



State of Louisiana
Louisiana Department of Health
Bureau of Health Services Financing

VIA ELECTRONIC MAIL ONLY

December 29, 2023

James G. Scott, Director
Division of Program Operations
Medicaid & CHIP Operations Group
601 East 12th Street, Room 0300
Kansas City, Missouri 64106-2898

RE: LA Medicaid Disaster Relief SPA TN 23-0014 RAI Response

Dear Mr. Scott:

Please refer to our proposed amendment to the Medicaid State Plan submitted under transmittal number (TN) 23-0014 with a proposed effective date of March 11, 2021. This amendment seeks to demonstrate compliance with the American Rescue Plan Act provisions that require states to cover COVID-19 vaccines, vaccine administration, and treatment.

We are providing the following in response to your request for additional information (RAI) dated June 21, 2023:

Questions from the informal request for information (IRAI) that were inadvertently omitted from the official RAI:

1. The state assures that coverage of COVID-19 vaccines and administration of the vaccines is provided to beneficiaries without cost sharing pursuant to section 1916(a)(2)(H) and section 1916A(b)(3)(B)(xii) of the Act and that reimbursement to qualified providers for such coverage is not reduced by any cost sharing that would otherwise be applicable under the state plan.

LDH RESPONSE:

The State assures that coverage of COVID-19 vaccines and administration of the vaccines is provided to beneficiaries without cost sharing pursuant to section 1916(a)(2)(H) and section 1916A(b)(3)(B)(xii) of the Act and that reimbursement to qualified providers for such coverage is not reduced by any cost sharing that would otherwise be applicable under the State Plan.

2. The state assures that coverage for COVID-19 treatment for individuals who are diagnosed with or presumed to have COVID-19 (if otherwise covered under the state plan or waiver of such plan) is

provided to beneficiaries without cost sharing, pursuant to section 1916(a)(2)(I) and section 1916A(b)(3)(B)(xiii) of the Act and that reimbursement to qualified providers for such coverage is not reduced by any cost sharing that would otherwise be applicable under the state plan.

LDH RESPONSE:

The State assures that coverage for COVID-19 treatment for individuals who are diagnosed with or presumed to have COVID-19 (if otherwise covered under the state plan or waiver of such plan) is provided to beneficiaries without cost sharing, pursuant to section 1916(a)(2)(I) and section 1916A(b)(3)(B)(xiii) of the Act and that reimbursement to qualified providers for such coverage is not reduced by any cost sharing that would otherwise be applicable under the State Plan.

3. The state assures that coverage of items and services for treatment of a condition that may seriously complicate the treatment of COVID-19 for individuals who are diagnosed with or presumed to have COVID-19 (if otherwise covered under the state plan or waiver of such plan) is provided to beneficiaries without cost sharing, pursuant to section 1916(a)(2)(I) and section 1916A(b)(3)(B)(xiii) of the Act and that reimbursement to qualified providers for such coverage is not reduced by any cost sharing that would otherwise be applicable under the state plan.

LDH RESPONSE:

The State assures that coverage of items and services for treatment of a condition that may seriously complicate the treatment of COVID-19 for individuals who are diagnosed with or presumed to have COVID-19 (if otherwise covered under the State Plan or waiver of such plan) is provided to beneficiaries without cost sharing, pursuant to section 1916(a)(2)(I) and section 1916A(b)(3)(B)(xiii) of the Act and that reimbursement to qualified providers for such coverage is not reduced by any cost sharing that would otherwise be applicable under the State Plan.

4. We also need to confirm the attestations and public notice have been completed/needed.

LDH RESPONSE:

Public notice was issued on May 25, 2023. Please see attached. The public notice may also be found here: <https://www.ldh.la.gov/page/medicaid-state-plan-amendments>

5. We acknowledge that the state has requested an 1135 waiver request regarding modifications of the cost sharing public notice requirements. Can the state please provide documentation of post-submission completion of the cost sharing public notice pursuant to 42 CFR 447.57 prior to CMS approval of the SPA?

LDH RESPONSE:

In accordance with 42 CFR 447.57, prior to submitting to the Centers for Medicare & Medicaid Services for approval a state plan amendment (SPA) to establish or substantially modify existing premiums or cost sharing, or change the consequences for non-payment, the agency must provide the public with advance notice of the SPA, specifying the amount of premiums or cost sharing and who is subject to the charges. The State is not establishing or substantially changing premiums or cost sharing through submission of LA SPA TN 23-0014, as the only cost sharing Louisiana imposes is on prescription drugs.

Questions from the RAI:

Please see below additional comments for LA-23-0014.

LA-23-0014- 7.7-A and 7.7-C 9811 Reimbursement Preliminary Comments/Questions for the State:

1. Consistent with regulations at 42 C.F.R. § 447.252(b), the State plan methodology must specify comprehensively the methods and standards used by the agency to set payment rates. The State plan methodology must be comprehensive enough to determine the required level of payment and the FFP to allow interested parties to understand the rate setting process and the items and services that are paid through these rates. Claims for federal matching funds cannot be based upon estimates or projections. The reimbursement methodology must be based upon actual historical utilization and actual trend factors.
 - i. Please confirm and provide assurance that the payments proposed under LA-23-0014 are not being made for managed care services and are for fee for service only.

