



Jack Dalrymple, Governor  
Maggie D. Anderson, Executive Director

August 11, 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 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 Expansion 1915(b) Waiver**

The Department will be submitting a renewal request to the Centers for Medicare and Medicaid Services (CMS) for the current Medicaid 1915b waiver, which was approved as part of the January 1, 2014 implementation of the Medicaid Expansion coverage. The current authority granted by the 1915(b) waiver ends December 31, 2015 and in order to continue to provide coverage to those enrolled with Medicaid Expansion a renewal request must be submitted to CMS. The Medicaid 1915(b) waiver authorized the Department to provide Medicaid Expansion as a Managed Care Organization (MCO) Program. This allowed having mandatory enrollment of individuals, including Native Americans, eligible for the Medicaid Expansion into the plan offered by a private carrier (managed care plan). At this time, no changes to the program, benefits, or operations are proposed with the 1915(b) waiver renewal. As part of the renewal request, the Department will submit the 1915(b) Waiver Renewal Application, Cost Effectiveness Report, and Independent Assessment of the program impact, access, quality, and cost-effectiveness.

**Early and Periodic Screening, Diagnosis and Treatment (Health Tracks)**

On or after October 1, 2015, the Department is expecting to increase the rates paid to entities enrolled to provide screenings under the Early and Periodic Screening, Diagnosis and Treatment program. The increases will be established after collecting cost information from providers and are intended to ensure continued access to screening services.

**Targeted Case Management**

On or after September 1, 2015, the Department plans to submit updates to state plans for Targeted Case Management for the following targeted groups: Individuals with a Serious Mental Illness, Individuals with a Serious Emotional Disturbance, Children in Alternative

Care and Children in Protective Services. All of these groups are currently covered and the updated state plans are not expected to change the eligibility for the groups or the services provided.

**Monthly Income Allowance for Community Spouse**

Effective on or after January 1, 2016 the Medicaid State Plan will be amended to increase the monthly income allowance for community spouse, sometimes referred to as the spousal impoverishment level. The current monthly allowance is \$2,267 and will be increased to \$2,550.

**Affordable Care Act - Determination to an Assessment State**

Effective on or after October 1, 2015, the Department plans to revert to "an assessment state" from its current status as "a determination state". As an "assessment" state, the Federal Marketplace will make an assessment of Medicaid or Children's Health Insurance Program eligibility. A final eligibility determination will then be made by the State/County.

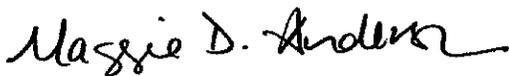
**Cost-Sharing Copayment Clarification**

The Department will be clarifying the definition of "physician office visits" in relation to cost-sharing copayments applied to specific services. Copayments applied to "office visits" include those provided by practitioners who may bill office visits within their scope of practice. The set of procedure codes used to define an "office visit" is the same set of procedure codes used for services performed by physicians and other practitioners allowed to bill office visits within the provider's scope of practice. Therefore, the application of cost-sharing copayments is applicable to the set of procedure codes defining "office visits."

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,



Maggie D. Anderson  
Executive Director