



09.06.23 - NE Tribal/Medicaid Monthly Call Agenda

Conference Access Number **(888) 820-1398**

Attendee Code- **7300221**

Present: Jacob Kawamoto, Jordan Himes, Collin Spilinek, Jeshena Gold, Cathy Kearney, Doug Bauch, Londa Krull, Jackie Orth, Stacy Schenk, Sylvia Allen-Lopez (Ponca), Becky Crase (Ponca), Vietta Swalley (UHC), Tuesday Kuhlman (NTC), Mariana Johnson (NTC), Angie Tran (Molina), Frank Clepper (Molina), Ricky Ann Fletcher (Molina), Bethy Stech (Molina), Jeanine Fitzpatrick (Molina), Cynthia Goslin (UHC), Jenn Nelson (UHC), Stacey Steiner (CMS), Sabrina Wagner, Charlie

SPA/Waiver Updates

- SPA
 - o NE 24-0003: Postpartum Coverage Extension
 - Effective, January 1, 2024, individuals who are eligible for and enrolled in Medicaid or CHIP during their pregnancy will receive 12 months of extended postpartum coverage, regardless of any changes in circumstances that may otherwise affect eligibility.
 - o NE 24-0006: Federal Medical Assistance Percentage (FMAP) proxy methodology
 - No Tribal impact.
 - o NE 23-0014: Vehicle Disregard
 - With this change, all vehicles will be excluded in the resource total except for boats, recreational vehicles, planes, and classic vehicles.
 - o NE 23-0015: Adult Vaccine Coverage
 - Brings MLTC into compliance with federal vaccine coverage requirements to allow for coverage of all ACIP-recommended vaccines. This SPA will impact tribal health providers, as they will now be able to bill Medicaid for certain vaccinations the program didn't previously cover.
 - **QUESTION:** Did MLTC update this on the vaccine formulary?
 - o **ANSWER:** Yes. More information can be found on [Provider Bulletin 23-26](#), and the 2023 Injectables Fee Schedule.
- Waiver Authority
 - o 1902(e)(14)(A) Waiver
 - Suspends the requirement for beneficiaries to apply for other benefits under 42 CFR 435.608
 - o 1915(b) Managed Care Waiver Amendment
 - Provides authority for all managed care programs, effective January 1, 2024. Enrolled American Indians/Alaskan Natives will continue to receive physical health, behavioral health, and pharmacy services through the Managed Care Organizations (MCOs). In addition to this, Dental benefits will also be administered through the MCOs.

Additional Items

- MLTC Quality Strategy for Heritage Health Program – Tribal Comment and Review
 - o Quality assurances is the purpose – review and send any feedback
 - o MLTC -> General Info -> State Plan Public Notices -> Announcement -> Quality Strategy for HH Program
 - o Available for review at: <https://dhhs.ne.gov/Pages/Medicaid-Announcements.aspx>
 - o Please send all public comments to:
 - DHHS.HeritageHealth@nebraska.gov, Attn: Cathy Kearney.

- Vendor Data Security Incident
 - o Link for more info: <https://response.idx.us/MCNA-Information/>
 - o In accordance with federal regulations, Nebraska Medicaid and MCNA both provided notices on their public websites. In addition, MCNA published a press release and provided it to news outlets across the states that were impacted. Affected members were notified via a letter from MCNA about the data breach, this letter included information on how they can sign up for a year of free credit monitoring paid for by MCNA.
 - MLTC is available for further outreach and assistance if beneficiaries or providers have further questions or need help navigating available resources. MLTC will be sure to provide additional outreach to the tribes should another issue like this happen.
 - MLTC will investigate the possibility of MCNA creating a flier with information on this for Tribal providers to post in their clinics. Given this is a national MCNA-wide incident, MLTC will need to work with MCNA to see if they have anything prepared.

- Policy Clarification: Reimbursement up to the all-inclusive rate (AIR) for beneficiaries with third-party liability (TPL)
 - o After receiving TPL payment for a claim, Tribal providers can bill Medicaid/the MCOs to be reimbursed for the remaining amount up to the AIR for qualifying encounter services. (See 471 NAC 3.005.05)
 - o UPDATE: A question was asked at the 8.16.23 Tribal Consultation meeting about the definition of TPL.
 - TPL is defined in Nebraska Medicaid’s regulations at 471 NAC 3.002.30 as, “Any individual, entity, or program which is, or may be, contractually or legally liable to pay all or part of the cost of any medical service furnished to an individual.”
 - The Nebraska Medicaid TPL Program website lists money from sources such as auto and property insurance, worker’s compensation, and cash settlements from lawsuits as examples of TPL. But this is not a definition or an exhaustive list of all TPL coverage.
 - MLTC’s definition of TPL in regulations is consistent with CMS guidance which notes that, for Medicaid coordination of benefits (COB) purposes, any of the following can be considered “third parties”:
 - Health Insurers (including private or employer-based coverage, Medicare and TRICARE)
 - Other government programs
 - Other liable people or entities

- (<https://www.medicaid.gov/sites/default/files/2020-08/COB-TPL-Handbook.pdf>)
- Medicare Crossover Claims – Update
- PHE Data Sharing Agreements
 - MLTC has received a point of contact for each of the Tribes, and these have been forwarded to the MLTC Legal team who is drafting the Data Sharing Agreement. Once drafted, this will be sent out to the Tribes for review and feedback/approval.
 - The Medicaid Policy team has passed along the Data Fields discussed at the 8.16.23 Tribal Consultation Meeting to the Medicaid Legal team who will begin drafting the Data Sharing Agreement.
 - UPDATE: the Medicaid Policy team is also beginning to work through the operational considerations involved in establishing, running, and sending out a report of this scope. The date by which this could be completed is currently still being determined, and the Medicaid team will keep the Tribes informed.
- NEMT
 - At the August 2022 Quarterly Consultation meeting, it was agreed that the MCOs and Tribes would discuss how to improve access to transportation services for Tribal beneficiaries.
 - MLTC has been working with the PSC to confirm requirements for Tribal NEMT providers.
 - The Tribes will need to work with the NE Public Service Commission (PSC) to receive certification before working with Maximus to enroll as an NEMT provider.
 - PSC contact: stasha.oborny@nebraska.gov
 - Update from 8.16.23 Tribal Consultation Meeting: Jacob will follow up with the NE Public Service Commission (PCS) to confirm whether the Tribes are required to be certified through the PSC or whether their NEMT program are exempt from this.
- **QUESTION:** Santee’s health facility recently added diagnostic services like CT scans and mammograms that are offered through their clinic. They are being told these are ancillary services and that they need a separate Tax ID, NPI, and Medicaid ID. Is this true?
 - **ANSWER:** MLTC Policy will connect Santee with the MLTC Provider Enrollment team and work together with Santee to address and answer this question.