LDH RESPONSE:

The State assures the payments under LA-SPA TN 23-0014 are for fee-for-service only.

- ii. According to the reimbursement language being proposed on this SPA, the state of Louisiana does not have any approved Disaster Relief (DR) SPAs that authorizes vaccine administration rates different than those in their Attachment 4.19-B of the state plan. If that is accurate, there is no further action for the state. However, if this is not accurate please update the SPA language to include DR SPAs (#) that provide such authorities.

LDH RESPONSE:

Louisiana does not have any DR SPAs authorizing vaccination administration rates different from those in Attachment 4.19-B, as the DR SPA expired on May 11, 2023.

7.7-A Reimbursement Plan Language:

1. It is not clear to CMS if the state already has a COVID-19 vaccine administration SPA approved either in Attachment 4.19 or through a DR SPA. Does the state have established COVID-19 vaccine administration through attachment 4.19 or/and through a DR SPA?

LDH RESPONSE:

The State's approved vaccine administration methodology may be found in Attachment 4.19.

- i. The state listed 4.19-B pages on the reimbursement section and we thank the state for this clarification. However, if the state also has COVID-19 vaccine administration SPA approved through a DR SPA, please clarify.

LDH RESPONSE:

The State did have an approved COVID-19 vaccine administration DR SPA; however, the provisions in the DR SPA expired on May 11, 2023.

2. The state assures that it has established state plan rates for COVID-19 treatment, including specialized equipment and therapies (including preventive therapies) through DR SPA (TN) 21-0007. However, if the state only established COVID-19 vaccine administration rates in a DR SPA, then those rates expired at the end of the PHE, when the DR expired and the state WILL NOT have payment authority from the end of the PHE through the end of the ARP coverage period. Thus, it is very important that states ALSO fill out the following “is establishing rates” section to extend the coverage through the end of the ARP coverage period or if this was an error and the state has already established rates through 4.19-B pages, please list those page(s)(#) as well:

- a. ☒ The state is establishing rates for COVID-19 vaccines and the administration of the vaccines pursuant to sections 1905(a)(4)(E) and 1902(a)(30)(A) of the Act.

3. The state should choose 1 of the 2 following checkboxes, and applicable follow-up selections:

☒ The state’s rates for COVID-19 vaccines and the administration of the vaccines are consistent with Medicare rates for COVID-19 vaccines and the administration of the vaccines, including any future Medicare updates at the:

☐ Medicare national average, OR

☒ Associated geographically adjusted rate.

Louisiana will reimburse COVID-19 vaccine administration at 75 percent of the Medicare Part B geographically adjusted rate effective May 12, 2023.

☐ The state is establishing a state specific fee schedule for COVID-19 vaccines and the administration of the vaccines pursuant to sections 1905(a)(4)(E) and 1902(a)(30)(A) of the Act.

- i. Since states attest to covering EPSDT COVID-19 vaccine counseling in this SPA, the state should check the box below and explain how they will pay for this service. The ARP template 7.7A is the first/best place for states to establish rates for this service. Some states might describe that payment for EPSDT COVID-19 vaccine counseling is included in the E&M visit payment.

☐ The state is establishing rates for any medically necessary COVID-19 vaccine counseling for children under the age of 21 pursuant to sections 1905(a)(4)(E), 1905(r)(1)(B)(v) and 1902(a)(30)(A) of the Act.

Please note that there is no Medicare rate for this. CMS established new CPT codes for this service. <https://www.medicaid.gov/state-resource-center/downloads/stnd-vacc-cou-spec-hcpcs-codes.pdf>.

☒ The state’s rate is as follows and the state’s fee schedule is published in the following location:

The fee schedule reflects the HCPCS updates received from CMS. Counseling for the COVID-19 vaccine is included in the evaluation and management (E&M) visit payment, which is linked to procedure codes 99401 and 99404. Fee schedule rates are the same for both private and governmental providers of this service. The fee schedule may be found on the agency’s website at www.lamedicaid.com.

7.7-C Reimbursement Plan Language:

1. The state assures that it has established state plan rates for COVID-19 treatment, including specialized equipment and therapies (including preventive therapies) through DR SPA LA-21-0007.
 - i. Because many treatments used for COVID-19 existed and pre-dated the PHE, typically a state will reference its Attachment 4.19-A, 4.19-B, and sometimes 4.19-D pages, and possibly DR SPAs. Therefore, please include any 4.19-A, 4.19-B and 4.19-D (If applicable) in addition to the already included DR SPA LA-21-0007 as referenced below:

Reimbursement

☒ The state assures that it has established state plan rates for COVID-19 treatment, including specialized equipment and therapies (including preventive therapies).

List references to Medicaid state plan payment methodologies that describe the rates for COVID-19 treatment for each applicable Medicaid benefit:

TN 23-0014 Approval Date _____ Effective Date: March 11, 2021
Supersedes
TN: New Page

Louisiana Medicaid Disaster Relief SPA TN 21-0007

LDH RESPONSE:

Attachment 4.19-A and Attachment 4.19-B.

