Department of Health and Hospitals Office of the Secretary

VIA ELECTRONIC MAIL ONLY

September 28, 2015

Bill Brooks
Associate Regional Administrator
Division of Medicaid & Children's Health
DHHS/Centers for Medicare and Medicaid Services
1301 Young Street, Room #833
Dallas, Texas 75202

Dear Mr. Brooks:

RE: Louisiana Title XIX State Plan Transmittal No. 15-0025

I have reviewed and approved the enclosed Louisiana Title XIX State Plan material.

I recommend this material for adoption and inclusion in the body of the State Plan.

Sincerely,

Kathy H. Kliebert

Secretary

Attachment (3)

KHK:WJR:JH

TRANSMITTAL AND NOTICE OF APPROVAL OF	1. TRANSMITTAL NUMBER:	2. STATE	
STATE PLAN MATERIAL	15-0025	Louisiana	
FOR: HEALTH CARE FINANCING ADMINISTRATION	3. PROGRAM IDENTIFICATION: TITLE XIX OF THE SOCIAL SECURITY ACT (MEDICAID)		
TO: REGIONAL ADMINISTRATOR	4. PROPOSED EFFECTIVE DATE		
HEALTH CARE FINANCING ADMINISTRATION DEPARTMENT OF HEALTH AND HUMAN SERVICES	August 1, 2015		
5. TYPE OF PLAN MATERIAL (Check One):			
G NEW STATE PLAN G AMENDMENT TO BE CONSI	DERED AS NEW PLAN 🛛 AM	IENDMENT	
COMPLETE BLOCKS 6 THRU 10 IF THIS IS AN AME		h amendment)	
6. FEDERAL STATUTE/REGULATION CITATION:	7. FEDERAL BUDGET IMPACT:		
42 CFR 447 Subpart C	a. FFY <u>2016</u> b. FFY <u>2017</u>	\$6,653.67 \$5,895.66	
8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT: Attachment 4.19-D, Page 20	9. PAGE NUMBER OF THE SUPER SECTION OR ATTACHMENT (A Same (TN 05-33)		
adopt provisions to establish supplemental Medicaid peresiding in privately-owned facilities that enter into a control of the	OOPERATIVE ENGLAND OF STREET OF STR	vith the Department	
12. SIGNATURE OF STATE AGENCY OFFICIAL:	16. RETURN TO:		
	State of Louisiana		
13. TYPE NAME:	Department of Health and Hospitals		
Kathy H. Kliebert	1201 Capitol Access Road	Hospitals	
		Hospitals	
14. TITLE:	PO Box 91030	Hospitals	
Secretary	PO Box 91030		
Secretary 15. DATE SUBMITTED:	_		
Secretary 15. DATE SUBMITTED: September 28, 2015	PO Box 91030 Baton Rouge, LA 70821-90		
Secretary 15. DATE SUBMITTED: September 28, 2015 FOR REGIONAL OF	PO Box 91030 Baton Rouge, LA 70821-90 FFICE USE ONLY		
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Secretary 15. DATE SUBMITTED: September 28, 2015 FOR REGIONAL OF	PO Box 91030 Baton Rouge, LA 70821-90 FFICE USE ONLY 18. DATE APPROVED:)30	
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17,611.10

TRANSMITTAL #:

15-0025

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TITLE: ICF-ID S

ICF-ID Supplemental Fayments

% inc.

EFFECTIVE DATE: August 1, 2015

FISCAL IMPACT:

dollars

Increase

range of mos.

1st SFY	2016			0.009	6 11	August 1, 2015- June 30,2016			\$8,371,460	
2nd SFY	2017	3.0%		0.009	6 12	July 2016- June 2017			\$9,406,477	
3rd SFY	2018	3.0%		0.009	6 12	July 2017 - June 2018			\$9,686,671	
	•	#mos-Months r	emaining in fiscal	year						
Total I	Increase in C	Cost FFY	2016							
SFY				months	August 1, 2015	- June 30,2016			\$8,371,460	
SFY	2017	\$9,406,477 \$9,406,477		months 3	July 2016- June July 2016 - Sep			=	\$2,351,619 \$10,723,079	
			FFP (FFY 2016	3)=	\$10,723,079	x	62.05%	=		\$6,653,671
Total I	Increase in (Cost FFY	2017							
SFY	2017	\$9,406,477	for 12	months	July 2016- June	e 2017				
		\$9,406,477		9	October 2016 -			=	\$7,054,858	
SFY	2018	\$9,688,671		months	July 2017 - Jun					
		\$9,688,671	/ 12 X 3	3	July 2017 - Se	ptember 2017		=	\$2,422,168 \$9,477,026	
			FFP (FFY 2017	7)=	\$9,477,026	x	62.21%	=	_	\$5,895,658

*# mos

STATE OF LOUISIANA

Supplemental Payments

Private (Non-State) Intermediate Care Facilities for Persons with Intellectual Disabilities (ICFs/ID)

Effective for dates of service on or after August 1, 2015, monthly supplemental payments shall be made to qualifying privately-owned ICFs/ID.

