

December 8, 2023

Dear Tribal Consultation Members:

This letter is regarding the Tribal Consultation between the North Dakota Department of Health and Human Services and the North Dakota Indian Tribes. The consultation process was established to ensure Tribal governments are included in the decision-making processes when proposed changes in the Medicaid or Children's Health Insurance Program(s) will directly impact the North Dakota Tribes and/or their Tribal members.

**Medicaid Provider Rate Increases**

Effective January 1, 2024, a 3.2% Skilled Nursing Facility Market Basket adjustment will be applied for all Nursing Facility services.

Effective January 1, 2024, North Dakota Medicaid will be providing a three percent inflationary increase for all Psychiatric Residential Treatment Facility services as authorized by the 2023 Legislative Assembly.

**Nursing Facility Incentive Program**

Effective January 1, 2024, North Dakota Medicaid will be submitting a state plan amendment to implement a nursing facility incentive program for in state nursing facilities. Nursing facilities whose cumulative score based on selected quality measures will receive an additional payment annually.

**Nursing Facility Therapeutic Leave Days**

Effective January 1, 2024, North Dakota Medicaid will be submitting a state plan amendment to increase the therapeutic leave days from twenty-four days to thirty days to be in line with intermediate care facilities. Therapeutic leave days are when the resident is not in the facility but is not in a hospital, swing bed facility or receiving home and community based waived services.

**Disqualifying Transfers**

Effective January 1, 2024, North Dakota Medicaid will be submitting a state plan

**MEDICAL SERVICES**

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amendment to update when a disqualifying transfer starts. A disqualifying transfer that is discovered for an ongoing eligible individual will start the month following the month of discovery. Currently, the disqualifying transfer starts the first of the month the transfer occurs. This update will not change the start date of a disqualifying transfer discovered when an application is processed. A disqualifying transfer that is discovered when an application is processed starts with the first month of eligibility.

### **Medicaid Expansion / Fee for Services for 19-20 Year Old's Only**

The Affordable Care Act amended Section 1937 of the Social Security Act, to require that Alternative Benefit Plans (ABP) coverage meet Essential Health Benefit Standards. Regulatory changes to the EHB standards that impact Medicaid ABPs require States to update existing ABPs to reflect these changes. Effective on or after January 1, 2024, North Dakota Medicaid will be submitting an amendment to the North Dakota Medicaid Expansion Alternative Benefit Plan (ABP) to clarify language for existing benefits.

Specific changes in this section include:

- 1915(i) – change in the WHODAS score reference to not reference the exact score needed.
- 1915(i) – changes to the language in the Alternative Benefit Plan for 21-64 year olds to match the wording in the Alternative Benefit Plan for 19-20 year olds.
- Primary Care Case Management (PCCM) Service Delivery Model – removal of this benefit as the program is ending December 31, 2023.

### **Correct Coding Initiative**

North Dakota Medicaid follows the National Correct Coding Initiative (NCCI) Edits. These edits were developed by the Centers for Medicare and Medicaid Services (CMCS) based on coding conventions defined in the American Medical Association's Correct Procedure Terminology Manual, national and local policies and edits, coding guidelines developed by national societies, analysis of standard medical and surgical practices and a review of current coding practices. CMS annually updates the Medicaid NCCI Policy Manual and the Medicaid NCCI Technical Guidance Manual. For more information go to

<https://www.medicaid.gov/medicaid/program-integrity/national-correct-coding-initiative-medicaid/index.html>

Please send comments, questions or concerns about the proposed State Plan Amendments or waivers to Medical Services Tribal Consultation, Attention: Monique Runnels; 600 East Boulevard Avenue, Department 325, Bismarck, ND 58505. You may also send information via e-mail to [mrunnels@nd.gov](mailto:mrunnels@nd.gov)

We appreciate your partnership in caring for our North Dakota Medicaid members and the continued opportunity to work collaboratively with you to achieve the best outcomes for Medicaid tribal members.

Sincerely,

A handwritten signature in black ink, appearing to read "Sarah Aker". The signature is fluid and cursive, with the first name "Sarah" being more prominent than the last name "Aker".

Sarah Aker, Director  
Medical Services Division