

Message

From: Tsai, Daniel (CMS/CMCS) , (b)(6)
(b)(6)
Sent: 9/21/2023 12:44:02 PM
To: Howe, Rory (CMS/CMCS) (b)(6)
; Briskin, Perrie
(b)(6)
; Hebert, Krista
, (b)(6)
CC: Costello, Anne Marie (CMS/CMCS) , (b)(6)
:]; Vitolo, Sara
Maccarroll, Amber
, (b)(6)]; Silanskis, Jeremy
; Giles, John (CMS/CMCS)

Subject: Re: Re: NC Financing Attestations

Thanks.

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Thursday, September 21, 2023 7:46:23 AM
To: Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>
Cc: Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Subject: RE: NC Financing Attestations

The team confirmed this morning we have **not** yet sent the email to NC. We will hold until we have a chance to discuss. Thanks.

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Wednesday, September 20, 2023 11:06 PM
To: Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>
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Subject: Re: NC Financing Attestations

Hi, Dan. I asked the team to send the email to NC after our meeting this afternoon. Earlier this evening, I asked them to hold and am waiting to hear whether it already went to the state or not. I will provide an update as soon as I have one.

From: Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>
Sent: Wednesday, September 20, 2023 7:39:12 PM
To: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS)

<Sara.Vitolo@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>

Subject: Re: NC Financing Attestations

Rory - can we hold on sending this

I have an update (postive) but should discuss live

Thanks

From: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>

Sent: Wednesday, September 20, 2023 6:34:34 PM

To: Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>

Cc: Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>

Subject: RE: NC Financing Attestations

Hi Rory,

I received a call from Erin Richardson, CMS Chief of Staff, also asking about the status of NC's SDP approvals. Is it accurate to say that we are sending back this request that NC DHHS collects attestations from its hospitals, but that review of the SDPs is still in process. Or is any update on the timing of the SDP approval a question for MCG?

Best,
PErrie

From: Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>

Sent: Wednesday, September 20, 2023 4:04 PM

To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>

Cc: Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>

Subject: RE: NC Financing Attestations

Hi Rory –

I added this to Dan's book for tonight. Hopefully can circle back shortly.

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>

Sent: Wednesday, September 20, 2023 3:30 PM

To: Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>

Cc: Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>

Subject: NC Financing Attestations

Hi Dan,

, (b)(5)

Of note, we also received an inquiry today from Rep. Ross's office on the status of the SDP funded by the hospital tax. Please let us know if you are okay with us sending the email to North Carolina. They are pressing for feedback.

Thanks,
Rory

Message

From: Tsai, Daniel (CMS/CMCS) _ (b)(6)
(b)(6)
Sent: 10/13/2023 4:47:11 PM
To: Hebert, Krista (CMS/CMCS) (b)(6)
(b)(6)
Subject: FW: FW: AHA comments on Medicaid State Directed Payments

Found the note – AHA and team. We should set up a meeting iN Nov in person
And talk about more than just SDPs. SDP (listen) + catch up more broadly. I want us to be in dialogue w provider associations and such

We will invite some folks from the team

Thanks

From: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>
Sent: Friday, September 29, 2023 9:58 AM
To: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>
Cc: Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>
Subject: RE: AHA comments on Medicaid State Directed Payments

Thank you, John! And I also flagged for Anne Marie today and she said we should not take this meeting during the shutdown anyway.

So I will reply and say 1) please ping us after the shutdown ends and 2) even when we do meet, we will be in listen-only mode.

Thank you!

From: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Sent: Friday, September 29, 2023 8:59 AM
To: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>
Cc: Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Subject: RE: AHA comments on Medicaid State Directed Payments

Hi Perrie – I'm happy to join this meeting, but Rory should also be included given the topic on financing and state directed payments. Given rulemaking, we would have to be in listen-only mode and could not comment given that we are actively in final rule development.

Please let me know how I can be helpful.

Thank you!

John Giles, MPA
Acting Director, Managed Care Group
Center for Medicaid and CHIP Services
Centers for Medicare & Medicaid Services
Phone: 410-786-5545

E-mail: John.Giles1@cms.hhs.gov

From: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>
Sent: Thursday, September 28, 2023 11:16 PM
To: Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Cc: Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>
Subject: FW: AHA comments on Medicaid State Directed Payments
Importance: High

I will raise this at OCD tag on who wants to take this meeting.

John – if you have thoughts or recommendations, please let us know.

From: Collins Offner, Molly <mcollins@aha.org>
Sent: Thursday, September 28, 2023 3:59 PM
To: Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>
Subject: RE: AHA comments on Medicaid State Directed Payments
Importance: High

Hi Mary Ann and Perrie

I am writing to request a meeting with Dan and the CMS team on the Medicaid managed care access rule specifically the issues around state directed payments and state financing for those directed payment programs. I have attached our comments to the proposed rule for our information. The meeting would be with our senior leadership team – names listed below. We are happy to schedule a virtual meeting in the interest of time and convenience.

What would be the best way to proceed? Should I submit some dates and times for October and November?

AHA Team

- Stacey Hughes, Executive Vice President, Government Relations, and Public Policy
- Chad Golder, Deputy General Counsel
- Molly Collins Offner, Director of Policy Development
- Ben Finder, Director, Policy Research and Analytics
- Michelle Millerick, Senior Associate Director of Health Insurance Coverage

All the best,
Molly

*Molly Collins Offner, MHSA
Director, Policy Development
American Hospital Association
800 10th Street, NW
Two CityCenter, Suite 400
Washington, DC 20001-4956
, (b)(6)
Office: 202-626-2326
Fax: 202-747-5864
e-mail: mcollins@aha.org
Pronouns: she/her*

From: Collins Offner, Molly
Sent: Thursday, June 29, 2023 9:17 AM

To: daniel.tsai@cms.hhs.gov; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>

Cc: Hughes, Stacey <shughes@aha.org>; Thompson, Ashley <athompson@aha.org>; Smith, Molly <mollysmith@aha.org>; Golder, Chad <cgolder@aha.org>; Millerick, Michelle <mmillerick@aha.org>; Finder, Benjamin <bfinder@aha.org>; Cundari, Megan <mcundari@aha.org>

Subject: AHA comments on CMS's Medicaid access and payment rules

Importance: High

Hello Dan and Anne Marie

As a courtesy, we wanted to share with you AHA's comment letters regarding the Medicaid access and payment rules. AHA is very supportive of many of the provisions in both proposed rules. The rules represent a tremendous commitment, on the part of you and your team, to improving access and increasing provider payment transparency. We did, however, want to let you know that we have raised significant concerns about the approach in the managed care rule relating to provider attestation. These comments were prepared after extensive consultation with our member hospitals and our state and metropolitan hospital association partners. As you can see in our comments, we raise concerns that hospitals, in the proposal, would be used as an enforcement tool for sub-regulation guidance on hold harmless arrangements that has not been subject to the notice and comment process. We are happy to discuss this further with you and your team.

All the best,

Molly

Molly Collins Offner, MHSA
Director, Policy Development
American Hospital Association
800 10th Street, NW
Two CityCenter, Suite 400
Washington, DC 20001-4956

, (b)(6)
Office: 202-626-2326
Fax: 202-747-5864
e-mail: mcollins@aha.org
Pronouns: she/her

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Sent: 9/20/2023 11:39:12 PM
To: Briskin, Perrie (CMS/CMCS) , (b)(6)
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(b)(6) ; Howe, Rory
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(CMS/CMCS) <John.Giles1@cms.hhs.gov>

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Subject: NC Financing Attestations

Hi Dan,

As discussed yesterday, we met with OGC today regarding North Carolina's planned hospital attestations that do not mention the February CIB or redistribution arrangements. After discussion with OGC and based on our conversation yesterday, we plan to send the attached email to NC that does not suggest or require that NC's attestations reference the CIB. Instead, the email reiterates our position outlined in the CIB and clarifies that the state is ultimately at risk for any unallowable financing, regardless of the attestations. We also plan to provide one minor, suggested edit to the attestation, which would clarify that CMS is requesting, but not requiring, the attestations. We believe this approach would be consistent with our work in other states given FMG has no specific information indicating that hold harmless arrangements are in place in North Carolina's hospital tax programs.

Of note, we also received an inquiry today from Rep. Ross's office on the status of the SDP funded by the hospital tax. Please let us know if you are okay with us sending the email to North Carolina. They are pressing for feedback.

Thanks,
Rory

Message

From: Tsai, Daniel (CMS/CMCS) (b)(6)
(b)(6)
Sent: 5/17/2023 3:22:50 PM
To: Briskin, Perrie (CMS/CMCS) , (b)(6)
(b)(6) ; Schubel, Jessica L.
CC: Pryor, Rachel (HHS/OS/IOS) (b)(6)
(b)(6) Costello, Anne Marie
(b)(6) Katch (she/her),
(b)(6) Hebert, Krista
(b)(6) Dorsey, Jennifer
(b)(6) Shanna (CMS/CMCS)
(b)(6) u]; Boston, Beverly
(b)(6) i]; Howe, Rory (CMS/CMCS)
(b)(6) Arguello, Andres (OS/IOS)
(b)(6) 3u]

Subject: Re: Re: MO Letter - Rollout this Fri 5/19 - Edits/Comments due TODAY

Sorry. I didn't. Get to update Perrie yet

We are going to hold on this pending resolution of debt ceiling discussions. I can update live. Thanks all.

