

June 15, 2023

Dear Tribal Consultation Members:

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 3 percent inflationary increase effective for dates of services on or after July 1, 2023 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 3 percent, as authorized by the 2023 Legislative Assembly.

SMI/SED Targeted Case Management

Effective on or after July 1, 2023, North Dakota Medicaid will be submitting a state plan amendment to update the eligibility criteria and qualifications of targeted case managers. The proposed changes include removal of repetitive eligibility criteria by removing chronically mentally ill as well as removing specific bachelor's degrees for targeted case manager supervisors and individual providers. Qualifications of targeted case managers without a bachelor's degree still require five years of experience and clarification has been added to explain that working with individuals with SMI/SED in roles involving case management functions, as listed, satisfies the required experience.

Medication Therapy Management

Effective on or after July 1, 2023, North Dakota Medicaid will be submitting a state plan amendment to remove the Medication Therapy Management (MTM) specific section to avoid duplication/redundancy within the State Plan. ND Medicaid already pays for services delivered under a pharmacist's scope of practice. There will be no changes in rates or specific covered services.

Pregnant Women Eligibility

Per the direction of the 2023 Legislative Assembly (Senate Bill 2181), effective on or after October 1, 2023, North Dakota Medicaid will be expanding the eligibility criteria for pregnant women. The current income eligibility limit is 162% of the federal poverty level and the new limit will be **175%**. Households interested in this coverage, should contact their local human service zone office.

MEDICAL SERVICES

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

Personal Needs Allowance

Effective July 1, 2023, North Dakota Medicaid will be increasing the personal needs allowance by \$35 for individuals residing in a nursing facility, basic care facility, intermediate care facility or psychiatric residential treatment facility. This allows the individual to retain more of their dollars to spend on personal items.

Other Proposed Changes

In accordance with state plan authority, effective for dates of service on or after July 1, 2023, 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, 2023, the rate paid for meals will be increased to an amount that will not exceed the limits established by the North Dakota Legislature.

In accordance with state plan authority, effective for dates of service on or after August 1, 2023, the Medicaid Fee Schedule for vaccines will be updated will account for annual adjustments to the Average Sales Price or Wholesale Acquisition Cost.

Medicaid Expansion / Fee for Services for 19-20 Year Old's Only

The Affordable Care Act amended Section 1937 of the Social Security Act, to require that Alternative Benefit Plans (ABP) coverage meet Essential Health Benefit Standards. Regulatory changes to the EHB standards that impact Medicaid ABPs require States to update existing ABPs to reflect these changes. Effective on or after July 1, 2023, North Dakota Medicaid will be submitting an amendment to the North Dakota Medicaid Expansion Alternative Benefit Plan (ABP) to clarify language for existing benefits.

Specific changes in this section include:

- Medication Therapy Management (MTM) – Changed to a maximum of four (4) MTM encounters per 365 days. Limit can be exceeded if medically necessary. Reference cited was updated in this section.
- Family Planning – removal of Long-Term Contraceptives is now a covered service.
- 1915(i) – the reference cited was updated in this section.

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 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.

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,

Krista Fremming

Krista Fremming, Interim Director
Medical Services Division