DIVISION OF MEDICAID POLICY UPDATE December 2012

ADMINISTRATIVE RULES

House Bill 260 - Section 56-209(g), Idaho Code, Pharmacy

The proposed changes will:

- 1. Add payment limitations and requirements under HB 260, that require the Department to pay the lesser of the pharmacy provider's lowest charge to the general public for a drug, or the estimated acquisition costs (EAC) plus a dispensing fee. The Department will use the EAC as defined in Section 56-209(g), Idaho Code, instead of the Average Wholesale Price (AWP), that is currently 12% for single-source drugs;
- 2. Remove references to the State Maximum Allowable Cost (SMAC);
- 3. Add requirements for the Department to survey pharmacies to establish dispensing fees payments based on results of surveys of pharmacies and dispensing rates paid to other payers. Dispensing fee structure will be tier-based on the annual Medicaid claims volume of the enrolled Idaho retail pharmacies. Other pharmacy dispensing fees will be the lowest dispensing fee for the tiered structure; and
- 4. Other technical changes necessary to align this chapter with Section 56-209(g), Idaho Extended through 2012

Published as temp/proposed	December 7, 2011
Comment period ends	December 28, 2011
Changes to rules based on comment submitted to APS	January 3, 2012
Pending rule publish	June 4, 2012

202	16-0309-1202 Asset Transfers (TEPI) In response to a petition for rulemaking from the Trust and Estate Professionals of Idaho (TEPI), the Department is adding a new subsection to IDAPA 16.03.09.905 to codify the current practice of not subjecting certain life estates of Medicaid participants to recovery. House - Senate -	
Docket 16-0309-1202 Lisa Hettinger	Negotiated Rulemaking	April 18, 2012
	Negotiated Written Comment	April 25, 2012
	Published as proposed (sine die 2013)	September 5, 2012
	Comment period ends	September 26, 2012
	Changes to rules based on comment submitted to APS	September 28, 2012
ĽĎ	Pending rule publish	December 5, 2012

Docket 16-0309-1101 Sheila Pugatch

16-0309-1203 rly 16-0309-1201) mmer	 16-0309-1203 Tobacco Cessation - redo/revised Allow for coverage of tobacco cessation products for pregnant women and children when their physician determines that the products are necessary and safe for the health of the participant and the baby. Remove reference to unit dose dispensing fee. House - Senate - 	
12 09	Negotiated Rulemaking	N/A
03	Negotiated Written Comment	
16-1 ner	Published as temp/proposed (3/29/12)	July 4, 2012
9 F E	Comment period ends	July 25, 2012
ket 16 merly : Wim	Changes to rules based on	July 27, 2012
Docket (Former Matt Wi	comment submitted to APS	
۾ ڪ ≼	Pending rule publish	November 7, 2012

Docket 16-0309-1204 Art Evans	 References to DDA services are being removed from this chapter. The services of developmental therapy and intensive behavioral intervention are being removed from the rules for school-based services. Idaho Infant Toddler Program services are being removed from the rules for school-based services. New behavioral intervention services are being added to the rules for school-based services. Clarifications are being made to various existing school-based services and processes. 	
	House - Senate - Negotiated Rulemaking	June 20, 2012
	Negotiated Written Comment	June 29, 2012
Q.	Published as proposed (sine die 2013)	September 5, 2012
16 ns	Comment period ends	September 26, 2012
et	Changes to rules based on	September 28, 2012
) S 도 지 표	comment submitted to APS	
ΔĀ	Pending rule publish	January 2, 2013

16-0309-1205 Health Homes \ Healthy Connections These rules will provide for the administration of Health Homes by adding the following: 1. Health Home services, including definitions; 2. Participant eligibility for the Health Home services, including coverage and limitations; 3. Provider qualifications and duties for Health Homes services; 4. Procedural requirements for Health Homes; 5. Provider reimbursement for Health Homes; and 6. Quality Assurance for Health Homes. In addition, these rules will remove confusing language and refine the rule language describing the relationship between Healthy Connections and the new Health Home program. Docket 16-0309-1205 House - Senate -**Negotiated Rulemaking** N/A **Negotiated Written Comment** Published as proposed (10/1/12) October 3, 2012 Comment period ends October 24, 2012 Changes to rules based on November 9, 2012 comment submitted to APS Pending rule publish January 2, 2013

