NORTH Dakota | Health & Human Services
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Medical Services

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November 17, 2026

Dear Tribal Partners:

This letter is regarding the Tribal Consultation between the North Dakota Department of Health and 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.

North Dakota Medicaid is proposing a number of changes to State Plan Amendments and one Waiver renewal.

State Plan Amendments

- Work Requirements
  - Eligibility. Effective Jan. 1, 2027, ND Medicaid will implement new federal rules for those eligible or enrolled with Medicaid Expansion. They must work or do certain activities to keep Medicaid coverage unless they are excluded. Members or applicants are excluded if they meet one of the following:
    - You are American Indian or Alaska Native.
    - You are under age 26 and aged out of foster care.
    - You take care of a child aged 13 and under.
    - You take care of a person with a disability.
    - You are a veteran with a 100% rated disability by Veterans Affairs.
    - You have special health needs that limit your daily abilities.
    - You already meet work rules for Temporary Assistance for Needy Families (TANF).
    - You live in a household that gets Supplemental Nutrition Assistance Program (SNAP) and must follow SNAP work rules.
    - You are in a drug or alcohol treatment program.
    - You are in jail or prison or were released within the last 3 months.

        - You are pregnant or on ND Medicaid and had a baby within the last 12 months.
        - You are on Medicare.
    - Individuals who do not meet the criteria above are required to meet work requirement rules. They can meet the requirements by:
        - Household earns at least $580 (federal minimum wage times 80 hours) in one month during their review period or, for new applicants, in the month before their Medicaid application was received.
        - Are seasonal workers who earned an average of at least $580 (federal minimum wage times 80 hours) per month over the past six months.
    - If they don't meet the income threshold, they must complete at least 80 hours in an applicable lookback month of one or more of the following activities:
        - Work at a job (paid or unpaid such as internship
        - Volunteer or complete community service
        - Take part in a job training or work program
        - Attend school at least half-time
        - Complete a combination of these activities that adds up to at least 80 hours per applicable month
    - ND Medicaid will verify whether individuals have met these requirements or qualify for an exclusion before requesting additional information from the member.
    - Impact on Tribes: American Indian and Alaska Native individuals are excluded from the new work requirements. It is important that Medicaid applications and renewals are completed correctly to ensure American Indian and Alaska Native individuals are identified and receive the appropriate exclusion. This will help prevent unnecessary delays or interruptions in Medicaid coverage.
- Six-Month Renewals
    - Starting Jan. 1, 2027, ND Medicaid will implement new federal rules for those eligible or enrolled in Medicaid Expansion. They will have their Medicaid eligibility reviewed every six months instead of every 12 months. ND Medicaid will first use available information to check eligibility. If more information is needed, individuals may be asked to provide additional documents or information to keep their coverage.
    - Impact to Tribes: American Indian and Alaska Native individuals are excluded from the new six-month review requirement and will continue to have their Medicaid eligibility reviewed every 12 months. It is important that Medicaid applications and renewals are completed correctly to ensure American Indian and Alaska Native individuals are identified and receive the appropriate exclusion. This will help prevent unnecessary delays or interruptions in Medicaid coverage.

