



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

Date: February 13, 2014

To: Tribal Chairman
Tribal Health Directors
Indian Health Service Representatives

From: Julie F. Schwab, Director, Medical Services Division *JFS*

Re: Tribal Consultation on North Dakota Home & Community Based Services
(HCBS) 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 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 Home & Community Based Services (HCBS) Waiver. The purpose of the amendment is to add personal care with supervision as an allowable service that will be available to waiver recipients who have a primary diagnosis of dementia or traumatic brain injury.

- Adding the service of personal care with supervision to the HCBS waiver will allow individuals with a primary diagnosis of dementia or traumatic brain injury to receive up to 24 hours of supervision within a daily rate. The setting for this service can be an individual home or apartment. All tasks including personal care are included within the daily rate. This would allow individuals the choice of living in the least restrictive environment while continuing to have their needs met.

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. Services through the HCBS Medicaid waiver are provided by agencies and individuals enrolled with the Department as Qualified Service Provider.

Adding personal care with supervision as an allowable waiver service will help recipients who need this type of care to stay in their own homes and communities. 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 Karen Tescher, Assistant Director of the Long Term Care Continuum at ktescher@nd.gov, mailing a written response to 600 East Boulevard Ave, Department 325, Bismarck, ND 58505 or by calling 701.328.2324. **Please provide all input by March 14, 2014.**

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."