MONTANA DPHHS
Healthy People. Healthy Communities.
Department of Public Health & Human Services

Department of Public Health and Human Services

Director's Office ♦ PO Box 4210 ♦ Helena, MT 59620 ♦ (406) 444-5622 ♦ Fax: (406) 444-1970♦ www.dphhs.mt.gov

Steve Bullock, Governor

Richard H. Opper,
Director

July 23, 2015

ADDRESS

Re: **Invitation to attend formal Medicaid State-Tribal Consultation on Wednesday, August 19, 2015, in Helena, and Other Public Forums**

Dear :

The Montana Department of Public Health and Human Services (DPHHS) would like to request your presence and participation in a formal Medicaid tribal consultation with representatives from tribal governments, tribal health programs, Urban Indian Centers, and the Indian Health Service.

The Department has scheduled this important tribal consultation for **Wednesday, August 19, 2015 from 9:30 am to 4:00 pm in Helena**. At this consultation, we will specifically address how Medicaid Expansion will affect Native American people. There are other public forums (more information at the end of this letter), but they will not be as specific to Native American issues.

The primary reason for the consultation will be to discuss the draft Demonstration Waiver and Medicaid Expansion in detail. We also want to expand the consultation to be able to provide some updates on some pending State Plan Amendments and other topics of interest.

The topics of discussion for this consultation include:

- Medicaid Expansion and associated Medicaid State Plan Amendments, Waivers, and Administrative Rules of Montana;
- Administrative Rule and Medicaid State Plan Amendment updates;
- Centers for Medicare and Medicaid Services (CMS) issues of one rate per "facility"; and
- Next Issues to work on.

The consultation will be held at the DPHHS Cogswell Building, 1400 Broadway Street, in the combined meeting rooms C205, C207 and C209. A map of the State Capitol Complex is enclosed for your convenience. Lunch will be provided.

We would also like to notify you about other opportunities available for you to learn about and/or comment on the Medicaid Expansion Waivers. As I mentioned earlier, these public meetings will not be as specific to Native American people, and I urge you to attend the tribal consultation to obtain the most pertinent information. You are, of course, welcome to attend as many forums as you deem valuable.

The following information pertains to public meetings that the Department is hosting.

The Montana Department of Public Health and Human Services (DPHHS) is providing public notice of its intent to: (1) submit to the Centers for Medicare and Medicaid Services (CMS), on or before September 15, 2015, written applications for an 1115 Waiver and 1915(b)(4) Fee-for-Service (FFS) Selective Contracting Program Waiver to implement the Health and Economic Livelihood Partnership (HELP) Program; and (2) hold public hearings; and (3) hold a formal tribal consultation to receive comments on these waiver applications.

On April 29, 2015, Governor Steve Bullock signed into law Senate Bill 405, an Act establishing the Montana HELP Program to expand health coverage in Montana to an estimated 70,000 new adults with incomes up to 138% of the Federal Poverty Level (FPL). The proposed 1115 Demonstration and 1915(b) Selective Contracting Waivers support implementation of the HELP Act by enabling Montana to implement two central features of its HELP Program: (1) use of a Third Party Administrator (TPA) arrangement to provide efficient and cost-effective coverage; and (2) consumer cost-sharing to encourage personal responsibility and cost-conscious behaviors.

Montana will contract with a TPA to administer the delivery of, and payment for, healthcare services for most new adults. **Individuals whom we propose to exempt from TPA enrollment include medically frail and American Indian/Alaskan Native newly eligible adults.**

We also propose to exempt American Indian/Alaskan Native people from the cost-sharing provisions. For those who are not exempt, Montana will require premiums and co-payments for new adults with incomes below 138% of the FPL who are enrolled through the TPA. These individuals will be required to pay premiums equal to 2% of monthly income and maximum co-payment amounts allowed under federal law. In accordance with federal law, premiums and co-payments combined may not exceed 5% of family income. Any individual who fails to pay required premiums will incur a debt to the State.

Additionally, individuals with incomes above 100% FPL who fail to pay premiums will be disenrolled from coverage until they pay overdue premiums, or until the Department of Revenue assesses the premium debt against their income taxes. Individuals who engage in approved healthy behavior programs will be exempt from such disenrollment. Individuals with incomes at or below 100% FPL are not subject to disenrollment.

Montana intends to submit a 1915(b)(4) FFS Selective Contracting Program Waiver to allow the State to selectively contract the TPA provider network to serve HELP Program participants.

