

April 14, 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.

The ND Medicaid program submitted a disaster relief state plan amendment to modify or waive certain requirements as a result of the COVID-19 National Emergency. The provisions of this state plan amendment (SPA) will be effective March 1, 2020 and will expire upon termination of the public health emergency, including any extensions. The following items will be included in the disaster relief state plan amendment:

- Modification of the requirement to submit the SPA by March 31, 2020, to obtain an effective date during the first calendar quarter of 2020, pursuant to 42 CFR 430.20.
- Waiver of public notice requirements that would otherwise apply to this SPA submission.
- ND Medicaid State plan allows for expedited consultation in certain circumstances. North Dakota is issuing written consultation for this disaster SPA.
- Modification to the 34-day supply limit for medications, ND Medicaid may allow a one-time 90-day fill to decrease the need for office visits for ND Medicaid members.
- Expansion of prior authorization for medications by automatic renewal without clinical review, or time/quantity extensions.
- If the prevalence of mail and delivery of prescriptions increases such that pharmacy costs of dispensing increase, the professional dispensing fee may be increased.

**MEDICAL SERVICES**

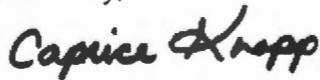
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- Make exceptions to the published Preferred Drug List if drug shortages occur. This would include options for covering a brand name drug product that is a multi-source drug if a generic drug option is not available.
- Allow coverage of telephonic evaluation and management codes (CPT codes 99441, 99442, 99443).
- Modification of provider qualifications which may include suspending competency and state criteria.
- Waive the 12-month requirement for a continued stay review for a resident of an intermediate care facility for individuals with an intellectual disability.
- May allow extending the nursing facility cost report submission deadline.
- Waive the requirement that the nursing facility established rate cannot exceed the limit rate for allowable unforeseeable expenses.
- Waive the timelines for nursing facility rate reconsiderations and appeals.
- Waive the 15-day limit for payment for bed hold for an inpatient hospitalization for a resident of a nursing facility or intermediate care facility for individuals with an intellectual disability if the hospital stay is due to a diagnosis of COVID-19.
- Suspend premiums for individuals eligible under the Workers with Disabilities or Children with Disabilities groups.

Please send comments, questions or concerns about the proposed State Plan Amendments or waivers 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).

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,



Caprice Knapp, Director  
Medical Services Division