

September 27, 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.

### **Weight Loss Medications**

Federal regulations allow state Medicaid agencies to exclude medications for weight loss. North Dakota Medicaid has historically excluded medications for weight loss. Effective on or after October 1, 2023, ND Medicaid will be submitting a state plan amendment to cover specific weight loss medications. Not all weight loss medications will be covered. The specific products that will be covered and the criteria for coverage of those medications will be maintained in ND Medicaid's preferred drug list at [www.hidesigns.com/ndmedicaid](http://www.hidesigns.com/ndmedicaid).

### **Traditional Medically Needy Income Level**

Per the direction of the 2023 Legislative Assembly, effective on or after January 1, 2024, North Dakota Medicaid will be expanding eligibility for the traditional medically need group. Individuals in the 'medically needy' group must spend down their income to qualify for Medicaid coverage. The increase in the income level will allow individuals to keep more of their income for personal use. The current income eligibility limit is 83% of the federal poverty level (FPL) and the new limit will be **90%**. Households interested in this coverage, should contact their local human service zone office.

### **Increase in CHIP Eligibility to 210% FPL**

Per the direction of the 2023 Legislative Assembly, effective on or after January 1, 2024, North Dakota Medicaid will be expanding eligibility for the Children's Health Insurance Program (CHIP). The current income eligibility limit is 175% of the federal poverty level (FPL) and the new limit will be **210%**. Households interested in this coverage, should contact their local human service zone office.

### **End of the Primary Care Case Management (PCCM) Program**

The 2023 Legislative session passed HB1044 which ends the Primary Care Case Management (PCCM) Program effective December 31, 2023.

#### **MEDICAL SERVICES**

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Providers will no longer have Medicaid members who will be assigned to them as their Primary Care Providers (PCP). Providers will no longer have to write referrals for Medicaid members specialists or diagnostic testing associated with enrollment of the PCCM Program. The \$2 per member per month payment will end December 31, 2023.

Medicaid members who are enrolled into the PCCM Program will automatically be enrolled into Medicaid's Fee for Service benefit plan effective January 1, 2024. There will be no lapse in Medicaid coverage for any member. Members will not have to see a specified provider to obtain a referral for services that would normally be associated with enrollment to the PCCM Program. This does not apply for out-of-state services. For out-of-state services, members will still be required to obtain a referral and a service authorization and seek services from an enrolled Medicaid provider.

### **1915(i) Behavioral Health Home and Community Based Services**

Effective on or after October 1, 2023, North Dakota Medicaid will be submitting a 1915(i) state plan amendment to include additional needs-based assessment options: the Daily Living Assessment (DLA) and Children and Adolescent Needs and Strengths (CANS). The amendment contains revisions to the provider qualifications for peer support and family peer support to require certification within 6 months of provider enrollment approval as well as additional changes to provider qualifications for care coordination, benefits planning, housing supports, prevocational training, supported employment, and supported education. Other modifications include revisions to eligibility requirements in an effort to serve more Medicaid members, removal of remote and annual service limits, and allowance of retroactive service authorizations.

### **Outpatient Hospital Services**

Effective on or after October 1, 2023 North Dakota Medicaid will be submitting a state plan amendment to implement 3M™ Enhance Ambulatory Patient Groups (EAPG) version 3.17 for in-state prospective payment system (PPS) hospitals.

### **Other Proposed Changes**

Effective on or after October 1, 2023, North Dakota Medicaid will be submitting a state plan amendment to provide coverage of approved adult vaccines in accordance with the Inflation Reduction Act. ND Medicaid will also be submitting a state plan amendment to update rates for vaccines reimbursed outside of the Vaccines for Children program at least quarterly.

### **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.medicare.gov/medicaid/program-integrity/national-correct-coding-initiative-medicare/index.html>

Please send comments, questions or concerns about the proposed State Plan Amendments or waivers to Medical Services Tribal Consultation, Attention: Monique Runnels; 600 East

Boulevard Avenue, Department 325, Bismarck, ND 58505. You may also send information via e-mail to [mrannels@nd.gov](mailto:mrannels@nd.gov)

We appreciate your partnership in caring for our North Dakota Medicaid members and the continued opportunity to work collaboratively with you to achieve the best outcomes for Medicaid tribal members.

Sincerely,

A handwritten signature in black ink that reads "Sarah Aker". The signature is written in a cursive style with a large initial "S".

Sarah Aker, Director  
Medical Services Division