In order to qualify for the supplemental payment, the private entity must enter into a cooperative endeavor agreement with the Department to lease state-owned ICFs/ID beds.

Supplemental payments for services rendered to Medicaid recipients shall not exceed the facility's upper payment limit (UPL) pursuant to 42 CFR 447.272. The UPL will be based on the Centers for Medicare and Medicaid Services' approved ICF transitional rate of \$329.26, including provider fee.

The supplemental payment will be the difference between the actual Medicaid payment and what would have been paid if the ICF/ID was paid up to the UPL amount.

TN	Approval Date	Effective Date
Supersedes		
TN		

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Printed In: The Advertiser Printed On: 2015/07/31

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Public Notice:

619605 PUBLIC PROCESS NOTICE Department of Health and Hospitals Bureau of Health Services Financing Intermediate Care Facilities for Persons with Intellectual Disabilities Supplemental Payments The Department of Health and Hospitals, Bureau of Health Services Financing provides Medicaid reimbursement to non-state intermediate care facilities for persons with intellectual disabilities (ICFs/ID) for services rendered to Medicaid recipients. The department now proposes to amend the provisions governing the reimbursement methodology for ICFs/ID in order to adopt provisions to establish supplemental Medicaid payments for services provided to Medicaid recipients residing in privately-owned facilities that enter into a cooperative endeavor agreement with the department. This action is being taken to secure new federal funding, and to promote the health and welfare of Medicaid recipients by ensuring sufficient provider participation. Effective August 1, 2015, the Department of Health and Hospitals, Bureau of Health Services Financing proposes to promulgate an Emergency Rule to adopt provisions establishing supplemental Medicaid payments to non-state ICFs/ID. Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required. Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 708219030 or by email to MedicaidPolicy@la.gov. Ms. Kennedy is responsible for responding to inquiries regarding this public notice. The deadline for receipt of all written comments is August 31, 2015 by 4:30 p.m. A copy of this public notice is available for review by interested parties at parish Medicaid offices. Kathy H. Kliebert Secretary

Public Notice ID: 22683441 [Print This Notice]

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PUBLIC PROCESS NOTICE Department of Health and Hospitals Bureau of Health Services Financing Intermediate Care Facilities for Persons with Intellectual Disabilities Supplemental Payments The Department of Health and Hospitals, Bureau of Health Services Financing provides Medicaid reimbursement to non-state intermediate care facilities for persons with intellectual disabilities (ICFs/ID) for services rendered to Medicaid recipients. The department now proposes to amend the provisions governing the reimbursement methodology for ICFs/ID in order to adopt provisions to establish supplemental Medicaid payments for services provided to Medicaid recipients residing in privately-owned facilities that enter into a cooperative endeavor agreement with the department. This action is being taken to secure new federal funding, and to promote the health and welfare of Medicaid recipients by ensuring sufficient provider participation. Effective August 1, 2015, the Department of Health and Hospitals, Bureau of Health Services Financing proposes to promulgate an Emergency Rule to adopt provisions establishing supplemental Medicaid payments to non-state ICFs/ID. Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required. Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 708219030 or by email to MedicaidPolicy@la.gov. Ms. Kennedy is responsible for responding to inquiries regarding this public notice. The deadline for receipt of all written comments is August 31, 2015 by 4:30 p.m. A copy of this public notice is available for review by interested parties at parish Medicaid offices. Kathy H. Kliebert Secretary The Times July 31, 2015

