

August 28, 2023

RE: 1915(c) Medicaid waiver amendment applications

Dear Tribal Consultation Members:

This letter is regarding Tribal Consultation established between the North Dakota Department of Human Services and North Dakota Indian Tribes. This consultation process was established to ensure Tribal governments are included in the decision-making processes when changes in the North Dakota Medicaid or Children's Health Insurance Program (CHIP) 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 its 1915(c) Medicaid waiver. The purpose of the amendment is to implement changes in services and programming approved during the 2023 legislative session and update language related to internal processes. The amendment implements the new service of Waiver Personal Care, updates the rate methodology for Family Personal Care to comply with the Fair Labor Standards Act (FLSA), updates rate methodology for Adult Foster Care, and adds retainer payments for Residential Habilitation and Community Support. The amendment also updates internal processes related to the state's unwinding activities, a result of the end of the COVID-19 public health emergency (PHE), allowing use of electronic signatures and visits by virtual means for the services of Case Management and Extended Personal Care. The amendment further updates language under Homemaker services and Home Delivered Meals, and updates reference of the Department of Human Services (DHS) to the Department of Health and Human Services (DHHS).

View the entire draft waiver amendment at: [Waivers | Health and Human Services North Dakota](#).

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

The anticipated effective date of the proposed amendment is expected to be January 1, 2024.

Comments will be accepted in the following ways:

Email: dhshcbs@nd.gov
Phone: (855) 462-5465
Fax: (701) 328-8744
Mail: North Dakota Department of 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 Sandi Erber at srerber@nd.gov or by calling (701) 328-8915; or by contacting North Dakota's Aging & Disability Resource Link toll-free at (855) 462-5465, 711 TTY, or email carechoice@nd.gov.
by mailing a written response to: ND DHHS Adult and Aging Services; 1237 W Divide Ave Ste 6; Bismarck ND 58501.

Comments and public input on the proposed changes will be accepted **August 28, 2023, until 5pm CST**
September 26th, 2023.

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,



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