- Retroactive Eligibility
  - Starting Jan. 1, 2027, ND Medicaid will implement new federal rules for those eligible or enrolled in traditional Medicaid or Medicaid Expansion. Medicaid Expansion retroactive coverage will be reduced from three months to one month before the month of application. Traditional Medicaid retroactive coverage will be reduced from three months to two months before the month of application.
  - Individuals must have met Medicaid eligibility requirements during the retroactive period to qualify for coverage.
  - Impact on Tribes: America Indian and Alaska Native individuals are not excluded from these changes. Applying for Medicaid as soon as possible can help prevent gaps in coverage.
- Nursing Facility Services
  - Effective Jan. 1, 2027, a 3.2% Skilled Nursing Facility Market Basket adjustment will be applied for all Nursing Facility services. The expected impact to providers is a higher reimbursement rate for services based on a 3.2% inflation rate.
  - Impact to Tribes: Tribal providers and Tribal members may benefit from increased reimbursement for Medicaid-covered services paid outside of the Indian Health Service all-inclusive rate. The proposed changes are not expected to impact the Tribal 638 program or Indian Health Services all-inclusive encounter rate.
- Psychiatric Residential Treatment Facilities (PRTF)
  - Effective Jan. 1, 2027, ND Medicaid will provide a 2% inflationary increase for all Psychiatric Residential Treatment Facility services as authorized by the 2025 Legislative Assembly. The expected impact to providers is a higher reimbursement rate for services based on a 2% inflation rate.
  - Impact to Tribes: Tribal providers and Tribal members may benefit from increased reimbursement for Medicaid-covered services paid outside of the Indian Health Service all-inclusive rate. The proposed changes are not expected to impact the Tribal 638 program or Indian Health Services all-inclusive encounter rate.
- Medicaid Recovery Audit Contractor (RAC) Program.
  - Effective April 1, 2027, ND Medicaid seeks an extension of the approved RAC exemption. The ND Medicaid Program Integrity Unit will continue to explore additional audit areas and methods to improve auditing practices across the Medicaid expenditure universe.
  - Impact on Tribes: There is not an expected impact, as this State Plan Amendment will maintain current status.
- Hormone treatment for gender affirming care for children
  - To comply with CMS final rule CMS-2451-F, ND Medicaid will continue to cover hormone therapy for members under age 18 for a period of 6 months from the

effective date of the CMS final rule (April 13, 2027) if hormone therapy was started on or before October 13, 2026.
- Impact to Tribes: There will be no Medicaid payments for hormone therapy being used for this purpose dispensed on or after April 13, 2027.

Please send comments, questions or concerns about the proposed State Plan Amendments to:

North Dakota Department of Health and Human Services
Attn: Janice Tweet
Medical Services Division
600 East Boulevard Avenue, Department 325
Bismarck, ND 58505
Fax: 701-328-1544
E-mail: jtweet@nd.gov

Waiver Renewal

- Proposed Amendment to Medicaid Waiver for Home and Community-Based Services (HCBS)
  - The Health and Human Services Department's Adult and Aging Services proposes to renew the 1915 (c) Medicaid Waiver. The waiver renewal application includes regulatory changes due to the federal Access Rule requirements, proposed administrative code changes, and internal process updates.
  - The amendment includes the following updates.
    - Changes due to regulatory requirements.
    - Strengthening of person-centered practices and access to care, updates to assessment core and supplemental elements, care planning, case management, grievances, and reporting transparency.
    - Language changes for internal processes.
    - Implement the proposed Administrative Code changes such as allowing the comprehensive assessment and care plan to be completed annually, and changes to qualified service provider enrollment.
  - View the entire draft waiver renewal at: https://www.hhs.nd.gov/healthcare/medicaid/medicaid-waivers.
  - Copies of the draft waiver renewal will also be provided upon request.
  - The anticipated effective date of the proposed renewal is expected to be April 1, 2027.
  - Impact to Tribes: Tribal members receiving HCBS services in their community will see strong person-centered planning and ability to voice concerns about how

care is provided. Tribal members will also see implementation of administrative code changes to waiver services go into effect following waiver approval.

Comments on the waiver renewal will be accepted in the following ways:

Mail: North Dakota Department of Human Services
Aging Services Division
Attn: HCBS
1237 West Divide Ave. Ste. 6
Bismarck, ND 58501
Email: dhshcbs@nd.gov
Phone: (855) 462-5464
Fax: (701) 328-8744

If you have any comments, questions, or concerns about the proposed waiver amendment, please contact Sandi Erber at srerber@nd.gov, or by calling (701) 328-8915; or by contacting North Dakota's Aging and Disability Resource Link toll-free at (855) 462-5465, 711 TTY, or email carechoice@nd.gov.

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 Medicaid NCCI Policy Manual and the Medicaid NCCI Technical Guidance Manual. For more information on the Medicaid National Correct Coding Initiative, visit www.cms.gov/medicare/coding-billing/ncci-medicaid.

Input on all items will be accepted through 5:00 p.m. Central Time, December 17, 2026.

The Department appreciates the continued opportunity to work collaboratively with Tribal partners to support health and advance the foundations of well-being for North Dakota Medicaid members.

Sincerely,



Stephanie Bates, Executive Director
Medical Services Division
North Dakota Department of Health and Human Services