2. If the state is establishing a rate for a COVID-19 treatment that differs from existing state plan methods/rates (e.g. a monoclonal antibody or Paxlovid, etc.), it should check the following box:

☒ The state is establishing rates or fee schedule for COVID-19 treatment, including specialized equipment and therapies (including preventive therapies) pursuant to sections 1905(a)(4)(F) and 1902(a)(30)(A) of the Act.

The professional services fee schedule may be found on the agency's website at: https://www.lamedicaid.com/Provweb1/fee_schedules/FEESCHED.pdf

Section 9811 Regulatory References for State Awareness:

<https://www.medicaid.gov/federal-policy-guidance/downloads/cib060321.pdf>

<https://www.medicaid.gov/federal-policy-guidance/downloads/sho-21-003.pdf#:~:text=CMS%20interprets%20the%20amendments%20made%20by%20sections%209811,coverage%20policy%20and%20as%20the%20COVID-19%20pandemic%20evolves>

LDH RESPONSE:

The State appreciates the guidance and the links to the resources.

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Please consider this as a formal request to begin the 90-day clock. As always, we appreciate the assistance and guidance CMS has provided in resolving these issues. We trust this RAI response will result in the approval of the pending SPA. If additional information is required, you may contact Karen H. Barnes via email at Karen.Barnes@la.gov or by phone at (225) 342-3881.

Sincerely,

A handwritten signature in cursive script that reads "Kimberly Sullivan".

Kimberly Sullivan, J.D.
Interim Medicaid Executive Director

KS:KHB:MJ

Attachment

MEDICAID

State Plan Amendments

LA SPA TN 23-0014

COVID-19 Update: Changes to Medicaid policy and procedure deemed of an imminent peril to the public health, safety, or welfare and requiring immediate approval, *such as those related to COVID-19*, are exempt from the legislative requirement to publish the proposed policy or procedure for public comment prior to implementation. To keep abreast of these exempted changes to policy and procedure related to COVID-19, refer to the Coronavirus (COVID-19) Medicaid Information website, which provides guidance to Medicaid providers and managed care organizations, emergency rules, and requests LDH has submitted to the Centers for Medicare & Medicaid Services (CMS). Broader information related to COVID-19 can be found at <http://ldh.la.gov/Coronavirus/>.

Louisiana's Medicaid State Plan is an agreement between the state and the Federal government describing how Louisiana administers its Medicaid and children's health insurance programs (CHIP). State Plan amendments (SPA) are requests from Louisiana to the Centers for Medicare & Medicaid Services (CMS) to make a change to the Louisiana Medicaid program's policies or operational approach, make corrections, or updates to the state plan with new information. For information about current State Plan amendment submissions click [here](#)

Below are SPAs Louisiana will send to CMS for review and approval beginning August 1, 2019. To provide feedback, please complete **this form**.

Item Number	State Plan Title	Summary of Change	Date Posted	Comment Period Closed	Document Links
SPA-2023-05		The purpose of this SPA is to demonstrate compliance with the American Rescue Plan Act COVID-19 Vaccine, Vaccine Administration, and Treatment that require states to cover COVID-19 vaccines, vaccine administration, and treatment.	5/25/23	6/1/23	7.4-A Vaccine and Vaccine Administration at Section 1905(a)(4)(F) of the Social Security Act 7.4-C COVID-19 Treatment at Section 1905(a)(4)(F) of the Social Security Act
SPA-2023-04	Disaster Relief Extension SPA	The purpose of this SPA is to request an extension of provisions in the Home Health program in order to establish recruitment and retention payments for nurses that provide extended home health (EHH) services to beneficiaries under the age of 21, in accordance with Section 9817 of the American Rescue Plan Act.	5/9/23	5/16/23	7.4. B Temporary Extension to the Disaster Relief Policies for COVID-19 National Emergency
SPA-2023-03	Disaster Relief Extension SPA	The purpose of this SPA is to extend COVID-19 disaster relief provisions governing direct wage floor and workforce retention bonus payments to long-term personal care providers, in accordance with the State's approved disaster relief SPA LA TN 22-0031.	5/9/23	5/16/23	7.4. B Temporary Extension to the Disaster Relief Policies for COVID-19 National Emergency
SPA-2023-02	Preventive Services Program	The purpose of this SPA is to amend the provisions governing preventive services in order to provide coverage for initiation and facilitation of telehealth services by qualified Louisiana Medicaid enrolled ambulance providers.	5/3/23	5/10/23	3.1-A Item 13c, Page 2 4.19-B Item 13c, Page 1
SPA-2023-01	Disaster Relief Extension SPA	The purpose of this SPA is to amend the provisions governing the reimbursement methodology for Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IID), by extending the \$12 add-on for increased cost related to retaining and hiring direct care staff as approved in disaster relief SPA 22-0013, through December 31, 2023.	5/3/23	5/10/23	7.4. B Temporary Extension to the Disaster Relief Policies for COVID-19 National Emergency