Public Notice ID: 22680489

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Printed On: 2015/07/31

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PUBLIC PROCESS NOTICE Department of Health and Hospitals Bureau of Health Services Financing Intermediate Care Facilities for Persons with Intellectual Disabilities Supplemental Payments The Department of Health and Hospitals, Bureau of Health Services Financing provides Medicaid reimbursement to non-state intermediate care facilities for persons with intellectual disabilities (ICFs/ID) for services rendered to Medicaid recipients. The department now proposes to amend the provisions governing the reimbursement methodology for ICFs/ID in order to adopt provisions to establish supplemental Medicaid payments for services provided to Medicaid recipients residing in privately-owned facilities that enter into a cooperative endeavor agreement with the department. This action is being taken to secure new federal funding, and to promote the health and welfare of Medicaid recipients by ensuring sufficient provider participation. Effective August 1, 2015, the Department of Health and Hospitals, Bureau of Health Services Financing proposes to promulgate an Emergency Rule to adopt provisions establishing supplemental Medicaid payments to non-state ICFs/ID. Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required. Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 708219030 or by email to MedicaidPolicy@la.gov. Ms. Kennedy is responsible for responding to inquiries regarding this public notice. The deadline for receipt of all written comments is August 31, 2015 by 4:30 p.m. A copy of this public notice is available for review by interested parties at parish Medicaid offices.

Kathy H. Kliebert Secretary (7) 31 Public Notice ID: 22687402

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Printed In: The News Star Printed On: 2015/07/31

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Public Notice:

PUBLIC PROCESS NOTICE Department of Health and Hospitals Bureau of Health Services Financing Intermediate Care Facilities for Persons with Intellectual Disabilities Supplemental Payments The Department of Health and Hospitals, Bureau of Health Services Financing provides Medicaid reimbursement to non-state intermediate care facilities for persons with intellectual disabilities (ICFs/ID) for services rendered to Medicaid recipients. The department now proposes to amend the provisions governing the reimbursement methodology for ICFs/ID in order to adopt provisions to establish supplemental Medicaid payments for services provided to Medicaid recipients residing in privately-owned facilities that enter into a cooperative endeavor agreement with the department. This action is being taken to secure new federal funding, and to promote the health and welfare of Medicaid recipients by ensuring sufficient provider participation. Effective August 1, 2015, the Department of Health and Hospitals, Bureau of Health Services Financing proposes to promulgate an Emergency Rule to adopt provisions establishing supplemental Medicaid payments to non-state ICFs/ID. Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required. Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 708219030 or by email to MedicaidPolicy@la.gov. Ms. Kennedy is responsible for responding to inquiries regarding this public notice. The deadline for receipt of all written comments is August 31, 2015 by 4:30 p.m. A copy of this public notice is available for review by interested parties at parish Medicaid offices. Kathy H. Kliebert Secretary Monroe, LA July 31, 2015 0000619604

Public Notice ID: 22680516

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PUBLIC PROCESS NOTICE

Department of Health and Hospitals Bureau of Health Services Financing

Intermediate Care Facilities for Persons with Intellectual Disabilities Supplemental Payments

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Effective August 1, 2015, the Department of Health and Hospitals, Bureau of Health Services Financing proposes to promulgate an Emergency Rule to adopt provisions establishing supplemental Medicaid payments to non-state ICFs/ID.

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821—9030 or by email to MedicaidPolicy@la.gov. Ms. Kennedy is responsible for responding to inquiries regarding this public notice. The deadline for receipt of all written comments is August 31, 2015 by 4:30 p.m. A copy of this public notice is available for review by interested parties at parish Medicaid offices.

Kathy H. Kliebert Secretary

Jul 31 1t 00924154 Public Notice ID: 22688150 [Print This Notice]

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County: Terrebonne Printed In: The Courier Printed On: 2015/07/30

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Public Notice:

X000400937, Publication 07/30/2015 PUBLIC PROCESS NOTICE

Department of Health and Hospitals Bureau of Health Services Financing

Intermediate Care Facilities for Persons with Intellectual Disabilities
Supplemental Payments

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MedicaidPolicy@la.gov. Ms. Kennedy is responsible for responding to inquiries regarding this public notice. The deadline for receipt of all written comments is August 31, 2015 by 4:30 p.m. A copy of this public notice is available for review by interested parties at parish Medicaid offices.

Kathy H. Kliebert

Secretary

Public Notice ID: 22683458

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PUBLIC PROCESS NOTICE Department of Health and Hospitals Bureau of Health Services Financing Intermediate...