From: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>
Sent: Wednesday, May 17, 2023 10:15:39 AM
To: Schubel, Jessica L. EOP/WHO <Jessica.L.Schubel@who.eop.gov>
Cc: Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Pryor, Rachel (HHS/OS/IOS) <Rachel.Pryor@hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>; Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>; Dorsey, Jennifer (CMS/CMCS) <jennifer.dorsey@cms.hhs.gov>; Janu, Shanna (CMS/CMCS) <Shanna.Janu@cms.hhs.gov>; Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Arguello, Andres (OS/IOS) <Andres.Arguello@hhs.gov>
Subject: MO Letter - Rollout this Fri 5/19 - Edits/Comments due TODAY

Hi Jessica,

We have updated our timeline and are now planning to send the Missouri letter this Friday, 5/19.

Attached is the draft letter. This has been reviewed and cleared by OGC. CMS will also have a reactive ready. Below is an overview of the issue.

If you have any edits or comments on the letter, please send by today, Wed, COB.

Please let us know if you have any questions. Thank you!

Best,
Perrie

Additional Background

- **Missouri has a provider tax that is called the Federal Reimbursement Allowance (FRA).** The FRA is a tax paid by hospitals to help cover the state cost for MO HealthNet, the state's Medicaid program. There are now reimbursement allowances in Missouri that also cover nursing facilities, as well as pharmacy and ambulance services.
- CMCS' data shows that Missouri's FRA generates over \$1.2 billion in annual revenue and uses most of the revenue to fund the state share of Medicaid.

- - , (b)(5)
 - This type of arrangement, referred to as a **"hold harmless" arrangement, is prohibited by federal law and regulations.** These impermissible arrangements effectively shift the state's cost of financing Medicaid to the federal government.
 - Of critical concern, it appears that the **redistributed Medicaid payments typically benefit hospitals that serve low percentages of Medicaid beneficiaries or no Medicaid beneficiaries at all.** In some cases, this means that federal Medicaid dollars are being used to pay the FRA tax bill for hospitals that do not participate in the Medicaid program.
- Over the past several years, CMS has regularly offered technical assistance to the state and provided multiple opportunities to make practical modifications to its FRA tax arrangement so that the state could continue collecting its FRA tax without a reduction in federal funds.
 - A letter from CMS in 2020 outlined our concerns and described CMS's understanding at the time that the state intended to end the arrangement in 2021. Unfortunately, it does not appear that the state has acted to end the hold harmless arrangement.
- **On July 15, 2022, CMS sent a letter reiterating our concerns with the FRA tax** and our intention to conduct a review of the tax during an upcoming quarter.
 - **CMS conducted that review relating to tax collections for the last quarter of calendar year 2022. The state did not provide any indicated that the state has ended the hold harmless arrangements or any compelling information that the arrangements are allowable.**

- - , (b)(5)
 - This collection amount is based on requirements in the Medicaid statute that CMS reduce a state's Medicaid expenditures by the total amount of health care-related tax programs that have a hold harmless arrangement. The statute does not permit us to recover only a portion of the tax collected, which is why approximately \$236 million in federal funds are at risk for the last calendar quarter of 2022.
- A disallowance would afford the state administrative appeal rights. Those include requesting reconsideration from CMS, pursuing an appeal at the HHS' Departmental Appeals Board (DAB), or subsequently appealing to federal court. The state would have the option of retaining the \$236 million during CMS reconsideration and DAB appeals, subject to interest penalties if CMS prevails.

-

, (b)(5)

-

, (b)(5)

- We recognize that hospital taxes can be permissible sources to fund the state share of Medicaid. We also understand that the state's reliance on the FRA revenue is very important to Missouri Medicaid.
- **Our staff has been in close contact with the Missouri Medicaid agency and will continue to offer technical assistance aiming to find a path to ensure the FRA operates in a manner consistent with federal law.**

Timeline for Reference

- On January 19, 2019, CMS learned new details regarding the mechanics of the pooling arrangement operated by the MHA in connection with a review of a managed care proposal that raised concerns regarding the presence of a hold harmless arrangement.
- On July 29, 2020, CMS sent the State of Missouri a letter documenting a commitment from the State of Missouri on a call held on July 19, 2020 in which the State had committed to end the pooling of managed care payments by June 30, 2021.
- On June 13, 2021, the State of Missouri sent CMS a letter confirming that it had told the MHA and the hospitals that all pooling of managed care payments must end by June 30, 2021.
- On September 9, 2021, the State of Missouri informed CMS that there had been an "error" in its earlier responses and that the hospitals and the MHA were told that they could not direct payment distribution through the MCOs, not that they could no longer pool Medicaid payments.
- On July 15, 2022, in conjunction with the approval of a Medicaid managed care State Directed Payment funded in part through the FRA, CMS sent a companion letter reiterating CMS' concerns with the tax and our intention to conduct a review of the amounts reported on the form CMS 64.11(a) for the quarter ending December 31, 2022.
- On February 17, 2022 CMS began its review of the CMS-64 for that quarter by sending a series of questions to the State of Missouri.
- On March 10, 2023 and March 21, 2023, the State of Missouri responded to some of CMS' questions. However, it did not provide any information that refuted the hold harmless arrangement.

Message

From: Kochanski, Joseph (CMS/CMCS) (b)(6)
, (b)(6)
Sent: 7/6/2023 8:29:34 PM
To: Tsai, Daniel (CMS/CMCS) , (b)(6)
, (b)(6)
CC: Briskin, Perrie (CMS/CMCS) , (b)(6)
stello, Anne Marie
Vitolo, Sara
, (b)(6)
bert, Krista

Subject: //b - Briefing Book

Hi Dan – Please see updated book below. Thanks!

Group or Name of Requester	Link – Purpose / Context – Ask – Due Date	Dan’s Comments:
OSG - Correspondence for signature Joe will apply signatures and reply through swift once Dan approves.	(b)(5)	
SDG	(b)(5)	

Criteria For Adjusting States' Level of Responsibility for Provider Rate Increases		
		, (b)(5)
FMG and MCG		
Managed Care/Financing Impact Overview for Dan/OGC		, (b)(5)
Round 2: FMG issues/items needing Leadership input during June		, (b)(5)
[Meeting(s) for Following Working Day w/ Materials]		
Subject:	Time:	Context of Materials:
		Link for Materials:
[Policy Items for Review]		
Group or Name of Requester	Link – Purpose / Context – Ask – Due Date	Dan's Comments:
SDG Minnesota Prepaid Medical Assistance Project Plus (PMAP+) COVID-19 Public Health Emergency Demonstration Amendment	Links: <u>Letter</u> <u>Decision Memo</u> <u>QA</u> Purpose: , (b)(5) , (b)(5)	

	, (b)(5)	
MCOG, MBHPG, FMG - AMC/SV - CNMI SPA Approval to Limit Services	, (b)(5)	
CAHPG VLP 37.1 Upgrade State Communication	, (b)(5)	
CAHPG E&E Final Rule	Link , (b)(5) Ask: Please review when you have time – no deadline.	
OCD Hub TPs	, (b)(5)	
[Admin Items for Review and (or) Signature]		
Group or Name of Requester	Link – Purpose / Context – Ask – Due Date	Dan's Comments:
Reservation for lodging in Baltimore (Govt. Rate)	Please follow the instructions below to make sure reservations for your visit to Baltimore July 24-27. Note: you will not receive your confirmation email right away, they are sent out on Mondays. There was a deadline to reserve a room at this hotel, so please, <u>do not</u>	

forward this email to others. If there are any questions or concerns, feel free to reach out to Gorge and me.

To make reservations, please call Emily Hosler, Reservations Coordinator, at 443-940-8831 [between Mon-Fri, 9:30am-4:30pm] or email emily.hosler@marriott.com

Message

From: Kochanski, Joseph (CMS/CMCS) ... , (b)(6)

Sent: 7/13/2023 8:07:01 PM

To: Tsai, Daniel (CMS/CMCS) ... , (b)(6)

CC: Briskin, Perrie (CMS/CMCS) ... , (b)(6)

stello, Anne Marie

Vitolo, Sara

... , (b)(6)

:bert, Krista

Subject: 7/19 - Briefing Book

Hi Dan – OSG informed me on a call this morning that we need to get following Secretary and Office of The Administrator Action Items (1-5) highlighted in yellow below completed ASAP. Thanks!

<i>Group or Name of Requester</i>	<i>Link – Purpose / Context – Ask – Due Date</i>	<i>Dan's Comments:</i>
OSG - Correspondence for signature Joe will apply signatures and reply through swift once Dan approves.	, (b)(5)	
SDG	, (b)(5)	

Criteria For Adjusting States’ Level of Responsibility for Provider Rate Increases				
FMG and MCG				
Managed Care/Financing Impact Overview for Dan/OGC				, (b)(5)
Round 2: FMG issues/items needing Leadership input during June				
CAHPG				
Dan/AMC/Sara -- DACA Final Rule Draft				
[Meeting(s) for Following Working Day w/ Materials]				
Subject:	Time:	Context of Materials:		Link for Materials:
[Policy Items for Review]				
Group or Name of Requester		Link – Purpose / Context – Ask – Due Date		Dan’s Comments:
SDG		Links:		

Hub TPs		
	, (b)(5)	
[Admin Items for Review and (or) Signature]		
Group or Name of Requester	Link – Purpose / Context – Ask – Due Date	Dan's Comments:
Reservation for lodging in Baltimore (Govt. Rate)	<p>Please follow the instructions below to make sure reservations for your visit to Baltimore July 24-27. Note: you will not receive your confirmation email right away, they are sent out on Mondays. There was a deadline to reserve a room at this hotel, so please, <u>do not forward</u> this email to others. If there are any questions or concerns, feel free to reach out to Gorge and me.</p> <p>To make reservations, please call Emily Hosler, Reservations Coordinator, at 443-940-8831 [between Mon-Fri, 9:30am-4:30pm] or email <u>emily.hosler@marriott.com</u></p>	

Message

From: Briskin, Perrie (CMS/CMCS) , (b)(6)
Sent: 7/14/2023 10:50:12 PM , (b)(6)
To: Tsai, Daniel (CMS/CMCS) , (b)(6)
CC: Costello, Anne Marie (CMS/CMCS) , (b)(6) , (b)(6)
Vitolo, Sara
Kochanski, Joseph
Hebert, Krista

Subject: RE: RE: 7/14 - Briefing Book

And see E&E draft link is missing:
Link: [E&E Final Rule \(Draft\)](#)

From: Briskin, Perrie (CMS/CMCS)
Sent: Friday, July 14, 2023 6:47 PM
To: Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>
Cc: Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>; Kochanski, Joseph (CMS/CMCS) <Joseph.Kochanski@cms.hhs.gov>; Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>
Subject: 7/14 - Briefing Book

Hi Dan – See below. Please review your correspondence. Have a nice weekend.

