be done by Home Health Aide through Hospice agencies, Expressive therapy, therapist use art activities to help children and their siblings to express and explore their emotions/ illness, Equipment and Supplies, ability to purchase adaptive devices and supplies needed, related to illness.

May 17, 2013

Page 2

2. A 1915 (c) waiver amendment to the Centers for Medicare and Medicaid (CMS) to the Home & Community Based Services (HCBS) Waiver and the Technology Dependent Waiver. The HCBS waiver amendment and the Technology Dependent Waiver amendment proposes to :
  - Update the fee for service rates paid for waiver services to reflect the provider rate increases approved during the Legislative session. The Legislature approved a \$.25 per 15 minute unit rate and \$8.00 daily rate increase for all Qualified Service Providers (QSP). QSPs will also receive a 3% inflationary increase each year of the biennium.

The Technology Dependent waiver amendment will also:

- Modify the cost neutrality demonstration section to account for increased utilization costs for other Medicaid services paid on behalf of waiver recipients.

3. Submission of a State Plan Amendment defining Children's Hospice. The purpose of the amendment is to:
  - Allow children with the possibility of less than one year of life to receive services that are curative and palliative.

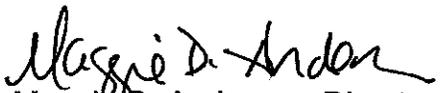
The Department does not expect these changes to have a negative impact on the North Dakota Tribes or Tribal Programs.

If you have any comments, questions or concerns about the proposed State Plan Amendments, please contact Karen Tescher at [ktescher@nd.gov](mailto:ktescher@nd.gov) calling 701.328.2324 or by mailing a written response to:

ND Dept of Human Services  
600 East Boulevard Avenue  
Department 325  
Bismarck, ND 58505

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,

  
Maggie D. Anderson, Director  
Medical Services Division