

**DIVISION OF MEDICAID
POLICY UPDATE
January 2017
ADMINISTRATIVE RULES**

Docket 16-0309-1601 (Tracy L.)	16-0309-1601 Home Health and Durable Medical Equipment (DME)	
	These rule changes are needed to better ensure program integrity, to increase access to medically necessary care, and to align the chapter with recent changes regarding Home Health and Durable Medical Equipment (DME) in federal regulations.	
	These rule changes will:	
	1. Add a requirement for a face-to-face encounter documented by the ordering provider prior to delivery of services or equipment and supplies for Home Health and DME providers; and	
	2. Clarify that Home Health and DME cannot be restricted to services provided in the home, and that they may be provided in any setting in which normal life activities take place.	
	Negotiated Rulemaking	N/A
	Negotiated Written Comment	N/A
Published as temp/proposed	10/05/2016	
Comment period ends	10/26/2016	
Changes to rules based on comment submitted to APS	11/04/2016	
Pending rule publish	01/04/2017	

Docket 16-0309-1602 (Clay L.)	16-0309-1602 – Drug Pricing, rebates, etc. – Basic Plan	
	These rule changes are needed to put in place the methodology for Medicaid reimbursement for physician-administered drugs and to 340B pharmacies that already receive discounts from the drug manufacturers; and Payment for Indian Health Services.	
	These rule changes are also needed to add statements about the Federal Upper Limit for prescription drugs and to align this chapter with recent changes in the federal regulations.	
	Ensure that Idaho is able to collect appropriate rebate amounts from the drug manufacturers;	
	Define and ensure that Idaho is in compliance with the federal upper limit requirements for prescription drugs; Ensure appropriate payment for physician-administered drugs; Provide for optional coverage of investigational drugs and other drugs not subject to rebate; and Align language and definitions with federal language for the actual acquisition cost for drugs.	
	Negotiated Rulemaking	NA
	Negotiated Written Comment	NA
Published as temp/proposed	10/5/2016	
Comment period ends	10/26/2016	
Changes to rules based on comment submitted to APS	11/04/2016	
Pending rule publish	01/04/2017	

Docket 16-0310-1601 (Cale C.)	16-0310-1601 Changes to Hospice reimbursement rates	
	This rulemaking aligns this chapter of rules with recent changes in federal regulations (42 CFR 418.302) due to go into effect January 1, 2016.	
	There is an estimated increase of \$213,000 in annual aggregate expenditures as a result of this rulemaking. \$64,000 of this will come from the State General Fund; the remaining \$149,000 will come from federal matching funds.	
	This rulemaking is needed to revise reimbursement for Medicaid hospice providers. These rule changes will align this chapter of rules with recent changes in federal regulations (42 CFR 418.302).	
	Specifically, these rule changes implement a two-tiered routine home care reimbursement for hospice providers, and add a new service intensity add-on payment to the hospice payment methodology for Medicaid.	
	Negotiated Rulemaking	N/A
	Negotiated Written Comment	N/A
Published as temp/proposed	06/01/2016	
Comment period ends	06/22/2016	
Changes to rules based on comment submitted to APS	07/01/2016	
Pending rule publish	01/04/2017	

Docket 16-0318-1601 (Ali F.)	16-0318-1601 Personal Needs Allowance (PNA)	
	This rulemaking confers a benefit to Home and Community Based Services waiver participants by increasing their Personal Needs Allowance (PNA). These rule changes increase the PNA from 150% of the federal SSI amount to 180% of the federal SSI amount for eligible waiver participants who incur a mortgage or rent expense. The total anticipated cost of this rule change is projected to be \$1,524,158 per year, due to the reduced participant Share of Cost for Medicaid waiver services. The SFY17 blended rate Federal Medical Assistance Percentage (FMAP) is 70.91%. The impact to the state general fund is projected to be \$443,377 per year, based on current participant counts. This rule change will result in an increased cost of \$443,337 per year in state general funds and \$1,080,780 in federal dollars	
	Negotiated Rulemaking	N/A
	Negotiated Written Comment	N/A
	Published as temp/proposed	06/01/2016
	Comment period ends	06/22/2016
	Changes to rules based on comment submitted to APS	
Pending rule publish	12/07/2016	

RULES COMING SOON-TEMP/PROPOSED

Changing references for nursing facility RUG (Resource Utilization Group) Working on draft prop/temp rule (Cale)(2018)

