

August 27, 2020

Mr. Scott Davis  
ND Indian Affairs Commission  
600 E Boulevard Ave  
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.

This letter provides the opportunity for consultation on two items impacting North Dakota (ND) Medicaid Expansion.

**Alternative Benefit Plan (ABP) and 1915(b) Waiver Amendment Submission**

Senate Bill 2012 of the 2019 North Dakota Legislative Assembly directed the Department to obtain Social Security Act 1915(i) authority to expand the North Dakota Medicaid State Plan to include coverage for additional Home and Community-Based Services (HCBS) to support Medicaid eligible individuals with specified behavioral health conditions. The 1915(i) Medicaid State Plan Amendment has been submitted and the Department is awaiting Center of Medicaid & Medicare (CMS) approval prior to implementation. Information about 1915(i) Services such as eligibility criteria and covered services, including the 1915(i) Medicaid State Plan Amendment, can be found at [www.behavioralhealth.nd.gov/1915i](http://www.behavioralhealth.nd.gov/1915i).

Individuals who receive ND Medicaid Expansion benefits will be eligible for the 1915(i) Services. As the benefits for ND Medicaid Expansion are provided through an Alternative Benefit Plan (ABP), the Department will be submitting to CMS a state plan amendment effective for dates of service on or after October 1, 2020, for the ABP to include the 1915(i) Services as indicated within the 1915(i) Medicaid State Plan Amendment. The ABP benefits include Early and Periodic Screening, Diagnostic and Treatment (EPSDT) services for those enrolled with ND Medicaid Expansion who are under age 21, to assure compliance with 42 CFR 440.345 the Department aligned the ABP 1915(i) Services to be consistent with those available under Traditional Medicaid fee-for-service through the 1915(i) Medicaid State Plan Amendment. All Medicaid Expansion enrollees, including those under 21, will receive notification of the 1915(i) Services through the Managed Care Organization member materials regarding services.

**MEDICAL SERVICES**

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In addition, the services for ND Medicaid Expansion are furnished through a Managed Care Organization North Dakota per authority granted by CMS under section 1915(b) of the Social Security Act. This authority allows mandatory enrollment for individuals, including Native Americans, eligible for Medicaid Expansion into the plan offered by the contracted private carrier (managed care organization). The Department will be submitting an amendment to include the 1915(i) Services within the 1915(b) Waiver for Managed Care Enrollment of the Medicaid Expansion. No other changes to the program, benefits, or operations will be included.

The changes associated with the ND Medicaid Expansion Alternative Benefit Plan and the 1915(b) Waiver for Managed Care Enrollment of the Medicaid Expansion are not expected to have a negative impact on the ND Tribes and/or their Tribal members. Copies of the amendment documents are available upon request.

Please send comments, questions or concerns about the proposed ND Medicaid Expansion Alternative Benefit Plan to Medical Services, Attention: Tribal Consultation; 600 East Boulevard Avenue, Department 325, Bismarck, ND 58505. You may also send information via e-mail to [ndmedicaid@nd.gov](mailto:ndmedicaid@nd.gov).

Input will be accepted through 5 PM, Central Time, September 26, 2020.

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 "Caprice Knapp". The signature is written in a cursive, flowing style.

Caprice Knapp, Director  
Medical Services Division