

April 24, 2024

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.

Medicaid Provider Rate Increases

Most Medicaid-covered services will receive a three percent inflationary increase effective for dates of services on or after July 1, 2024, as authorized and appropriated by the 2023 Legislative Assembly.

There will be no change to the Tribal 638 programs Indian Health Services all-inclusive rate as a result of these increases. Services reimbursed outside of the all-inclusive rate (e.g. non-emergency medical transportation) will receive the inflationary increase of three percent, as authorized by the 2023 Legislative Assembly.

Effective July 1, 2024, other licensed practitioners will be reimbursed 100% of the Medicaid fee schedule. Previously, these providers received on average 75% of the Medicaid fee. Providers included are Nurse Practitioners (NP), Physician Assistants (PA), Clinical Nurse Specialists (CNS), Certified Registered Nurse Anesthetists (CRNA), Licensed Clinical Social Workers (LCSW), Licensed Professional Clinical Counselors (LPCC), Licensed Professional Counselors (LPC), Licensed Marriage and Family Therapists (LMFT) and nurse midwives.

Behavioral Health Services

Effective July 1, 2024, North Dakota Medicaid will be submitting a State Plan Amendment for updates to the Behavioral Health Rehabilitative Services which include:

1. Elimination of the service Skills Restoration as duplicative with Skills Integration. The Skills Integration service will be named Skills Training and Integration to reflect that skills are obtained by the member during therapy and practiced, trained, and integrated into daily life situations through this service.

MEDICAL SERVICES

600 E Boulevard Ave Dept 325 | Bismarck ND 58505-0250

2. Licensed Associate Professional Counselors (LAPCs) are being added as providers for the Behavioral Assessment service because this is within their scope of practice and they have training equivalent to Licensed Master Social Workers (LMSWs) who are qualified providers for this service.
3. Licensed Behavior Analysts are being added as Behavioral Health Rehabilitative Service providers for the following services based on their scope of practice:
 - a. Screening, Triage, and Referral Leading to Assessment
 - b. Behavioral Assessment
 - c. Skills Training and Integration
 - d. Behavioral Intervention
4. Registered Behavior Technician (RBT) certification is being added as acceptable Mental Health Technician training.
5. Finally, specific member eligibility qualifications for Behavioral Health Rehabilitative Services are being removed because they are more appropriate for policy.

1915(i) Behavioral Health Home and Community Based Services

Effective on or after June 1, 2024, North Dakota Medicaid will be submitting a State Plan Amendment to modify two areas with this 1915(i) State Plan Amendment:

- The first modification will clarify that a conflict-of-interest exemption may be applied if a provider is the only willing and qualified provider in the county where the member resides. This modification may impact some tribes and tribal providers. In areas where there is more than one 1915(i) service provider, we do not anticipate any impact. In counties where there is only one 1915(i) provider, this modification will provide a conflict-of-interest exemption for tribal health providers to provide all services allowable under 1915(i).
- The other modification includes the removal of the qualifying diagnosis list. Qualifying diagnoses will be maintained in policy guidance rather than the state plan. We do not anticipate this modification to impact the tribes. Services provided under 1915(i) will remain the same.

Other Proposed Changes

Effective July 1, 2024, North Dakota Medicaid will be submitting a State Plan Amendment to add school psychologists as an Other Licensed Practitioner.

Effective July 1, 2024, North Dakota Medicaid will be submitting a State Plan Amendment for updates to Nursing Services provided in a School to Children with Complex Medical Needs and provided by a Registered Nurse. The requirement that students must be on an Individualized Education Program (IEP) is being changed to "a plan that documents medical necessary for nursing services" to support a child's needs to access free and appropriate public education. This change reflects North Dakota's expanded school-based service coverage.

In accordance with state plan authority, effective for dates of service on or after July 1, 2024, the rate paid for non-commercial, passenger vehicle non-emergency medical

transportation mileage will be adjusted to reflect limits established by the North Dakota Legislature.

In accordance with state plan authority, effective for dates of service on or after July 1, 2024, the rate paid for meals will be increased to an amount that will not exceed the limits established by the North Dakota Legislature.

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 (CMCS) 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 go to <https://www.medicaid.gov/medicaid/program-integrity/national-correct-coding-initiative-medicaid/index.html>

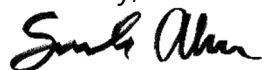
Please send comments, questions or concerns about the proposed State Plan Amendments or waivers to:

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

Input will be accepted through 12 PM, Central Time, Wednesday, May 24, 2024.

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,



Sarah Aker
Executive Director
Medical Services Division
North Dakota Department of Health and Human Services