



Jack Dalrymple, Governor
Maggie D. Anderson, Executive Director

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July 23, 2015

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 (Department) 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 reeducations and additions to the program(s). The North Dakota Department of Human Services engages the 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 North Dakota (ND) Medicaid Expansion is authorized under section 1915(b) of the Social Security Act (SSA). The 1915(b) Waiver for Managed Care Enrollment of the Medicaid Expansion permits the State to furnish services to those individuals eligible for North Dakota Medicaid Expansion through a Managed Care Organization (MCO). As part of the requirements for Medicaid Managed Care and pursuant to 42 CFR 438.52(a), a state that requires Medicaid beneficiaries to enroll in a MCO must give those individuals a choice of at least two managed care plans except for rural area residents. For North Dakota, the requirement of having a choice is applicable for those residents in areas designated as being urban, which include the counties of Burleigh, Cass, and Grand Forks. As individuals eligible for Medicaid Expansion only have one choice of a managed care plan, in 2014, when North Dakota implemented Medicaid Expansion, the Department obtained authority under section 1115 of the SSA to allow North Dakota to operate only one managed care plan in an urban area. The current authority ends December 20, 2015.

Prior to the end of Calendar Year 2015, the Department will be requesting that the Centers of Medicare and Medicaid Services (CMS) provide an extension for the State's 1115 waiver beyond December 20, 2015 in order for the approved expenditure authority to correspond with the State's 1915(b) waiver which ends December 31, 2015. In addition, as the Department plans to request a renewal of the 1915(b) waiver for its managed care program authority, an extension or renewal of the 1115 waiver will be needed to ensure compliance as related to only having one health plan choice in urban areas of the State. In the request to CMS, no changes are expected to the previously authorized 1115 Waiver. The 1115 waiver authority is important for the recipients of

Mr. Scott Davis
July 23, 2015
Page 2

managed care services to ensure continuity of care and prevent any disruption of services which might impact the health and well-being of those enrolled with ND Medicaid Expansion.

You may review the North Dakota Medicaid Application for Continued 1115 Waiver Authority at <http://www.nd.gov/dhs/info/pubs/docs/medicaid/draft-application-1115-1915b-waiver-authority.pdf> and a copy is attached for your reference.

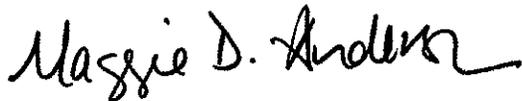
The 1115 Waiver and the Medicaid Expansion will be discussed at the August 11, 2015 Department's Tribal Health and Indian Health Services meeting.

Comments, questions or concerns about the 1915(b) renewal or the 1115 Waiver extension/renewal, should be directed to Stephanie Waloch, Medicaid Expansion Administrator at swaloch@nd.gov or by calling 701-328-1705, ND Relay TTY 800-366-6888 or by mailing a written response to :

ND Department of Human Services
Medical Services Division – Stephanie Waloch
600 East Boulevard Avenue Dept 325
Bismarck, ND 58505-0250

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
Executive Director

DRAFT ND MEDICAID 1115 Waiver Extension and Renewal Application

August 26, 2015

Richard Allen, Associate Regional Administrator
Centers for Medicare & Medicaid Services
Division of Medicaid & Children's Health Operations
1961 Stout St, Room 08-148
Denver, CO 80294

Dear Mr. Allen:

RE: North Dakota Medicaid Application for Continued 1115 Authority

North Dakota has reached out to the Centers for Medicare and Medicaid Services (CMS) inquiring how to should proceed with the extension and/or renewal for continued 1115 waiver authority as related to the expenditure authority granted through December 20, 2015 allowing the state to operate only one managed care plan in urban areas. Pending CMS directive, and recognizing the steps that need to be taken for an 1115 renewal request, the State is hereby requesting an extension and renewal of its 1115 waiver authority.

The 1115 authority was required as the managed care program for the North Dakota Medicaid Expansion was needed to ensure the program was operating in accordance with Medicaid managed care requirements. As you know, the initial concerns about non-compliance occurred because one of the two responsive bidders to operate the State's managed care program withdrew its bid to participate resulting in North Dakota not being able to provide a health plan choice to Medicaid Expansion recipients in urban areas of the State (i.e.; Burleigh, Cass and Grand Forks counties). Thus, the 1115 authority was necessary to protect recipients eligible for Medicaid Expansion allowing them to continue to receive services which could have impacted if the 1915(b) waiver would have been determined to be non-compliant.

An extension of the 1115 waiver is needed from December 20, 2015 through December 31, 2015, in order for the approved expenditure authority to correspond with the State's 1915(b) waiver which ends December 31, 2015.

In addition, the State will be requesting renewal of the 1915(b) waiver for its managed care program authority, and therefore, is also requesting a renewal of the 1115 waiver authority to ensure compliance as related to having one health plan choice for Medicaid Expansion recipients in urban areas of the State. Continued 1115 waiver authority is extremely important for the recipients of North Dakota Medicaid Expansion managed care services to ensure continuity of care and prevent any disruption of services which might impact the health and well-being of those enrolled with Medicaid Expansion.

The State does realize the an extension or renewal beyond December 31, 2015 may not be necessary as the provisions related to this may change as proposed in the recently released MS proposed rules for Medicaid Manage Care. The provisions of the proposed rule, if adopted, would result in North Dakota no longer having designated urban areas and would be consider rural, thus being except from having to provide a choice of managed care plans. However,

DRAFT ND MEDICAID 1115 Waiver Extension and Renewal Application

because the rules may not be finalized prior to North Dakota needing to extend and/or renew its 1115 Waiver Authority, we are submitting this request for extension and renewal to ensure the North Dakota Medicaid Expansion program has the necessary authorities in place.

The following table outlines the transparency and public notice procedures which the State has taken or will be taking for the 1115 Authority Extension Request:

State Actions		Date
Public Notice	<u>North Dakota Medicaid 1115 and 1915(b) Waivers</u> posted on ND DHS Website	
Public Notice Comment (s) Response	Public Comment Submission Deadline State Response(s) to Public Comment	
1 st Public Hearing	Medicaid Medical Advisory Committee - <u>Medicaid Advisory Committee July 15, 2015 Agenda</u> posted on ND DHS Website	07-15-2015 07-09-2015
	- <u>Medicaid Advisory Committee July 15, 2015 News Release</u> posted on ND DHS Website and distributed via electronic mailing list Public Comment Submission Deadline State Response(s) to Public Comment	07-13-2015 08-14-2015 Pending
2 nd Public Hearing	11am to 12:30pm CT – Sakakawea Room North Dakota State Capital Building	8-5-2015
Tribal Consult	Letter issued to Department's Tribal consultation members	7-20-2015
	Tribal Health/Indian Health Services Meeting	8-11-2015
Electronic Mailing	Public Notice, including Draft Application and Public Hearing Information (Medicaid Medical Advisory Members, Tribal Health/Indian Health Services committee members, North Dakota Legislators, Media Outlets, all others who receive Department-issued public notices.	Same date as public notice posted

Thank you for your review and consideration of the Department's request. Should you have questions, please contact me at 701-328-2617 or manderson@nd.gov or Stephanie Waloch at 701-328-1705 or swaloch@nd.gov

Sincerely,

Maggie D. Anderson
Executive Director