

August 28, 2024

Dear Tribal Consultation Members:

RE: 1915(c) Medicaid waiver amendment applications

This letter is regarding Tribal Consultation established between the North Dakota Health and Human Services and the North Dakota Indian Tribes. This consultation process was established to ensure Tribal governments are included in the decision-making processes when changes in the Medicaid or Children's Health Insurance Program(s) will affect items such as cost or reductions and additions to the program.

This letter provides the opportunity for consultation on one waiver amendment.

Proposed amendment to Medicaid Waiver for Home and Community Based Services (HCBS):

The Department's Adult and Aging Services proposes to amend the 1915(c) Medicaid waiver. This waiver serves elders and adults with physical disability. The purpose of the amendment is to implement changes in services and programming to improve access to home and community-based services (HCBS) and update language changes related to internal processes.

The amendment includes the following updates.

- The amendment would update the waiver to allow for administratively claiming for certain HCBS case management tasks and allow for a registered nurse (RN) with a bachelor's degree in nursing to provide case management services.
- Change allowable tasks for case management in the waiver and broaden the provider qualifications to improve access to HCBS services and promote health equity, health literacy and cultural humility in person-centered planning. The provision of case management would be limited to agency providers and will update the provider qualifications to allow culturally or community-based organizations and Tribal entities to provide the service to waiver eligible individuals.
- Update tasks for extended personal care services to include providing a ride and escort to medical appointments because of communication or other impairments.
- Change the rate methodology for cost-based rates under Fee for Service (FFS) waiver programs of Emergency Response Service and Adult Daycare to be paid at the reasonable and customary rate. Extended Personal Care, Nurse Educator, to be paid at maximum rate established for the service.
- The amendment would also update internal processes related to the states level of care evaluation process and Qualified Service Provider Enrollment.

Aging Services has been working with tribal nation service providers and partners for over a year to identify gaps in the delivery of home and community-based services to tribal members. The proposed change in the amendment is expected impact to tribal members by expanding access to home and community-based services with cultural support through tribal providers.

View the entire draft waiver amendment at:

[https://www.hhs.nd.gov/sites/www/files/documents/DHS%20Legacy/Application%20for%201915\(c\)%20HCBS%20Waiver%20Draft%20ND.001.06.04%20-%20Jan%2001%2C%202025.PDF](https://www.hhs.nd.gov/sites/www/files/documents/DHS%20Legacy/Application%20for%201915(c)%20HCBS%20Waiver%20Draft%20ND.001.06.04%20-%20Jan%2001%2C%202025.PDF).

Copies of the draft waiver amendment will also be provided upon request.

The anticipated effective date of the proposed renewal is expected to be January 1, 2025.

Comments will be accepted in the following ways:

Email: carechoice@nd.gov
Phone: (855) 462-5465
711 TTY
Fax: (701) 328-8744
Mail: North Dakota Department of Health and Human Services
Aging Services Division
Attn: HCBS
1237 West Divide Ave., Ste 6
Bismarck, ND 58501

If you have any comments, questions, or concerns about the proposed waiver amendment, please contact,

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

Or

North Dakota Department of Health and Human Services, Aging Services
Sandi Erber, Home and Community Based Services Waiver Administrator
Email: srerber@nd.gov
Phone: (701) 328-8915
Or by contacting North Dakota's Aging & Disability Resource Link toll-free at (855) 462-5465, 711 TTY.

Comments and public input on the proposed changes will be accepted August 28, 2024, until 5 p.m. CT September 26, 2024.

The Department appreciates the continued opportunity to work collaboratively with you to support quality outcomes for Tribal Members.

Sincerely,



Sarah Aker
Executive Director
Medical Services Division