The State will also request the following waivers in the 1115 Demonstration Waiver:

- § 1902(a)(17): To waive Medicaid comparability requirements allowing different treatment of newly eligible adults, such as the application of co-payments and premiums on newly eligible adults enrolled in Medicaid through the TPA;
- § 1902(a)(14): To impose monthly premiums that are equal to 2% of income on newly eligible adults enrolled through the TPA;
- § 1902(a)(23): To waive Medicaid freedom of choice requirements relative to the TPA; and
- § 1902(a)(8): To waive the reasonable promptness requirement and permit disenrollment of people with incomes above 100% of the federal poverty level who fail to pay required premiums.

The Demonstration Waiver will further the objectives of Title XIX by expanding Medicaid coverage —increasing the number of Medicaid enrolled individuals in the State by more than half—and ensuring quality, affordable access to coverage for low-income Montana residents. It will also promote continuity of, and access to, providers by leveraging the efficiencies and expertise of the private market.

The Demonstration Waiver will be statewide and will operate for up to five years. The Demonstration Waiver will test hypotheses related to provider access, use of high value health care, and consumer engagement in healthy behavior.

Two public meetings will be held regarding the Waivers. You may attend in-person or via webinar:

1) August 18, 2015, 3:30 p.m. to 5:30 p.m., in the Billings Public Library, 510 North 28th Street, Billings, MT 59101; and

2) August 20, 2015, 1:00 p.m. to 3:00 p.m., in the Sanders Building Auditorium, 111 North Sanders Street, Helena, MT 59601.

Although an in-person tribal consultation is scheduled, and we hope you will fully participate in it, we welcome you to join one or both of the public meetings. To reserve your webinar spot, you must pre-register by completing the required registration application at http://www.dphhs.mt.gov/medicaidexpansion. If special accommodations are needed, contact (406) 444-4455.

Public comments may be submitted until midnight on September 7, 2015. Comments may be submitted by e-mail to jothompson@mt.gov or by regular mail to: Department of Public Health and Human Services, Attn: Jo Thompson, PO Box 202951, Helena, MT 59620-2951.

The complete version of the current draft of the Demonstration Waiver application is available for public review at http://dphhs.mt.gov/medicaidexpansion. You also have the opportunity to sign up for the Interested Parties email list at this link.

The Department of Public Health and Human Services is committed to an extensive public process. We want you to have an opportunity to review the proposed action, understand the concepts and offer your comments. Thank you and we look forward to working with you on this endeavor.

If you have questions or need more information, or would like to add topics to the agenda, please contact Mary Eve Kulawik, State Plan Amendment and Waiver Coordinator, at (406) 444-2584, or mkulawik@mt.gov.