Source: The Advocate

Category: Events & Notices » Legal & Public Notices

Ad Details:

Ad ID: 24079380 Created: Jul 31, 2015 Expires: Aug 30, 2015

PUBLIC PROCESS NOTICE Department of Health and Hospitals Bureau of Health Services Financing Intermediate Care Facilities for Persons with Intellectual Disabilities Supplemental Payments The Department of Health and Hospitals, Bureau of Health Services Financing provides Medicaid reimbursement to non-state intermediate care facilities for persons with intellectual disabilities (ICFs/ID) for services rendered to Medicaid recipients. The department now proposes to amend the provisions governing the reimbursement methodology for ICFs/ID in order to adopt provisions to establish supplemental Medicaid payments for services provided to Medicaid recipients residing in privately-owned facilities that enter into a cooperative endeavor agreement with the department. This action is being taken to secure new federal funding, and to promote the health and welfare of Medicaid recipients by ensuring sufficient provider participation. Effective August 1, 2015, the Department of Health and Hospitals, Bureau of Health Services Financing proposes to promulgate an Emergency Rule to adopt provisions establishing supplemental Medicaid payments to non-state ICFs/ID. Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required. Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 708219030 or by email to MedicaidPolicy@la.gov Ms. Kennedy is responsible for responding to inquiries regarding this public notice. The deadline for receipt of all written comments is August 31, 2015 by 4:30 p.m. A copy of this public notice is available for review by interested parties at parish Medicaid offices. Kathy H. Kliebert Secretary 5160284-jul 31-1t - PUBLIC NOTICES/MISCELLANEOUS

Standard Funding Questions

TN 15-0025 Intermediate Care Facilities for Persons with Intellectual Disabilities – Supplemental Payments (effective August 1, 2015)

The following questions are being asked and should be answered in relation to all payments made to all providers under Attachment 4.19-A of your State plan, including payments made outside of those being amended with this SPA. Please be aware that some of the questions have been modified. If you have already provided this information in response to other requests for additional information, you may refer us to that response. Please indicate the SPA and date of the response.

1. Section 1903(a)(1) provides that Federal matching funds are only available for expenditures made by States for services under the approved State plan. Do providers receive and retain the total Medicaid expenditures claimed by the State (includes normal per diem, supplemental, enhanced payments, other) or is any portion of the payments returned to the State, local governmental entity, or any other intermediary organization? If providers are required to return any portion of payments, please provide a full description of the repayment process. Include in your response a full description of the methodology for the return of any of the payments, a complete listing of providers that return a portion of their payments, the amount or percentage of payments that are returned and the disposition and use of the funds once they are returned to the State (i.e., general fund, medical services account, etc.)

<u>RESPONSE</u>: Providers retain 100 percent of the payments, including the state and federal share. No portion of the payments is required to be returned to the State.

- 2. Section 1902(a)(2) provides that the lack of adequate funds from local sources will not result in lowering the amount, duration, scope, or quality of care and services available under the plan. Please describe how the state share of each type of Medicaid payment (normal per diem, supplemental, enhanced, other) is funded. Please describe whether the state share is from appropriations from the legislature to the Medicaid agency, through intergovernmental transfer agreements (IGTs), certified public expenditures (CPEs), provider taxes, or any other mechanism used by the state to provide state share. Note that, if the appropriation is not to the Medicaid agency, the source of the state share would necessarily be derived through either an IGT or CPE. In this case, please identify the agency to which the funds are appropriated. Please provide an estimate of total expenditure and State share amounts for each type of Medicaid payment. If any of the non-federal share is being provided using IGTs or CPEs, please fully describe the matching arrangement including when the state agency receives the transferred amounts from the local government entity transferring the funds. If CPEs are used, please describe the methodology used by the state to verify that the total expenditures being certified are eligible for Federal matching funds in accordance with 42 CFR 433.51(b). For any payment funded by CPEs or IGTs, please provide the following:
 - (i) a complete list of the names of entities transferring or certifying funds;
 - (ii) the operational nature of the entity (state, county, city, other);
 - (iii) the total amounts transferred or certified by each entity;

Standard Funding Questions

TN 15-0025 Intermediate Care Facilities for Persons with Intellectual Disabilities – Supplemental Payments (effective August 1, 2015)

- (iv) clarify whether the certifying or transferring entity has general taxing authority; and,
- (v) whether the certifying or transferring entity received appropriations (identify level of appropriations).

RESPONSE: The State's share is paid from the state general fund.

3. Section 1902(a)(30) requires that payments for services be consistent with efficiency, economy, and quality of care. Section 1903(a)(1) provides for Federal financial participation to States for expenditures for services under an approved State plan. If supplemental or enhanced payments are made, please provide the total amount for each type of supplemental or enhanced payment made to each provider type.

<u>RESPONSE</u>: Supplemental payments may be made up to approximately \$10,351,692 annually for intermediate care facility (ICF) providers.

4. Please provide a detailed description of the methodology used by the state to estimate the upper payment limit (UPL) for each class of providers (State owned or operated, non-state government owned or operated, and privately owned or operated). Please provide a current (i.e. applicable to the current rate year) UPL demonstration.