Group	Link – Purpose / Context – Ask – Due Date	Dan’s Comments:
OSG - Correspondence		
SDG - Criteria For Adjusting States’ Level of Responsibility for Provider Rate Increases	, (b)(5)	
FMG and MCG - Managed Care/Financing Impact Overview for Dan/OGC		
CAHPG - DACA Final Rule		

		Due: Monday 7/17 COB	
[Meeting(s) for Following Working Day w/ Materials]			
<i>Subject:</i>	<i>Time:</i>	<i>Materials:</i>	
DPC GA Meeting	4:30pm	<u>GA Memo</u>	
[Policy Items for Review]			
<i>Group or Name of Requester</i>	<i>Link – Purpose / Context – Ask – Due Date</i>		<i>Dan's Comments:</i>
Unwinding	, (b)(5)		
CAHPG - E&E Final Rule			
OCD - Hub TPs			
[Admin Items for Review and (or) Signature]			
<i>Group or Name of Requester</i>	<i>Link – Purpose / Context – Ask – Due Date</i>		<i>Dan's Comments:</i>
Reservation for lodging in Baltimore (Govt. Rate)	<p>Please follow the instructions below to make sure reservations for your visit to Baltimore July 24-27. Note: you will not receive your confirmation email right away, they are sent out on Mondays. There was a deadline to reserve a room at this hotel, so please, <u>do not forward</u> this email to others. If there are any questions or concerns, feel free to reach out to Gorge and me.</p> <p>To make reservations, please call Emily Hosler, Reservations Coordinator, at 443-940-8831 [between Mon-Fri, 9:30am-4:30pm] or email <u>emily.hosler@marriott.com</u></p>		

Perrie Briskin

Senior Advisor, Office of the Center Director
Center for Medicaid and CHIP Services (CMCS)

, (b)(6)

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recipient, you are notified that you have the obligation to ensure that any further dissemination, distribution or copying is consistent with applicable law.

Message

From: Kochanski, Joseph (CMS/CMCS) , (b)(6)

Sent: , (b)(6)

To: Tsai, Daniel (CMS/CMCS) , (b)(6)

CC: Costello, Anne Marie (CMS/CMCS) , (b)(6)

’itolo, Sara

ert, Krista

, (b)(6)

Briskin, Perrie

Subject: 7/17 - Briefing Book

Dan – Updated book for 7/17 below. Thanks!

Group or Name of Requester		Link – Purpose / Context – Ask – Due Date	Dan’s Comments:
OSG - Correspondence			
SDG			
Criteria For Adjusting States’ Level of Responsibility for Provider Rate Increases			
FMG and MCG			
Managed Care/Financing Impact Overview for Dan/OGC		, (b)(5)	
FMG			
Missouri Deferral Memo to file			
[Meeting(s) for Following Working Day w/ Materials]			

Subject:	Time:	Context of Materials:	Link for Materials:
Access/MC Policy Discussion: HCBS	2pm	, (b)(5)	1. Paper for Meeting 2. Research on state wage pass-through requirements 3. Preliminary infrastructure and workflow for implementing HCBS reporting requirements
PREP: ACBL/Dan Tsai Media - Medicaid Unwinding Pen and Pad	5:30pm	, (b)(5)	Fact Sheet
[Policy Items for Review]			
Group or Name of Requester	Link – Purpose / Context – Ask – Due Date		Dan’s Comments:
CAHPG – E&E Final Rule	, (b)(5)		
OCD – Hub TP’s			
[Admin Items for Review and (or) Signature]			
Group or Name of Requester	Link – Purpose / Context – Ask – Due Date		Dan’s Comments:
Reservation for lodging in Baltimore (Govt. Rate)	Please follow the instructions below to make sure reservations for your visit to Baltimore July 24-27. Note: you will not receive your confirmation email right away, they are sent out on Mondays. There was a deadline to reserve a room at this hotel, so please, <u>do not forward</u> this email to others. If there are any questions or concerns, feel free to reach out to Gorge and me. To make reservations, please call Emily Hosler, Reservations Coordinator, at 443-940-8831 [between Mon-Fri, 9:30am-4:30pm] or email emily.hosler@marriott.com		

Message

From: Briskin, Perrie (CMS/CMCS) , (b)(6)
Sent: 7/14/2023 10:46:42 PM , (b)(6)
To: Tsai, Daniel (CMS/CMCS) , (b)(6)
CC: Costello, Anne Marie (CMS/CMCS) , (b)(5) , (b)(6)
 (CMS/CMCS) , (b)(6) Vitolo, Sara
 , (b)(6) :hanski, Joseph
 , (b)(6) lebert, Krista

Subject: 7/14 - Briefing Book

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Group	Link – Purpose / Context – Ask – Due Date	Dan's Comments:
OSG - Correspondence		
SDG - Criteria For Adjusting States' Level of Responsibility for Provider Rate Increases	(b)(5)	
FMG and MCG - Managed Care/Financing Impact Overview for Dan/OGC		
CAHPG - DACA Final Rule		
[Meeting(s) for Following Working Day w/ Materials]		
Subject:	Time:	Materials:
DPC GA Meeting	4:30pm	(b)(5)
[Policy Items for Review]		
Group or Name of Requester	Link – Purpose / Context – Ask – Due Date	Dan's Comments:
Unwinding	(b)(5)	

CAHPG - E&E Final Rule		
OCD - Hub TPs		
[Admin Items for Review and (or) Signature]		
Group or Name of Requester	Link – Purpose / Context – Ask – Due Date	Dan's Comments:
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Perrie Briskin

Senior Advisor, Office of the Center Director
Center for Medicaid and CHIP Services (CMCS)

, (b)(6)

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Message

From: Kochanski, Joseph (CMS/CMCS) , (b)(6)
Sent: 7/18/2023 8:35:49 PM , (b)(6)
To: Tsai, Daniel (CMS/CMCS) , (b)(6)
CC: Costello, Anne Marie (CMS/CMCS) (b)(6) , (b)(6)
 itolo, Sara
 ert, Krista
 3riskin, Perrie

Subject: 7/18 - Briefing Book

Dan – Please see updated book below. Thanks!

Group or Name of Requester		Link – Purpose / Context – Ask – Due Date	Dan’s Comments:
SDG			
Criteria For Adjusting States’ Level of Responsibility for Provider Rate Increases			
FMG and MCG			
Managed Care/Financing Impact Overview for Dan/OGC			
FMG Missouri Deferral Memo to file			
OCD			
7/25 Agenda and Slides			
[Meeting(s) for Following Working Day w/ Materials]			

Subject:	Time:	Context of Materials:	Link for Materials:
Address Connecting to Coverage Coalition	11:30am	, (b)(5)	<u>Speaker Information</u>
ACBL/Dan Tsai Media - Medicaid Unwinding Pen and Pad	12:30pm		<u>Fact Sheet</u>
[Policy Items for Review]			
Group or Name of Requester	Link – Purpose / Context – Ask – Due Date		Dan's Comments:
CAHPG – E&E Final Rule	, (b)(5)		
[Admin Items for Review and (or) Signature]			
Group or Name of Requester	Link – Purpose / Context – Ask – Due Date		Dan's Comments:

Message

From: Kochanski, Joseph (CMS/CMCS) , (b)(6)
Sent: 7/19/2023 10:48:56 PM , (b)(6)
To: Tsai, Daniel (CMS/CMCS) , (b)(5)
CC: Costello, Anne Marie (CMS/CMCS) , (b)(6)
Vitolo, Sara
bert, Krista
, (b)(6)
; Briskin, Perrie

Subject: 7/19 - Briefing Book

Dan – Please see updated book below. Thanks!

<i>Group or Name of Requester</i>	<i>Link – Purpose / Context – Ask – Due Date</i>	<i>Dan’s Comments:</i>
SDG Criteria For Adjusting States’ Level of Responsibility for Provider Rate Increases		
FMG and MCG Managed Care/Financing Impact Overview for Dan/OGC		
FMG Missouri Deferral Memo to file		
OCD 7/25 Agenda and Slides		

SDG -Teresa NY distressed hospitals -- data and justification for selection of lower state hospitals for AHEAD model		, (b)(5)	
[Meeting(s) for Following Working Day w/ Materials]			
<i>Subject:</i>	<i>Time:</i>	, (b)(5)	
<i>Biweekly Medicaid Redeterminations Sec. Briefing</i>	<i>12:30pm</i>		
<i>Mega Clearance</i>	<i>2:30pm</i>		
<i>Medicaid unwinding Tiger Team meeting</i>	<i>3:30pm</i>		
<i>Medicaid Redeterminations Weekly</i>	<i>4:00pm</i>		
<i>Access/MC Policy Discussion: MAC/FFS</i>	<i>4:30pm</i>		
[Policy Items for Review]			
<i>Group or Name of Requester</i>	<i>Link – Purpose / Context – Ask – Due Date</i>		<i>Dan's Comments:</i>
CAHPG – E&E Final Rule	, (b)(5)		
[Admin Items for Review and (or) Signature]			
<i>Group or Name of Requester</i>	<i>Link – Purpose / Context – Ask – Due Date</i>		<i>Dan's Comments:</i>

Message

From: Kochanski, Joseph (CMS/CMCS) , (b)(6)
Sent: 7/20/2023 9:23:41 PM , (b)(6)
To: Tsai, Daniel (CMS/CMCS) , (b)(6)
CC: Costello, Anne Marie (CMS/CMCS) , (b)(6)
; Vitolo, Sara
ebert, Krista
, (b)(6)
]; Briskin, Perrie

Subject: 7/20- briefing book

Hi Dan – updated book items below. Thanks !