Respectfully,

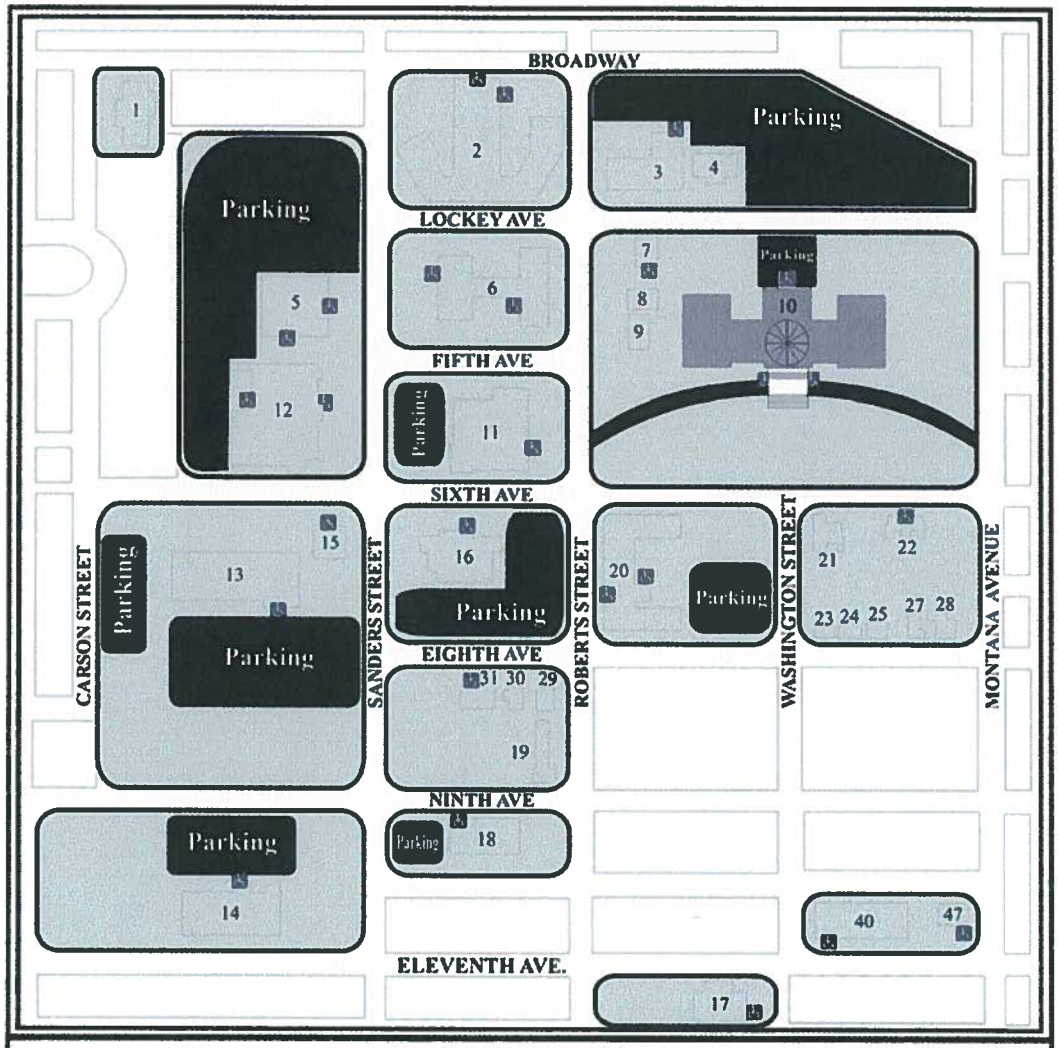
Mary E. Dalton

Mary E. Dalton
Montana State Medicaid Director

c:

Jason Smith, Director of Indian Affairs, Governor's Office
Lesa Evers, Tribal Relations Manager, DPHHS

Encl.: Capitol Complex Map
Tribal Consultation Agenda



Montana State Capitol Complex

1. Executive Residence
2. Cogswell Building (DPHHS)
3. Walt Sullivan Building (L&I)
4. Old Board of Health Building (L&I)
5. 111 Sanders (DPHHS)
6. Mitchell Building (Revenue/Admin)
7. Old Livestock Building
8. Capitol Annex
9. Boiler Plant (Shop)
10. State Capitol
11. Museum
12. Justice Building & State Library
13. Metcalf Building (DEQ)
14. Corrections
15. Teachers' Retirement Building
16. Fish Wildlife & Parks Building
17. 1300 11th Ave (OPI)
18. 1424 9th Avenue (DNR)
19. 425 N. Roberts
20. Scott Hart Building
21. 1236 E 6th Ave
22. 1218 E 6th Ave
23. 326 Washington St
24. 1225 8th Ave
25. 1219 8th Ave
27. 1209 8th Ave (Tax Appeal Board)
28. 1205 8th Ave (Political Practices)
29. 1400 8th Ave (FWP)
30. 1404 8th Ave (FWP)
31. 1410 -1410½ 8th Ave (Historical Preservation)
34. 1412½ 8th Ave (Board of Visitors)
40. 1227 11th Ave (OPI)
47. 1201 11th Ave (OPI)

Handicapped accessibility entrance, parking is in close proximity

Medicaid Tribal Consultation Meeting Agenda

Department of Public Health and Human Services (DPHHS)
Cogswell Building, Rooms C205, C207, and C209
1400 Broadway Street, Helena, Montana

Wednesday, August 19, 9:30 am – 4:00 pm

There will be time for discussion after each topic. Please note the times below are approximate. Topics may take less or more time depending on amount of discussion.

9:30 am – 10:00 am	**Welcome and Introductions**	
	Prayer	Tribal Leader
	Welcome	Richard Opper, DPHHS Director Mary Dalton, State Medicaid Director
	Introductions	All
	Meeting Purpose & Format	Lesa Evers, Tribal Relations Manager
10:00 am – 2:15 pm	**Medicaid Expansion** (Lunch will be provided)	Mary Dalton & Lesa Evers
	- Overview of Medicaid Expansion Waivers - Overview of how Medicaid Expansion affects Native American people - Tribal Responses	
2:15 pm - 2:30 pm	**BREAK**	
2:30 pm - 3:30 pm	**Medicaid State Plan Amendment (SPA) and Administrative Rule Updates**	Mary Dalton

	- SPA Updates
	  - Nursing Home SPA
	  - "One-Rate"
	  - Health improvement Program SPA
	  - Autism SPA	

3:30 pm – 3:45 pm	**Public Comment**	
3:45 pm – 4:00 pm	**Next Issues to work on: Suggestions we have received**	Mary Dalton
	- Home and Community Based Waivers - Hospice and Dialysis Coverage - Personal Care Attendants	