

Jack Dalrymple, Governor  
Maggie D. Anderson, Executive Director

June 15, 2016

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

Dear Mr. Davis:

This letter is regarding the Tribal Consultation between the North Dakota Department of Human Services and the North Dakota Indian Tribes. The consultation process was established to ensure Tribal governments are included in the decision making processes when proposed changes in the Medicaid or Children's Health Insurance Program(s) will directly impact the North Dakota Tribes and/or their Tribal members.

### **Medicaid Provider Rate Changes**

As noted in the Tribal Consultation completed in April 2016, North Dakota State Law (Century Code Section 54-44.1-12) contains a provision for a budget allotment, should State revenue projections fall short of anticipated expenditures for the biennium. In order to comply with State Law, the amount of the necessary savings for the Department of Human Services was \$53.95 million. The budget changes must be made quickly as the allotment applies to expenditures for the 2015-2017 biennium. As a result of the allotment, effective on or after July 1, 2016, the Medicaid professional fee schedule will be reduced to align with Medicare. This impacts Evaluation and Management services, Physician services and other services performed by other providers/practitioners. Other providers/practitioners include: Audiologists, Chiropractors (x-rays), Clinical Nurse Specialists, Dietitians, Independent Laboratories, Independent x-ray Services, Licensed Addiction Counselors, Licensed Associate Professional Counselors, Licensed Professional Clinical Counselors, Licensed Social Workers, Licensed Independent Clinical Social Workers, Nurse Midwives, Nurse Practitioners, Opticians, Optometrists, Physician Assistants, Podiatrists, and Psychologists.

**There will be no change to the Indian Health Services encounter rate as a result of the budget allotment.**

### **Autism Services**

As a result of the allotment, the additional Medicaid Autism Waiver Slots authorized by the 2015 Legislative Assembly will not be filled.

- The additional slots added to increase the age limit of the Medicaid Autism Waiver **WILL BE** able to be filled.

North Dakota's 1915(c) Medicaid Autism Spectrum Disorders Waiver is being amended to transition autism-specific services into the Medicaid State Plan to comply with CMS guidance to states. The waiver amendment will also expand the ages served by the waiver and increase the number of waiver slots for the expanded age range covered by the waiver. The Medicaid State Plan is also being amended to add the autism-specific services. The effective dates of the waver and state plan amendment are expected to be on or after November 1, 2016.

Drafts of the amended Medicaid Autism Spectrum Disorders Waiver and the Autism Medicaid State Plan are available online at [www.nd.gov/dhs/info/pubs/medical.html](http://www.nd.gov/dhs/info/pubs/medical.html) and [www.nd.gov/dhs/autism](http://www.nd.gov/dhs/autism).

### **Provider Screening and Enrollment**

Effective on or after July 1, 2016 the Medicaid State Plan will be amended to include Provider Screening and Enrollment requirements. These requirements include: Providers must be screened in accordance with 42 CFR 455.400. Screening activities include ensuring that enrolled providers are not excluded from participating in any Federal program and that they hold a valid license. In addition, moderate risk providers require site visits prior to enrollment. In addition to these requirements, high risk providers (Owners with 5% or more interest and managing employees) are required to undergo a fingerprint-based criminal background check.

All enrolled providers will be revalidated at a minimum, once every five (5) years. The revalidation process is an abbreviated version of the enrollment process. All providers that are eligible to obtain a National Provider Identifier (NPI) number must provide their NPI on claims submitted for services they provided.

Institutional providers not enrolled with Medicare or another State Medicaid Agency are subject to an application fee. The application fee is currently \$554 and established by Centers for Medicare and Medicaid Services (CMS). The fee is required upon enrollment and revalidation. The state is also required to comply with any temporary moratoriums on new provider enrollments imposed by the Secretary under section 1866(j)(7) and 1902(kk)(4) of the Act.

### **Out of State Children's Specialty Hospitals**

Effective on or after July 1, 2016, and as an avenue to ensure access to services for children, out-of-state children's specialty hospitals will be reimbursed for inpatient services based on the provider's Medicaid rate in the state where the provider is located.

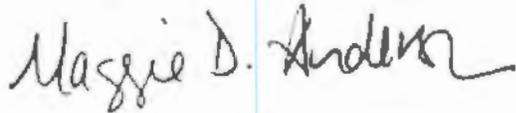
### **Community Paramedics**

Effective on or after January 1, 2017 and as a result of 2015 Senate Bill 2043, North Dakota Medicaid will be enrolling community paramedics. Community paramedics services will be limited to vaccinations and immunizations.

Please send comments, questions or concerns about the proposed State Plan Amendments or waivers to my attention at 600 East Boulevard Avenue, Department 325, Bismarck, ND 58505. You may also send information via e-mail to me at [manderson@nd.gov](mailto:manderson@nd.gov)

The Department appreciates the continued 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 black ink that reads "Maggie D. Anderson". The signature is written in a cursive style with a long, sweeping tail on the letter "n".

Maggie D. Anderson, Executive Director  
ND Department of Human Services