Group or Name of Requester	Link – Purpose / Context – Ask – Due Date	Dan’s Comments:
SDG		
Criteria For Adjusting States’ Level of Responsibility for Provider Rate Increases		
FMG and MCG		
Managed Care/Financing Impact Overview for Dan/OGC		
FMG Missouri Deferral Memo to file	, (b)(5)	
OCD		
7/25 Agenda and Slides		
SDG -Teresa		

NY distressed hospitals - - data and justification for selection of lower state hospitals for AHEAD model				, (b)(5)			
[Meeting(s) for Following Working Day w/ Materials]							
Subject:		Time:		Context of Materials:		Link for Materials:	
CMCS/OGC Policy Issues Discussion		10:05am		, (b)(5)			
ACBL Mtg w/Home-Based Care Organizations		11:30am					
CMCS/CPI Briefing on Medicaid Eligibility Work		3:00pm					
[Policy Items for Review]							
Group or Name of Requester		Link – Purpose / Context – Ask – Due Date				Dan's Comments:	
CAHPG – E&E Final Rule		, (b)(5)					
[Admin Items for Review and (or) Signature]							
Group or Name of Requester		Link – Purpose / Context – Ask – Due Date				Dan's Comments:	

Message

From: Briskin, Perrie (CMS/CMCS) , (b)(6)
Sent: 8/16/2023 2:25:24 AM , (b)(6)
To: Howe, Rory (CMS/CMCS) , (b)(6)
CC: Tsai, Daniel (CMS/CMCS) , (b)(6)
Subject: TX Meeting Bullets for OA , (b)(6)

Hi Rory – See below the background bullets. Anything you would add here?

Once you review/make edits, I will send up for the Administrator's book.

Best,
Perrie

Meeting with Saving Hospitals, Saving Lives (SHSL) Coalition
Thursday, August 17, 10-11am
Humphrey Building

Agenda

1. Introductions
2. CMS Remarks
3. SHSL Remarks
4. Discussion

Background

- **Over the past few years, it appears that health care-related tax programs with problematic hold harmless arrangements are starting to proliferate nationally.**
 - Several states have been imposing taxes on health care providers to finance the non-federal share of Medicaid expenditures, known as health care-related taxes, that contain **impermissible arrangements whereby providers are guaranteed to receive a portion of their tax cost back.**
 - These arrangements occur when **certain high-Medicaid volume providers redistribute a portion of their Medicaid payments to low-Medicaid volume providers to hold the latter harmless for the cost of the tax** and ensure that they are not harmed financially.
 - This arrangement often occurs to garner political support from low-Medicaid volume providers to impose the tax as part of the state legislative process.
- **CMS has been encountering this issue more recently** as part of reviewing the sources of non-federal share financing for Medicaid managed care state-directed payments (SDPs).
 - Some of these states claim that **because the state is not directly involved in running these redistribution arrangements, it is not the responsibility of the state or CMS to ensure that they are not in place.** Essentially, states argue that the redistribution arrangements are private business arrangements involving third parties that cannot be regulated.
- **CMS disagrees that this interpretation is consistent with the statute and regulations.** The effect of the arrangement, not necessarily the parties directly involved, is the relevant consideration. Because the arrangement has the effect of holding some providers harmless, it is a hold harmless arrangement that is impermissible under statute and regulation.
- **On February 17, 2023, CMCS released an informational bulletin** to reiterate the agency's longstanding view that the prohibits hold-harmless tax arrangements. The state of Texas promptly filed of lawsuit to prevent CMS from enforcing the bulletin's interpretation of the law.

- **On August 3, 2023, the court issued a preliminary injunction to enjoin CMS from enforcing the bulletin's interpretation in Texas only (not nationally).**
 - In agreement with OGC, CMS has proposed to not appeal the preliminary injunction.
 - If we choose not to do so, the case will proceed to summary judgment where we can argue for our interpretation of the statute. The preliminary injunction would remain in place until the district court issues a final judgment, which we could appeal at that time.
- The meeting this week is with representatives of the "Saving Hospitals, Saving Lives" coalition that includes both advocates and individuals we know have helped to develop these hold harmless arrangements with hospitals in Texas and, we believe, in other states.
- , (b)(5)

Manifest

**attending virtually*

CMS

- Administrator*
- Sam Bagenstos
- Dan Tsai
- James Bickford (DOJ)
- Kyla Ellis*
- Elizabeth Dervan
- Eden Tesfaye*
- Perrie Briskin

SHSL

- Carlos Zaffirini - Adelanto HealthCare Ventures
- Reverend Al Sharpton - National Action Network
- TX State Senator Nathan Johnson - Texas Senate District 16
- Ebony Jones - Chair, Texas Indigent Healthcare Association
- Dr. Gary A. Puckrein - National Minority Quality Forum
- Matt Salo - Salo Health Strategies
- Vanessa Griddine-Jones
- Jim Messina*

Perrie Briskin

Senior Advisor, Office of the Center Director
Center for Medicaid and CHIP Services (CMCS)

, (b)(6)

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Message

From: Howe, Rory (CMS/CMCS) , (b)(6)
Sent: 8/16/2023 12:18:30 PM , (b)(6)
To: Briskin, Perrie (CMS/CMCS) , (b)(6)
CC: Tsai, Daniel (CMS/CMCS) , (b)(6)
Subject: RE: RE: TX Meeting Bullets for OA , (b)(6)

Hi Perrie,

Thank you. These look good. I made a few edits and some suggested additions, particularly under the "CMS disagrees that this interpretation is consistent with the statute and regulations" section. Please let me know if you need anything else.

Thanks again,
Rory

From: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>
Sent: Tuesday, August 15, 2023 10:25 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>
Subject: TX Meeting Bullets for OA

Hi Rory – See below the background bullets. Anything you would add here?

Once you review/make edits, I will send up for the Administrator's book.

Best,
Perrie

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Thursday, August 17, 10-11am
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3. SHSL Remarks
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- **Over the past few years, it appears that health care-related tax programs with problematic hold harmless arrangements are starting to proliferate nationally.**
 - Several states have been imposing taxes on health care providers to finance the non-federal share of Medicaid expenditures, known as health care-related taxes, that contain **impermissible arrangements whereby providers are guaranteed to receive a portion of their tax cost back.**
 - These arrangements occur when **certain high-Medicaid volume providers redistribute a portion of their Medicaid payments to low-Medicaid volume providers (including those that do not participate in Medicaid) to hold the latter harmless for the cost of the tax and ensure that they are not harmed**

financially. In one state example, about 20% of the Medicaid payments are redistributed for this purpose.

- This arrangement often occurs to garner political support from low-Medicaid volume providers to impose the tax as part of the state legislative process.
- **CMS has been encountering this issue more recently** as part of reviewing the sources of non-federal share financing for Medicaid managed care state-directed payments (SDPs).
 - Some of these states claim that **because the state is not directly involved in running these redistribution arrangements, it is not the responsibility of the state or CMS to ensure that they are not in place.** Essentially, states argue that the redistribution arrangements are private business arrangements involving third parties that cannot be regulated.
- **CMS disagrees that this interpretation is consistent with the statute and regulations.**
 - The fact that there are pre-arranged agreements through which all taxpayers expect to receive their full tax cost back, regardless of whether the state is involved, is the relevant consideration. Because the redistribution arrangement has the effect of holding all providers harmless, it is a hold harmless arrangement that is impermissible under statute and regulation.
 - If CMS is unable to successfully defend its interpretation, states and providers would have a very strong incentive to maximize use of these redistribution arrangements because they guarantee a positive or neutral net financial impact for providers and states. Only the federal government is a net payer, which directly conflicts with Medicaid's statutory design.
 - Preliminarily, if states maximize use of these arrangement just under managed care state directed payments to hospitals over the next ten years, OACT projects federal outlays would increase by **\$310 billion to \$420 billion.**
 - Negative programmatic outcomes would also be significant. Redistribution arrangements effectively allow providers to collude and to determine among themselves how Medicaid payments are distributed, completely undermining and unraveling the state-proposed and CMS-approved payment design. Essentially, aside from the aggregate payment amount, they render the state's payment design and CMS review/oversight meaningless.
 - There is an opportunity for states and providers to keep the full amount of Medicaid payments in the system and comply. However, if the redistribution arrangements end, the providers that have low Medicaid participation or do not participate in Medicaid would absorb a financial hit, while the high-Medicaid providers would financially benefit. Texas has indicated that their legislature would likely reduce Medicaid payment levels significantly if this happens.
- **On February 17, 2023, CMCS released an informational bulletin** to reiterate the agency's longstanding view that the prohibits hold-harmless tax arrangements. The state of Texas promptly filed of lawsuit to prevent CMS from enforcing the bulletin's interpretation of the law.
- **On August 3, 2023, the court issued a preliminary injunction to enjoin CMS from enforcing the bulletin's interpretation in Texas only (not nationally).**
 - In agreement with OGC, CMS has proposed to not appeal the preliminary injunction.
 - If we choose not to do so, the case will proceed to summary judgment where we can argue for our interpretation of the statute. The preliminary injunction would remain in place until the district court issues a final judgment, which we could appeal at that time.
- The meeting this week is with representatives of the "Saving Hospitals, Saving Lives" coalition that includes both advocates and individuals we know have helped to develop these hold harmless arrangements with hospitals in Texas and, we believe, in other states.
-

, (b)(5)

Manifest

**attending virtually*

CMS

- Administrator*
- Sam Bagenstos
- Dan Tsai
- James Bickford (DOJ)

- Kyla Ellis*
- Elizabeth Dervan
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- Perrie Briskin

SHSL

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- Dr. Gary A. Puckrein - National Minority Quality Forum
- Matt Salo - Salo Health Strategies
- Vanessa Griddine-Jones
- Jim Messina*

Perrie Briskin

Senior Advisor, Office of the Center Director
Center for Medicaid and CHIP Services (CMCS)

Cell: , (b)(6)

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Message

From: Briskin, Perrie (CMS/CMCS) , (b)(6)
Sent: 8/16/2023 1:13:37 PM
To: Howe, Rory (CMS/CMCS) , (b)(6)
CC: Tsai, Daniel (CMS/CMCS) | , (b)(6)
Subject: RE: RE: TX Meeting Bullets for OA , (b)(6)

Thank you, Rory.