<u>RESPONSE</u>: Private ICF/ID rates are based on the Inventory for Client and Agency Planning (ICAP) rate methodology. Under this methodology cost are divided into four rate categories: 1) Direct Care; 2) Indirect Care (care related); 3) Administrative and Operating; and 4) Capital.

The costs from the providers' cost reports are adjusted for inflation and then arrayed from high to low in each category and a median daily rate is selected. Each rate category is then multiplied by a different factor. These factors are: 1) Direct Care 105 percent; 2) Indirect Care (care related) 105 percent; 3) Administrative and Operating 103 percent; and 4) Capital 103 percent. (The rate component for the direct care is further divided and arrayed into categories and groupings based on facility size and ICAP level and adjusted by the ICAP scores.)

Based on this methodology the ICAP model should always produce a rate that is below the UPL calculation that is at 112 percent of routine cost since the finding of our auditor is that all of the cost reported by the private providers fall into routine cost.

However, for purposes of the SPA, we are proposing that the UPL be based on the Centers for Medicare and Medicaid Services' (CMS) approved ICF transitional rate of \$329.26, including provider fee.

Standard Funding Questions

TN 15-0025 Intermediate Care Facilities for Persons with Intellectual Disabilities – Supplemental Payments (effective August 1, 2015)

5. Does any governmental provider receive payments that in the aggregate (normal per diem, supplemental, enhanced, other) exceed their reasonable costs of providing services? If payments exceed the cost of services, do you recoup the excess and return the Federal share of the excess to CMS on the quarterly expenditure report?

<u>RESPONSE</u>: Governmental providers are not paid in excess of costs. The current reimbursement methodology approved by CMS for state-owned and operated ICF/ID providers allows payments up to 112 percent of costs. Payments determined by audit to exceed allowable payments would be identified as overpayments. If any overpayments are identified, the FFP would be returned.

Department of Health and Hospitals Bureau of Health Services Financing

VIA ELECTRONIC MAIL ONLY

August 17, 2015

Karen Matthews, Health Director Chitimacha Health Clinic 3231 Chitimacha Trail Jeanerette, LA 70544

Anita Molo Chitimacha Tribe of Louisiana P. O. Box 640 Jeanerette, LA 70544

Lovelin Poncho, Chairman Paula Manuel, Health Director Coushatta Tribe of Louisiana P. O. Box 818 Elton, LA 70532

Dear Louisiana Tribal Contact:

Angela Martin Chitimacha Tribe of Louisiana P. O. Box 640 Jeanerette, LA 70544

Marshall Pierite, Chairman Misty Hutchby, Health Director Tunica-Biloxi Tribe of Louisiana P. O. Box 1589 Marksville, LA 71351-1589

Chief Beverly Cheryl Smith Holly Vanhoozen, Health Director The Jena Band of Choctaw Indians P. O. Box 14 Jena, LA 71342

RE: Notification of Louisiana Medicaid State Plan Amendment

In compliance with the provisions of the American Recovery and Reinvestment Act (ARRA) of 2009, the Department of Health and Hospitals, Bureau of Health Services Financing is taking the opportunity to notify you of State Plan amendments (SPAs) that may have an impact on your tribe.

Attached for our review and comment is a summary of the proposed SPA. Please provide any comments you may have by August 24, 2015 to Mrs. Darlene Budgewater via email to Darlene.Budgewater@la.gov or by postal mail to:

Department of Health and Hospitals Bureau of Health Services Financing Medicaid Policy and Compliance P.O. Box 91030 Baton Rouge, LA 70821-9030 Louisiana Tribal Notice August 17, 2015 Page 2

Should you have additional questions about Medicaid policy, Mrs. Budgewater will be glad to assist you. You may reach her by email or by phone at (225) 342-3881. Thanks for your continued support of the tribal consultation process.

Sincerely,

b J. Ruth Kennedy

Medicaid Director

RK/DB/LW

c: Ford J. Blunt, III Stacey Shuman

Harlen A. Budgewater

State Plan Amendment for submittal to CMS

Request for Tribal Comments August 17, 2015

Intermediate Care Facilities for Persons with Intellectual Disabilities (ICFs/ID) - Effective August 1, 2015

The SPA proposes to amend the provisions governing the reimbursement methodology for intermediate care facilities for persons with intellectual disabilities (ICFs/ID) in order to adopt provisions to establish supplemental Medicaid payments for services provided to Medicaid recipients residing in privately-owned facilities that enter into a cooperative endeavor agreement with the Department.