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Jack Dalrymple, Governor  
Maggie D. Anderson, Executive Director

May 29, 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 Provider Rate Increases**

Most Medicaid-covered services, including vaccine administrations, will receive a three percent inflationary increase effective for dates of services on or after July 1, 2015 as authorized and appropriated by the 2015 Legislative Assembly. Ambulance, physical therapy, speech therapy, and occupational therapy providers will also receive an additional increase, as authorized by the 2015 Legislative Assembly, to ensure continued, state-wide access to these services for Medicaid enrollees. Also, Intermediate Care Facilities and Group Homes serving individuals with a Developmental Disability will continue to receive rate enhancements based on the medical and/or behavioral health needs of clients. There will be no change to the Indian Health Services encounter rate as a result of these increases.

#### **Provider screening**

The Department of Human Services will be updating the Medicaid State Plan to reflect current provider screening efforts to include compliance with the monthly screening requirements and site visits for moderate and high risk providers. The Department is requesting a statewide waiver for assessing application fees and is determining next steps to comply with finger-print based background checks for high risk providers.

#### **Correct Coding Initiative**

North Dakota Medicaid follows the National Correct Coding Initiative (NCCI) Edits. These edits were developed by the Centers for Medicare and Medicaid Services (CMS) based on coding conventions defined in the American Medical Association's Correct Procedure Terminology Manual, national and local polices and edits, coding guidelines developed by national societies, analysis of standard medical and surgical practices and a review of current coding practices. CMS annually updates the National Correct Coding Initiative

Coding Policy Manual . The Coding Policy Manual should be utilized as a general reference tool that explains the rationale for NCCI edits.

### **Dental Coverage**

North Dakota Medicaid is expecting to add two new dental codes for coverage. The codes are D0190 Screening of a patient and D0191 Assessment of a patient.

### **Primary Care Providers**

The Medicaid Expansion medically frail population has the option of choosing between the Sanford Health Plan and Traditional Medicaid Plan. If Medicaid Expansion enrollees who are medically frail choose the Traditional Medicaid Plan, they will be exempt from the requirement of choosing a Primary Care Provider (PCP).

### **Supplemental Prescription Drug Rebates**

On or after July 1, 2015, the Department plans to submit a Medicaid state plan amendment to allow for collection of supplemental drug rebates. The 2015 legislature passed legislation allowing the department to join a multi-state drug rebate pool. The supplemental rebate process will allow more medications to be available without prior authorization and will provide additional savings for the Medicaid program. There will be no change to pharmacy services at IHS facilities as medications received at IHS are not subject to prior authorization and they are not included in the Medicaid drug rebate process.

### **Medicaid Expansion 1915b Waiver**

The Department is working with the Centers for Medicare and Medicaid Services (CMS) to evaluate the provisions of the Medicaid 1915b waiver, which was approved as part of the January 1, 2014 implementation of the Medicaid Expansion coverage. Should this review require an amendment to the existing 1915b waiver, to ensure the cost projections are within the levels approved by CMS, the Department will be submitting a waiver amendment.

### **Targeted Case Management**

On or after July 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.

### **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 are applied to “physician office visits” include those provided by a physician-extender. The set of procedure codes used to define a “physician office visit” is the same set of procedure codes used for services performed by all physician and physician-extender providers if the service is allowable and 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.”

### **Medicaid Expansion Estate Recovery**

As directed by the ND Legislative Assembly (Senate Bill 2050), effective August 1, 2015 the Department will no longer be pursuing estate recovery for individuals over the age of 55 who are receiving healthcare coverage through a private carrier as part of the State’s Medicaid Expansion coverage.

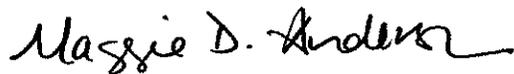
### **Pharmacy Coverage for Medicaid Expansion**

As directed by the ND Legislative Assembly (House Bill 1041) effective August 1, 2015 the Department will be amending the contract with the Sanford Health Plan (health care coverage carrier for the Medicaid Expansion) to ensure that pharmacy services obtained outside of North Dakota and outside of the three states bordering North Dakota are subject to prior authorization for purposes of confirming continued eligibility.

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