I think my outstanding question (which is more for Dan) is what remarks do we want to draft for the Administrator? A first pass:

- Thank you all of joining us today and I am sorry I am unable to be with you in-person.
- Strengthening the safety net system and improving coverage and care for people with Medicaid, CHIP, and the uninsured is a top priority of this Administration.
- We share your commitment to the right to affordable, quality, accessible health care for all Americans.
- As you know, it is the role of the federal government to be responsible fiscal stewards of the Medicaid program, and that includes making sure that Medicaid dollars are going to those providers who serve Medicaid patients.
- If total federal expenditures for Medicaid are markedly increasing, but there is no evidence of a corresponding increase in coverage or care for people with Medicaid coverage, than something may not be right.
- We remain committed to supporting the safety net and will do everything we can to make sure people stay covered and are getting the care they need.
- I look forward to this discussion and now I will turn it over to Deputy Administrator and Director of the Center for Medicaid and CHIP Services, Dan Tsai.

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Wednesday, August 16, 2023 8:19 AM
To: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>
Cc: Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>
Subject: RE: TX Meeting Bullets for OA

Hi Perrie,

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Thanks again,
Rory

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Sent: Tuesday, August 15, 2023 10:25 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>
Subject: TX Meeting Bullets for OA

Hi Rory – See below the background bullets. Anything you would add here?

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Best,
Perrie

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 - This arrangement often occurs to garner political support from low-Medicaid volume providers to impose the tax as part of the state legislative process.
- **CMS has been encountering this issue more recently** as part of reviewing the sources of non-federal share financing for Medicaid managed care state-directed payments (SDPs).
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- Dan Tsai
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- Elizabeth Dervan
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- Perrie Briskin

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- Vanessa Griddine-Jones
- Jim Messina*

Perrie Briskin

Senior Advisor, Office of the Center Director
Center for Medicaid and CHIP Services (CMCS)

, (b)(6)

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Message

From: Briskin, Perrie (CMS/CMCS) , (b)(6)
Sent: 8/16/2023 2:46:57 PM , (b)(6)
To: Howe, Rory (CMS/CMCS) , (b)(6)
CC: Tsai, Daniel (CMS/CMCS) , (b)(6)
Subject: RE: RE: TX Meeting Bullets for OA , (b)(6)

Dan – I will print this for you but need any edits by 12pm.

Meeting with Saving Hospitals, Saving Lives (SHSL) Coalition
Thursday, August 17, 10-11am
Humphrey Building

Agenda

1. Introductions
2. Administrator Brooks-LaSure Remarks
3. Center for Medicaid and CHIP Director Tsai Remarks
4. SHSL Remarks
5. Discussion

Talking Points

- Thank you all of joining us today and I am sorry I am unable to be with you in-person.
- Strengthening the safety net system and improving coverage and care for people with Medicaid, CHIP, and the uninsured is a top priority of this Administration.
- We share your commitment to the right to affordable, quality, accessible health care for all Americans.
- As you know, it is the role of the federal government to be responsible fiscal stewards of the Medicaid program, and that includes making sure that Medicaid is available for families now and in the future, and that Medicaid dollars are going to those providers who serve Medicaid patients.
- If total federal expenditures for Medicaid are markedly increasing, but there is no evidence of a corresponding increase in coverage or care for people with Medicaid coverage, then something may not be right.
- We remain committed to supporting the safety net and will do everything we can to make sure people stay covered and are getting the care they need.
- I look forward to this discussion and now I will turn it over to Deputy Administrator and Director of the Center for Medicaid and CHIP Services, Dan Tsai.

Background

- **Over the past few years, it appears that health care-related tax programs with problematic hold harmless arrangements are starting to proliferate nationally.**
 - Several states have been imposing taxes on health care providers to finance the non-federal share of Medicaid expenditures, known as health care-related taxes, that contain **impermissible arrangements whereby providers are guaranteed to receive a portion of their tax cost back.**
 - These arrangements occur when **certain high-Medicaid volume providers redistribute a portion of their Medicaid payments to low-Medicaid volume providers (including those that do not participate in Medicaid) to hold the latter harmless for the cost of the tax** and ensure that they are not harmed financially. In one state example, about 20% of the Medicaid payments are redistributed for this purpose.
 - This arrangement often occurs to garner political support from low-Medicaid volume providers to impose the tax as part of the state legislative process.

- **CMS has been encountering this issue more recently** as part of reviewing the sources of non-federal share financing for Medicaid managed care state-directed payments (SDPs).
 - Some of these states claim that **because the state is not directly involved in running these redistribution arrangements, it is not the responsibility of the state or CMS to ensure that they are not in place.** Essentially, states argue that the redistribution arrangements are private business arrangements involving third parties that cannot be regulated.
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- Jim Messina*

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Wednesday, August 16, 2023 8:19 AM
To: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>
Cc: Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>
Subject: RE: TX Meeting Bullets for OA

Hi Perrie,

Thank you. These look good. I made a few edits and some suggested additions, particularly under the "CMS disagrees that this interpretation is consistent with the statute and regulations" section. Please let me know if you need anything else.

Thanks again,
 Rory

From: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>
Sent: Tuesday, August 15, 2023 10:25 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>
Subject: TX Meeting Bullets for OA

Hi Rory – See below the background bullets. Anything you would add here?

Once you review/make edits, I will send up for the Administrator's book.

Best,
 Perrie

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Message

From: Tsai, Daniel (CMS/CMCS) <[REDACTED]@cms.hhs.gov>, (b)(6)
Sent: 9/20/2023 11:38:38 PM
To: Briskin, Perrie (CMS/CMCS) <[REDACTED]@cms.hhs.gov>, (b)(6)
Subject: Re: Re: NC Financing Attestations

From: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>
Sent: Wednesday, September 20, 2023 6:34:34 PM
To: Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>
Cc: Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
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Best,
PErrie

From: Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>
Sent: Wednesday, September 20, 2023 4:04 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>
Cc: Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
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From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Wednesday, September 20, 2023 3:30 PM
To: Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>
Cc: Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
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, (b)(5)

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Sent: 9/20/2023 10:34:34 PM
To: Hebert, Krista (CMS/CMCS) , (b)(6); Howe, Rory
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CC: Vitolo, Sara
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From: Hebert, Krista (CMS/CMCS) , (b)(6)
Sent: 9/20/2023 8:04:01 PM , (b)(5)
To: Howe, Rory (CMS/CMCS) , (b)(6)
Tsai, Daniel (CMS/CMCS)

CC:
c]; Vitolo, Sara
Maccarroll, Amber
, (b)(6)
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; Briskin, Perrie
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From: Howe, Rory (CMS/CMCS) , (b)(6)
Sent: 9/21/2023 3:05:59 AM , (b)(6)
To: Tsai, Daniel (CMS/CMCS) , (b)(6)
Briskin, Perrie
Hebert, Krista
[
CC:]; Vitolo, Sara
, (b)(6)
Maccarroll, Amber
; Silanskis, Jeremy
Giles, John (CMS/CMCS)

Subject: Re: Re: NC Financing Attestations

Hi, Dan. I asked the team to send the email to NC after our meeting this afternoon. Earlier this evening, I asked them to hold and am waiting to hear whether it already went to the state or not. I will provide an update as soon as I have one.

From: Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>
Sent: Wednesday, September 20, 2023 7:39:12 PM
To: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Subject: Re: NC Financing Attestations

Rory - can we hold on sending this

I have an update (postive) but should discuss live

Thanks

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Message

From: Howe, Rory (CMS/CMCS) <[REDACTED]>, (b)(6)
<[REDACTED]>, (b)(6)
Sent: 9/21/2023 11:46:23 AM
To: Tsai, Daniel (CMS/CMCS) <[REDACTED]>, (b)(5)
riskin, Perrie
Hebert, Krista
]
CC: <[REDACTED]>, (b)(6)
<[REDACTED]>; Vitolo, Sara
<[REDACTED]>, (b)(6)
laccarroll, Amber
Silanskis, Jeremy
Giles, John (CMS/CMCS)
Subject: RE: RE: NC Financing Attestations

The team confirmed this morning we have **not** yet sent the email to NC. We will hold until we have a chance to discuss. Thanks.

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Wednesday, September 20, 2023 11:06 PM
To: Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>
Cc: Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Subject: Re: NC Financing Attestations

Hi, Dan. I asked the team to send the email to NC after our meeting this afternoon. Earlier this evening, I asked them to hold and am waiting to hear whether it already went to the state or not. I will provide an update as soon as I have one.