90	16-0309-1206 Early Periodic Screening Diagnosis and Treatment (EPSDT) The proposed rules will update definitions that are specific to EPSDT services that will more accurately reflect existing federal requirements in Section 1905(r) of the Social Security Act and CFR 441.56. House - Senate -	
12	Negotiated Rulemaking	N/A
Docket 16-0309-1206 David Simnitt	Negotiated Written Comment	
	Published as temp/proposed (Sine Die)	October 3, 2012
16	Comment period ends	October 24, 2012
et d S	Changes to rules based on	November 9, 2012
Zck Zie	comment submitted to APS	
مٌ مُ	Pending rule publish	January 2, 2013

Fee for Service Reimbursement Methodology Senate Concurrent Resolution 114 The proposed changes will: (Formerly 16-0310-1104) Lisa Hettinger 1) Provide a process to determine if changes in reimbursement should be made; and 2) Provide a process for providers to report needed information. Docket 16-0310-1201 House Senate **Negotiated Rulemaking** May 15, 2012 **Negotiated Written Comment** May 25, 2012 Published as temp/proposed October 3, 2012 (7/1/12) Comment period ends October 24, 2012 Changes to rules based on November 9, 2012 comment submitted to APS Pending rule publish January 2, 2013

	Revisions to DD and A&D HCBS Waiver Sections Medicaid's Adult Developmental Disabilities and Aged and Disabled Home and Community Based Services (HCBS) waivers (also known as 1915(c) waivers) expire on September 30, 2012. In order for Idaho to maintain waiver authority and offer waiver benefits, a new waiver application for each must be submitted to the Centers for Medicare and Medicaid Services (CMS) prior to July 1, 2012, and be approved by CMS prior to October 1, 2012. As a result, rule changes are needed to realign this chapter of rules with the waivers that are being updated. If these rule changes are not implemented, improvements to the waivers will not be matched by the same improvements in rule, leading to language in rule that	
2	could differ from language in the waivers. House Senate	
20	Negotiated Rulemaking	May 31, 2012
10-1 on	Negotiated Written Comment	June 8, 2012
Docket 16-0310-1202 Natalie Peterson	Published as temp/proposed (10/1/12)	October 3, 2012
	Comment period ends	October 24, 2012
	Changes to rules based on comment submitted to APS	November 9, 2012
ΔŽ	Pending rule publish	January 2, 2013

	16-0310-1203 Children's System Re	design DT & IBI
	1. Remove old children's developmental dis	
	2. Add Idaho Infant Toddler Program to the chapter.	
)3	3. Add clarifications to the new Children's System Redesign rules.	
7	4. Remove children's developmental disability service coordination.	
-1	Negotiated Rulemaking	June 20, 2012
310	Negotiated Written Comment	June 29, 2012
0	Published as proposed	October 3, 2012
16 ns	Comment period ends	October 24, 2012
et	Changes to rules based on	November 9, 2012
Docket 16-0310-1203 Art Evans	comment submitted to APS	
ΔĀ	Pending rule publish	January 2, 2013

1204	 16-0310-1204 Dental Services and Skills Training Add dental benefits for A&D and DD waiver participants, including preventative and problem-focused exams, as well as diagnostic, restorative, endodontic, periodontic, and oral surgery benefits. Remove restrictions to skill training in order to allow non-duplicative, concurrent skill training for mental health and developmental disability services. 	
-	Negotiated Rulemaking	N/A
Docket 16-0310-1204 David Simnitt	Negotiated Written Comment	
	Published as temp/proposed	July 4, 2012
	Comment period ends	July 25, 2012
	Changes to rules based on	July 27, 2012
Sck Z-i	comment submitted to APS	
ت ت	Pending rule publish	November 7, 2012

	16-0310-1205 Nursing Facility and	ntermediate Care Facility
	Reimbursement	·
	Rules changes will include:	
	1) Implement Nursing Facility and Intermedia	ate Care Facility for the Intellectually Disabled
	(ICF/ID) cost report year definition for curre	
	2) Implement Behavioral Care Units in order to enhance nursing home residents' quality of life,	
05	quality of care, and enhance their functional and cognitive status and safety.	
12	Negotiated Rulemaking	N/A
<u>-</u>	Negotiated Written Comment	
)31 er	Published as temp/proposed (July 1,	October 3, 2012
ص 1	2012)	·
cet 16-031 Hettinger	Comment period ends	October 24, 2012
et He	Changes to rules based on	November 9, 2012
Docket 16-0310-1205 Lisa Hettinger	comment submitted to APS	
Ľ Ď	Pending rule publish	January 2, 2013