STATE PLAN AMENDMENTS TITLE XIX

- 16-0005 Long Acting Reversible Contraceptive (LARC) (Kaylee L.)**
Tribal coordinator notified - 4/8/2016
Submitted to CMS - 8/11/2016 – 90 Day Clock 11/09/2016
Informal RAI received from CMS 9/14/16
Extension received through 10/7/16
Extension received 10/12/2016
RAI responses sent to CMS 10/14/2016
Formal RAI received from CMS 11/04/2016 – 90 day clock stopped
Formal RAI responses sent to CMS 11/22/2016 – new 90 day clock 02/20/2017
- 16-0007 Recovery Audit Contract Program (RAC) (Tracy L.)**
Tribal coordinator notified 6/10/2016
Initial Submission to CMS 06/21/2016 – 90-Day clock 9/19/2016
Informal RAI's received from CMS 6/24/2016
RAI responses submitted to CMS 6/28/2016
Informal questions received from CMS 8/3/2016
RAI responses submitted to CMS 8/10/2016
Informal Recommendations from CMS 8/17/2016
Responses for recommendations sent to CMS 9/2/2016
Formal RAI received from CMS 9/13/2016 - 90-Day Clock stopped
Formal RAI response sent to CMS 11/30/2016
- 16-0008 Community Based Rehabilitation Service (CBRS) (Tracy L.)**
Tribal coordinator notified 08/01/2016
Initial Submission to CMS 9/30/2016 – 90-Day clock 12/29/2016
Informal RAI received from CMS 11/2/2016 – Due 11/14/2016
Informal RAI responses submitted to CMS 11/28/16
WITHDRAWN Per CMS 12/15/2016
- 16-0009 Adult 1915(i) HCBS (Karen W.)**
Tribal coordinator notified 10/27/2016 (CMS waiting on response from us but no due date)
- 16-0010 MMCP Service Area Reduction (Ali F.)**
Tribal coordinator notified 10/27/2016
Initial Submission to CMS 12/16/2016
- 16-001 Community Based Rehabilitation Service (CBRS) (Angie W.)**
Tribal coordinator notified 08/01/2016

SPA COMING SOON

Prescription Drug related (Clay L.) (related to covered outpatient drugs, next week)
Changing references for nursing facility RUG (Resource Utilization Group) Working on draft prop/temp rule (Cale)

STATE PLAN AMENDMENTS TITLE XXI

TITLE XXI COMING SOON

End of state fiscal year (due at end of June)

WAIVER ACTIVITY

ID.0002.R01.00 - IBHP 1915(b) Waiver renewal (Clay L.)

Tribal Coordinator Notified 3/18/2015
Submitted to CMS 11/17/15
Informal RAI received 8/24/15
Submitted to CMS 6/1/2015
Informal RAI received 6/15/2015
Informal response submitted 6/16/2015
Requested temporary extension from CMS 8/5/2015
Received one-month extension from CMS due 9/31/2015
Formal RAI received 8/24/2015 – 90 day clock is 11/17/2015
Formal RAI responses sent to CMS 10/15/2015
Request sent to CMS for temporary extension 9/23/2015
Received temporary extension through 12/31/2015
Request sent to CMS for temporary extension 12/3/2015
Temporary extension through 3/31/2016
Request for fourth temporary extension 3/4/2016
Temporary Extension through 6/30/2016
Request for fifth temporary extension sent to CMS 6/8/2016
Received temporary extension through 9/30/2016
Request for revision from CMS 9/21/16
Revisions sent to CMS 9/22/16
Request for extension sent to CMS 9/23/16
Received temporary extension to 12/31/2016
Requested new temporary extension 12/20/2016
Received extension 12/21/16 from CMS to 3/31/2017

1915(b) Idaho Smiles Dental Waiver Renewal (Clay L.)

ID.0719.301.00

Tribal Notice posted 08/31/2016
Initial request submitted to CMS 9/30/2016 90 Day clock – 12/29/16
Requested Components sent to CMS 11/1/2016
Received extension on 12/21/16 from CMS to 3/31/2017

WAIVER AMENDMENTS COMING SOON

1915(c) Adult A&D and DD Waiver Renewals (Target date April) **(Karen W./Ali)**

1915(c) Adult Waiver amendments ResHab **(Karen) Legal Notice published 11/16/2016**

MMCP Service Area Reduction Amendment **(Ali F.) Effective Jan 1 –Tribal notice posted 10/27/2016**