From: Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>
Sent: Wednesday, September 20, 2023 7:39:12 PM
To: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Subject: Re: NC Financing Attestations

Rory - can we hold on sending this

I have an update (postive) but should discuss live

Thanks

From: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>
Sent: Wednesday, September 20, 2023 6:34:34 PM
To: Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>
Cc: Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Subject: RE: NC Financing Attestations

Hi Rory,

I received a call from Erin Richardson, CMS Chief of Staff, also asking about the status of NC's SDP approvals. Is it accurate to say that we are sending back this request that NC DHHS collects attestations from its hospitals, but that review of the SDPs is still in process. Or is any update on the timing of the SDP approval a question for MCG?

Best,
PErrie

From: Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>
Sent: Wednesday, September 20, 2023 4:04 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>
Cc: Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Subject: RE: NC Financing Attestations

Hi Rory –

I added this to Dan's book for tonight. Hopefully can circle back shortly.

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Wednesday, September 20, 2023 3:30 PM
To: Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>
Cc: Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Subject: NC Financing Attestations

Hi Dan,

, (b)(5)

Of note, we also received an inquiry today from Rep. Ross's office on the status of the SDP funded by the hospital tax. Please let us know if you are okay with us sending the email to North Carolina. They are pressing for feedback.

Thanks,
Rory

Message

From: Briskin, Perrie (CMS/CMCS) , (b)(6)
Sent: 9/29/2023 1:57:44 PM
To: Giles, John (CMS/CMCS) , (b)(6)
Costello, Anne Marie
Tsai, Daniel
, (b)(6)
CC:
Subject: RE: RE: AHA comments on Medicaid State Directed Payments

Thank you, John! And I also flagged for Anne Marie today and she said we should not take this meeting during the shutdown anyway.

So I will reply and say 1) please ping us after the shutdown ends and 2) even when we do meet, we will be in listen-only mode.

Thank you!

From: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Sent: Friday, September 29, 2023 8:59 AM
To: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>
Cc: Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Subject: RE: AHA comments on Medicaid State Directed Payments

Hi Perrie – I'm happy to join this meeting, but Rory should also be included given the topic on financing and state directed payments. Given rulemaking, we would have to be in listen-only mode and could not comment given that we are actively in final rule development.

Please let me know how I can be helpful.

Thank you!

John Giles, MPA
Acting Director, Managed Care Group
Center for Medicaid and CHIP Services
Centers for Medicare & Medicaid Services
Phone: 410-786-5545
E-mail: John.Giles1@cms.hhs.gov

From: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>
Sent: Thursday, September 28, 2023 11:16 PM
To: Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Cc: Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>
Subject: FW: AHA comments on Medicaid State Directed Payments
Importance: High

I will raise this at OCD tag on who wants to take this meeting.

John – if you have thoughts or recommendations, please let us know.

From: Collins Offner, Molly <mcollins@aha.org>

Sent: Thursday, September 28, 2023 3:59 PM

To: Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>

Subject: RE: AHA comments on Medicaid State Directed Payments

Importance: High

Hi Mary Ann and Perrie

I am writing to request a meeting with Dan and the CMS team on the Medicaid managed care access rule specifically the issues around state directed payments and state financing for those directed payment programs. I have attached our comments to the proposed rule for our information. The meeting would be with our senior leadership team – names listed below. We are happy to schedule a virtual meeting in the interest of time and convenience.

What would be the best way to proceed? Should I submit some dates and times for October and November?

AHA Team

- Stacey Hughes, Executive Vice President, Government Relations, and Public Policy
- Chad Golder, Deputy General Counsel
- Molly Collins Offner, Director of Policy Development
- Ben Finder, Director, Policy Research and Analytics
- Michelle Millerick, Senior Associate Director of Health Insurance Coverage

All the best,

Molly

*Molly Collins Offner, MHSA
Director, Policy Development
American Hospital Association
800 10th Street, NW
Two CityCenter, Suite 400
Washington, DC 20001-4956*

, (b)(6)

Office: 202-626-2326

Fax: 202-747-5864

e-mail: mcollins@aha.org

Pronouns: she/her

From: Collins Offner, Molly

Sent: Thursday, June 29, 2023 9:17 AM

To: daniel.tsai@cms.hhs.gov; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>

Cc: Hughes, Stacey <shughes@aha.org>; Thompson, Ashley <athompson@aha.org>; Smith, Molly <mollysmith@aha.org>; Golder, Chad <cgolder@aha.org>; Millerick, Michelle <mmillerick@aha.org>; Finder, Benjamin <bfinder@aha.org>; Cundari, Megan <mcundari@aha.org>

Subject: AHA comments on CMS's Medicaid access and payment rules

Importance: High

Hello Dan and Anne Marie

As a courtesy, we wanted to share with you AHA's comment letters regarding the Medicaid access and payment rules. AHA is very supportive of many of the provisions in both proposed rules. The rules represent a tremendous commitment, on the part of you and your team, to improving access and increasing provider payment transparency. We did, however, want to let you know that we have raised significant concerns about the approach in the managed care rule relating to provider attestation. These comments were prepared after extensive consultation with our member hospitals and our state and metropolitan hospital association partners. As you can see in our comments, we raise concerns that hospitals, in the proposal, would be used as an enforcement tool for sub-regulation guidance on hold harmless arrangements that has not been subject to the notice and comment process. We are happy to discuss this further with you and your team.

All the best,

Molly

Molly Collins Offner, MHSA
Director, Policy Development
American Hospital Association
800 10th Street, NW
Two CityCenter, Suite 400
Washington, DC 20001-4956

Office: (b)(6) 202-626-2326
Fax: 202-747-5864
e-mail: mcollins@aha.org
Pronouns: she/her

Message

From: Giles, John (CMS/CMCS) [REDACTED], (b)(6)
Sent: 9/29/2023 12:59:22 PM
To: Briskin, Perrie (CMS/CMCS) [REDACTED], (b)(6)

tello, Anne Marie

Tsai, Daniel

CC: [REDACTED], (b)(6)

Giles, John

Subject: RE: RE: AHA comments on Medicaid State Directed Payments

Hi Perrie – I'm happy to join this meeting, but Rory should also be included given the topic on financing and state directed payments. Given rulemaking, we would have to be in listen-only mode and could not comment given that we are actively in final rule development.

Please let me know how I can be helpful.

Thank you!

John Giles, MPA
Acting Director, Managed Care Group
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Centers for Medicare & Medicaid Services
Phone: 410-786-5545
E-mail: John.Giles1@cms.hhs.gov

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Cc: Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>
Subject: FW: AHA comments on Medicaid State Directed Payments
Importance: High

I will raise this at OCD tag on who wants to take this meeting.

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From: Collins Offner, Molly <mcollins@aha.org>
Sent: Thursday, September 28, 2023 3:59 PM
To: Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>
Subject: RE: AHA comments on Medicaid State Directed Payments
Importance: High

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*Office: 202-626-2326
Fax: 202-747-5864
e-mail: mcollins@aha.org
Pronouns: she/her*

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Sent: Thursday, June 29, 2023 9:17 AM

To: daniel.tsai@cms.hhs.gov; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>

Cc: Hughes, Stacey <shughes@aha.org>; Thompson, Ashley <athompson@aha.org>; Smith, Molly <mollysmith@aha.org>; Golder, Chad <cgolder@aha.org>; Millerick, Michelle <mmillerick@aha.org>; Finder, Benjamin <bfinder@aha.org>; Cundari, Megan <mcundari@aha.org>

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Importance: High

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, (b)(5)

Office: 202-626-2326

Fax: 202-747-5864

e-mail: mcollins@aha.org

Pronouns: she/her

Message

From: Vitolo, Sara (CMS/CMCS) , (b)(6)
Sent: 10/2/2023 10:39:27 PM , (b)(6)
To: Howe, Rory (CMS/CMCS) , (b)(6)
CC: Tsai, Daniel (CMS/CMCS) [, (b)(6)
 , (b)(6)
Subject: NC attestations

Rory,

, (b)(5)

Best,
Sara

Sara Vitolo
Deputy Director, Center for Medicaid and CHIP Services
Centers for Medicare & Medicaid Services
410-786-5714 | Sara.Vitolo@cms.hhs.gov

Message

From: Hebert, Krista (CMS/CMCS) , (b)(6)
Sent: 10/13/2023 4:48:11 PM
To: Tsai, Daniel (CMS/CMCS) , (b)(6)
Subject: RE: RE: AHA comments on Medicaid State Directed Payments , (b)(6)

Thanks, sounds good. I'll set something up.

From: Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>
Sent: Friday, October 13, 2023 12:47 PM
To: Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>
Subject: FW: AHA comments on Medicaid State Directed Payments

Found the note – AHA and team. We should set up a meeting iN Nov in person
And talk about more than just SDPs. SDP (listen) + catch up more broadly. I want us to be in dialogue w provider associations and such

We will invite some folks from the team

Thanks

From: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>
Sent: Friday, September 29, 2023 9:58 AM
To: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>
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Importance: High

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From: Collins Offner, Molly <mcollins@aha.org>
Sent: Thursday, September 28, 2023 3:59 PM
To: Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>
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All the best,
Molly

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e-mail: mcollins@aha.org
Pronouns: she/her

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e-mail: mcollins@aha.org
Pronouns: she/her

Message

Sent: 8/16/2023 12:16:26 PM
To: Briskin, Perrie (CMS/CMCS) , (b)(6)
CC: Tsai, Daniel (CMS/CMCS) , (b)(6)
Subject: RE: RE: TX Meeting Bullets for OA

Hi Perrie,

Thank you. These look good. I made a few edits and some additions, particularly under the “CMS disagrees that this interpretation is consistent with the statute and regulations” section. Please let me know if you need anything else.