Docket 16-0325-1201 Sheila Pugatch	This new chapter of rules will encompass the eligible professionals and eligible hospitals. No negotiated rule making process followed	Health Record (EHR) Incentive Program Medicaid EHR Incentive Program State criteria for due to the fact that the EHR program is a federal the short time frame for implementation of this
3at	Published as temp/proposed (7/1/12)	July 4, 2012
16 Jug	Comment period ends	July 25, 2012
et la F	Changes to rules based on	July 27, 2012
ock jei	comment submitted to APS	
ΔŞ	Pending rule publish	November 7, 2012

RULES COMING SOON-TEMP/PROPOSED

MH MANAGED CARE
CO-PAY PHASE 2
PROVIDER SCREENING & ENROLLMENT
EHR STAGE 1 - MEANINGFUL USE
TOBACCO CESSATION FOR REMAINING MEDICAID POPULATION
ACA 2014 CHANGES
MISSED APPOINTMENTS

STATE PLAN AMENDMENTS TITLE XIX

11-016	Co-payments for Certain Services Tribal Coordinator Notified 4/8/11 Submitted to CMS 12/28/11 - 90 day clock is 3/27/12 Received Informal RAI 1/23/12 Submitted informal RAI 3/1/12 Received formal RAI 3/23/12 - 90 day response date 6/21/12 CMS "stopped the clock" Submitted formal RAI 10/12/12 - 90 day clock is 1/10/13 Approved 12/21/12
12-009	Health Homes Tribal Coordinator Notified 2/2/12 Submitted 8/27/12 - 90 day clock 11/25/12 Received informal RAI 9/19/12 (conf call) Submitted informal RAI response 10/12/12 Received and submitted additional informal RAI response 10/26/12 Approved 11/21/12
12-010	Intermediate Care Facility for the Intellectually Disabled (ICF/ID) Cost Report Revisions Tribal Coordinator Notified 9/18/12 (no expected impact to the tribes) Submitted to CMS 9/18/12 - 90 day clock is 12/17/12 Approved 11/14/12
12-011	Nursing Facility (NF) Behavioral Care Unit (BCU) Tribal Coordinator Notified 10/4/12 (no expected impact to the tribes) Submitted to CMS 10/4/12 - 90 day clock is 1/2/13 Received Informal RAI 10/26/12 Submitted informal RAI 11/14/12 Approved 12/19/12
12-012	Provider Preventable Conditions Tribal Coordinator Notified 7/26/12 Submitted to CMS 9/24/12 - 90 day clock is 12/23/12 Approved 11/6/12
12-013	Removal of the Chronic Disease Management (CDM) Pay-for-Performance (P4P) Program Tribal Coordinator Notified 10/1/12 Submitted to CMS 11/20/12 - 90 day clock is 2/18/13
12-014	1915i Adult Developmental Disabilities (DD) Services Tribal Coordinator Notified 9/19/12 Submitted to CMS 12/26/12 - 90 day clock is 3/27/13

SPA COMING SOON

MENTAL HEALTH MANAGED CARE IMPACTS - CLINIC, REHAB & TCM SBS - ADD NEW SERVICES TO REPLACE IBI & DT PHARMACY CHANGES & MMCP - PART D ESSENTIAL BENEFIT REQUIREMENTS FOR BENCHMARK PLANS

STATE PLAN AMENDMENTS TITLE XXI

#10 Incorporates changes made or pending to the Title XIX State Plan for years 2006-

2009

Status: Submitted to CMS 3/17/09 - 90 day clock 6/15/09

Received RAI 3/17/09 with response date 9/13/09

Submitted RAI response 9/10/09 - remainder of 90 day clock 11/9/09

Received RAI 10/30/09 with response date 4/29/10

Submitted RAI #2 response (as informal) 12/2/09 - clock remains stopped

Pending EPSDT Audit submitted to CMS 5/26/10 Submitted EPSDT CAP & Audit response 7/22/11

#11 Incorporates changes made or pending to the Title XIX State Plan for 2010

Status: Submitted to CMS 3/1/11 - 90 day clock 5/31/11

Received formal RAI "Stop the Clock" letter 3/17/11

Submitted formal RAI 4/4/11 - remainder of 90 day clock 6/17/11

Received 2nd formal RAI "Stop the Clock" letter 4/8/11

#12 Incorporates changes made or pending to the Title XIX State Plan for HB260

(reduction in chiropractic limitations)

Status Submitted to CMS 8/30/11 - 90 day clock 11/29/11

Title XXI SPAs 10-12 are under "Stop the Clock" status pending EPSDT agreement.

TITLE XXI SPA COMING SOON

CHILDREN'S SYSTEM REDESIGN

WAIVER ACTIVITY

WAIVERS COMING SOON

1915b Mental Health
1115 Demonstration - adult extension and transition
1915b Dual eligibles