From: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>
Sent: Tuesday, August 15, 2023 10:25 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>
Subject: TX Meeting Bullets for OA

Hi Rory – See below the background bullets. Anything you would add here?

Once you review/make edits, I will send up for the Administrator’s book.

Best,
Perrie

Meeting with Saving Hospitals, Saving Lives (SHSL) Coalition
Thursday, August 17, 10-11am
Humphrey Building

Agenda

1. Introductions
2. CMS Remarks
3. SHSL Remarks
4. Discussion

Background

- **Over the past few years, it appears that health care-related tax programs with problematic hold harmless arrangements are starting to proliferate nationally.**
 - Several states have been imposing taxes on health care providers to finance the non-federal share of Medicaid expenditures, known as health care-related taxes, that contain **impermissible arrangements whereby providers are guaranteed to receive a portion of their tax cost back.**
 - These arrangements occur when **certain high-Medicaid volume providers redistribute a portion of their Medicaid payments to low-Medicaid volume providers (including those that do not participate in Medicaid) to hold the latter harmless for the cost of the tax** and ensure that they are not harmed financially. In one state example, about 20% of the Medicaid payments are redistributed for this purpose.
 - This arrangement often occurs to garner political support from low-Medicaid volume providers to impose the tax as part of the state legislative process.
- **CMS has been encountering this issue more recently** as part of reviewing the sources of non-federal share financing for Medicaid managed care state-directed payments (SDPs).

- Some of these states claim that **because the state is not directly involved in running these redistribution arrangements, it is not the responsibility of the state or CMS to ensure that they are not in place.** Essentially, states argue that the redistribution arrangements are private business arrangements involving third parties that cannot be regulated.
- **CMS disagrees that this interpretation is consistent with the statute and regulations.**
 - The fact that there are pre-arranged agreements through which all taxpayers expect to receive their full tax cost back, regardless of whether the state is involved, is the relevant consideration. Because the redistribution arrangement has the effect of holding all providers harmless, it is a hold harmless arrangement that is impermissible under statute and regulation.
 - If CMS is unable to successfully defend its interpretation, states and providers would have a very strong incentive to maximize use of these redistribution arrangements because they guarantee a positive or neutral net financial impact for providers and states. Only the federal government is a net payer, which directly conflicts with Medicaid's statutory design.
 - Preliminarily, if states maximize use of these arrangement just under managed care state directed payments to hospitals over the next ten years, OACT projects federal outlays would increase by **\$310 billion to \$420 billion.**
 - There is an opportunity for states and providers to keep the full amount of Medicaid payments in the system and comply. However, if the redistribution arrangements end, the providers that have low Medicaid participation or do not participate in Medicaid would absorb a financial hit, while the high-Medicaid providers would financially benefit. Texas has indicated that their legislature would likely reduce Medicaid payment levels significantly if this happens.
- **On February 17, 2023, CMCS released an informational bulletin** to reiterate the agency's longstanding view that the prohibits hold-harmless tax arrangements. The state of Texas promptly filed of lawsuit to prevent CMS from enforcing the bulletin's interpretation of the law.
- **On August 3, 2023, the court issued a preliminary injunction to enjoin CMS from enforcing the bulletin's interpretation in Texas only (not nationally).**
 - In agreement with OGC, CMS has proposed to not appeal the preliminary injunction.
 - If we choose not to do so, the case will proceed to summary judgment where we can argue for our interpretation of the statute. The preliminary injunction would remain in place until the district court issues a final judgment, which we could appeal at that time.
- The meeting this week is with representatives of the "Saving Hospitals, Saving Lives" coalition that includes both advocates and individuals we know have helped to develop these hold harmless arrangements with hospitals in Texas and, we believe, in other states.
-

, (b)(5)

Manifest

**attending virtually*

CMS

- Administrator*
- Sam Bagenstos
- Dan Tsai
- James Bickford (DOJ)
- Kyla Ellis*
- Elizabeth Dervan
- Eden Tesfaye*
- Perrie Briskin

SHSL

- Carlos Zaffirini - Adelanto HealthCare Ventures
- Reverend Al Sharpton - National Action Network
- TX State Senator Nathan Johnson - Texas Senate District 16
- Ebony Jones - Chair, Texas Indigent Healthcare Association
- Dr. Gary A. Puckrein - National Minority Quality Forum

- Matt Salo - Salo Health Strategies
- Vanessa Griddine-Jones
- Jim Messina*

Perrie Briskin

Senior Advisor, Office of the Center Director
Center for Medicaid and CHIP Services (CMCS)

, (b)(6)

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Message

Sent: 9/20/2023 7:22:21 PM
To: Tsai, Daniel (CMS/CMCS)

, (b)(6)

CC:

ilo, Sara

roll, Amber

skis, Jeremy

, (b)(6)

t, Krista

skin, Perrie

ohn (CMS/CMCS)

Subject: NC Financing Attestations

Hi Dan,

, (b)(5)

Of note, we also received an inquiry today from Rep. Ross's office on the status of the SDP funded by the hospital tax. Please let us know if you are okay with us sending the email to North Carolina. They are pressing for feedback.

Thanks,
Rory

Message

From: Howe, Rory (CMS/CMCS) , (b)(6)
Sent: 10/3/2023 3:37:29 PM
To: Vitolo, Sara (CMS/CMCS) , (b)(6)
CC: Tsai, Daniel (CMS/CMCS) , (b)(6)
Subject: RE: RE: NC attestations

Sharing that I just spoke with Julia Lerch, who plans to share revised draft attestation language for CMS review. FMG will review as quickly as we can, then reconnect with you on our thoughts. Please let me know if you have questions in the interim. Thanks.

Rory

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Monday, October 2, 2023 7:59 PM
To: Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>
Cc: Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>
Subject: Re: NC attestations

Thanks, Sara. That sounds good on NY and MO. Maybe we can talk about NC live tomorrow. The bottom line is that FMG had no information or even indication that OK or SC had or have redistribution arrangements.

From: Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>
Sent: Monday, October 2, 2023 6:39:27 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>
Subject: NC attestations

Rory,

, (b)(5)

Best,
Sara

Sara Vitolo
Deputy Director, Center for Medicaid and CHIP Services
Centers for Medicare & Medicaid Services
410-786-5714 | Sara.Vitolo@cms.hhs.gov

Message

From: Howe, Rory (CMS/CMCS) , (b)(6)
 , (b)(6)
Sent: 10/2/2023 11:59:28 PM
To: Vitolo, Sara (CMS/CMCS) , (b)(6)
 , (b)(6)
CC: Tsai, Daniel (CMS/CMCS) , (b)(6)
 , (b)(6)
Subject: Re: Re: NC attestations

Thanks, Sara. That sounds good on NY and MO. Maybe we can talk about NC live tomorrow. The bottom line is that FMG had no information or even indication that OK or SC had or have redistribution arrangements.

From: Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>
Sent: Monday, October 2, 2023 6:39:27 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>
Subject: NC attestations

Rory,

, (b)(5)

Best,
Sara

Sara Vitolo
Deputy Director, Center for Medicaid and CHIP Services
Centers for Medicare & Medicaid Services
410-786-5714 | Sara.Vitolo@cms.hhs.gov

Message

From: Sills, Sara R. EOP/OMB, (b)(6)
Sent: 4/5/2024 3:59:14 PM
To: CMS CMCS_Scheduling, (b)(6)
(b)(6) Tsai, Daniel
(CMS/CMCS), (b)(6)
(b)(6); Young, Christen Linke L.
EOP/WHO; Schubel, Jessica L. EOP/WHO, (b)(6); Spiro,
Topher J. EOP/OMB, (b)(6) Mccluskie, Sean (HHS/IOS), (b)(6)
Administrative Group, (b)(6)
Lee, Jessica (CMS/CMCS), (b)(6)
(b)(6); Dervan, Elizabeth
(CMS/OL), (b)(6)
(b)(6) Pryor, Rachel
(HHS/OS/IOS), (b)(5)
(b)(6); White, Virginia
(HHS/IOS), (b)(6)
(b)(6) Costello, Anne Marie
(CMS/CMCS), (b)(5)
(b)(6) Katch (she/her),
Hannah (CMS/OA), (b)(6)
(b)(6); Briskin, Perrie
(b)(6)
(b)(6) Vitolo, Sara (CMS/CMCS)
(b)(6) Arguello, Andres (OS/IOS)
(b)(6)
(b)(6); Gerwin, Mikaela D.
EOP/WHO, (b)(6) Kaplun, Brian (HHS/IOS), (b)(6)
(b)(6)
Hebert, Krista (CMS/CMCS), (b)(6)
CC: Cooper, Jacey (CMS/CMCS), (b)(6)
(b)(6); Howe, Rory
(b)(6); Rashid, Mehreen
(b)(6); Dorsey, Jennifer
(b)(6) Kobi T. EOP/WHO (Intern)
Subject: RE: RE: Medicaid Check-In (Bi-Weekly)

NY article -

<https://www.nytimes.com/2024/04/05/nyregion/medicaid-budget-taxes.html?smid=nytcore-ios-share&referringSource=articleShare&sgpr=c-cb>

-----Original Appointment-----

From: CMS CMCS_Scheduling <CMCS_Scheduling@cms.hhs.gov>

Sent: Thursday, February 1, 2024 3:12 PM

To: CMS CMCS_Scheduling; Tsai, Daniel (CMS/CMCS); Young, Christen Linke L. EOP/WHO; Schubel, Jessica L. EOP/WHO; Spiro, Topher J. EOP/OMB; Sills, Sara R. EOP/OMB; Mccluskie, Sean (HHS/IOS); Lee, Jessica (CMS/CMCS); Dervan, Elizabeth (CMS/OL); Pryor, Rachel (HHS/OS/IOS); White, Virginia (HHS/IOS); Costello, Anne Marie (CMS/CMCS); Katch (she/her), Hannah (CMS/OA); Briskin, Perrie (CMS/CMCS); Vitolo, Sara (CMS/CMCS); Arguello, Andres (OS/IOS); Gerwin, Mikaela D. EOP/WHO; Kaplun, Brian (HHS/IOS); Hebert, Krista (CMS/CMCS)

Cc: Cooper, Jacey (CMS/CMCS); Howe, Rory (CMS/CMCS); Rashid, Mehreen (CMS/CMCS); Dorsey, Jennifer (CMS/CMCS); Khong, Kobi T. EOP/WHO (Intern)

Subject: Medicaid Check-In (Bi-Weekly)

When: Friday, April 5, 2024 11:30 AM-12:30 PM (UTC-05:00) Eastern Time (US & Canada).

Where: <https://cms.zoomgov.com/>, (b)(5)

Agenda – 4/5

- NY Update
- IL 1115
- CA 1115
- TennCare Update
- MI 1115
- Clearance Update
- Upcoming Rollouts

Upcoming CMCS Rollouts

Next Week (4/8 – 4/12)

- Reg: 1557 Non-Discrimination in Health Care (*OCR*) – 4/10/2024
- FAQs: Over-the-Counter Drug Coverage – 4/10/2024 (*very tentative*)
- CIB: Opportunities for Improving Access to Mental Health and Substance Use Disorder Services for Medicaid and CHIP Enrollees Experiencing Homelessness – 4/10/2024
- Letter on Identifying Deceased Medicaid Enrollees – 4/11/2024
- CIB: MFP Grantee Implementation of HCBS Quality Measures Set – 4/11/2024
- CIB: Updated HCBS Quality Measure Set – 4/11/2024
- Long Term Services and Supports (LTSS) Quality Measures Technical Specifications and Resource Manual (December 2023) – 4/11/2024

Rest of the Month (April)

- CIB: Guidance on e(14) Extension to June 2025 for Eligibility Redets (unwinding – timelines bundle A) – 4/19/2024
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- Reg: Medicaid Access – 4/26/2024 (*PRESS RELEASE*) (*tentative*)
- Reg: Minimum Staffing Standards for LTC Facilities and Medicaid Institutional Payment Transparency (*CCSQ*) – April TBD
- DACA Final Rule (*CCIIO*) – 4/30/2024
- April Monthly Unwinding Data Release (unwinding) – 4/30/2024
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Subsequent Four Months (May - August)

- SHO: Unwinding Data Reporting (unwinding) – Late May TBD
- Updated State Unwinding Timelines (unwinding – timelines bundle B) – Late May TBD
- CIB: Timelines and Redistribution of Renewals (unwinding – timelines bundle B) – Late May TBD
- Medicaid Drug Misclassification, Beneficiary Access Protection, and Drugs Program Administration Final Rule – June TBD (*tentative*)
- Section 1115 Justice Involved Approvals Bundle – late June TBD (*tentative*)
- Reg: Medicare Outpatient Prospective Payment System Proposed Rule (*CM*) – June 28
 - Four Walls Provision
 - CHIP Continuous Eligibility Provision

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Message

From: Hebert, Krista (CMS/CMCS), (b)(6)
(b)(6)
Sent: 4/8/2024 7:48:08 PM
To: Tsai, Daniel (CMS/CMCS), (b)(6)
Vitollo, Sara (CMS/CMCS)
Briskin, Perrie
(b)(6)
Costello, Anne Marie

Subject: RE: RE: [2:35 - 3:30] Medicaid Weekly

Hi all –

Please see action items below.

- Access Rule
 - There is no possible way to do an additional analysis on 80/20
 - CMS will tell OSORA, HHS will tell Exec Sec to tell OIRA
- MH Parity
 - Rachel to catch Jessica on the timeline to present to DPC on 5/3
 - Krista will send Rachel interim papers
- Peer Support
 - Meeting on peer support for tomorrow is landed
 - Trina called HHS and is good with the plan
- 1557
 - We sent edits back, we pushed as far as we can and now it's out of our hands
 - Not going out this week, no firm release date
 - We also need to see 504 and HIPPA - our staff have reviewed
- SDG Workplan
 - Rachel concurs with updates that Mehreen provided

-----Original Appointment-----

From: CMS CMCS_Scheduling <CMCS_Scheduling@cms.hhs.gov>

Sent: Saturday, February 3, 2024 3:36 PM

To: CMS CMCS_Scheduling; Briskin, Perrie (CMS/CMCS); Costello, Anne Marie (CMS/CMCS); Dervan, Elizabeth (CMS/OL); Hebert, Krista (CMS/CMCS); Husain, Naba (HHS/OS/IOS); Katch (she/her), Hannah (CMS/OA); Pryor, Rachel (HHS/OS/IOS); Tsai, Daniel (CMS/CMCS); Vitolo, Sara (CMS/CMCS)

Cc: Cooper, Jacey (CMS/CMCS); Rashid, Mehreen (CMS/CMCS); Deboy, Alissa (CMS/CMCS); Bowdoin (she/her), Jennifer (CMS/CMCS)

Subject: [2:35 - 3:30] Medicaid Weekly

When: Monday, April 8, 2024 2:35 PM-3:30 PM (UTC-05:00) Eastern Time (US & Canada).

Where: <https://cms.zoomgov.com/>, (b)(5)

Agenda:

- MH Parity
- Peer Support
- 1557
- Litigation updates

- Check in on rule timing
- SDG workplan

Upcoming CMCS Rollouts

Next Week (4/8 – 4/12)

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- CIB: Updated HCBS Quality Measure Set – 4/11/2024
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833 568 8864 US Toll-free

833 435 1820 US Toll-free

Meeting ID: , (b)(5)

Find your local number: <https://cms.zoomgov.com/j/8334351820>

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Password: , (b)(5)

[sip: , \(b\)\(5\)@sip.zoomgov.com](mailto:sip: , (b)(5)@sip.zoomgov.com)

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Message

From: Hebert, Krista (CMS/CMCS) , (b)(6)
 , (b)(5)
Sent: 4/12/2024 5:34:22 PM
To: Pryor, Rachel (HHS/OS/IOS) , (b)(5)
 Husain, Naba
 , (b)(5)
CC: Briskin, Perrie (CMS/CMCS) , (b)(6)
 i, Daniel (CMS/CMCS)
 stello, Anne Marie
 Vitolo, Sara
 , (b)(6) ch (she/her), Hannah
 : Janu, Shanna
 Dorsey, Jennifer

Subject: Upcoming CMCS Rollouts - Week of 4/15

Hi Rachel and Naba –

Below, please find a list of upcoming CMCS Rollouts for next week. On the CMCS rules, Managed Care is now with OFR, and we are just wrapping up the final Access comments now before sending over. Please let us know if you have any questions.

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- SPA: Maryland Mobile Crisis – 4/15/2024
- Reg: 1557 Non-Discrimination in Health Care (*OCR*) – 4/19/2024 tentative
- Section 1115 Demonstration: Massachusetts Amendment – 4/19/2024
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Best,
Krista

Krista (Vrabel) Hebert

Special Policy Assistant, Office of the Center Director
Center for Medicaid & CHIP Services (CMCS)

, (b)(6)

Message

From: Hebert, Krista (CMS/CMCS) , (b)(6)
Sent: 4/12/2024 5:41:32 PM , (b)(6)
To: Schubel, Jessica L. EOP/WHO [Jessica.L.Schubel@who.eop.gov]; Khong, Kobi T. EOP/WHO (Intern) [Kobi.T.Khong@who.eop.gov]
CC: Pryor, Rachel (HHS/OS/IOS) , (b)(6)
ain, Naba
tch (she/her),
iskin, Perrie
, (b)(6) aniel (CMS/CMCS)
lo, Anne Marie
lo, Sara

Subject: FW: FW: Upcoming CMCS Rollouts - Week of 4/15

Hi Jessica and Kobi -

Below, please find a list of upcoming CMCS Rollouts for next week. On the CMCS rules, Managed Care is now with OFR, and we are just wrapping up the final Access comments now before sending over. Please let us know if you have any questions.

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Best,
Krista

Krista (Vrabel) Hebert

Special Policy Assistant, Office of the Center Director
Center for Medicaid & CHIP Services (CMCS)

, (b)(6)

Message

From: Schubel, Jessica L. EOP/WHO , (b)(6)
Sent: 4/15/2024 11:26:43 AM
To: Hebert, Krista (CMS/CMCS) , (b)(6) Khong, Kobi T.
EOP/WHO (Intern) , (b)(6)
CC: Pryor, Rachel (HHS/OS/IOS) , (b)(6) Husain, Naba
Hannah (CMS/OA) , (b)(6) Katch (she/her),
Briskin, Perrie
Tsai, Daniel (CMS/CMCS)
Costello, Anne Marie
Vitolo, Sara

Subject: RE: RE: Upcoming CMCS Rollouts - Week of 4/15

Hi – thanks for this. Two questions. What’s in the MA amendment approval, and have you shared the timeline extension CIB? I don’t recall seeing it, and can’t seem to find it in my files/email. Thanks!

From: Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>
Sent: Friday, April 12, 2024 1:42 PM
To: Schubel, Jessica L. EOP/WHO <Jessica.L.Schubel@who.eop.gov>; Khong, Kobi T. EOP/WHO (Intern) <Kobi.T.Khong@who.eop.gov>
Cc: Pryor, Rachel (HHS/OS/IOS) <Rachel.Pryor@hhs.gov>; Husain, Naba (HHS/OS/IOS) <Naba.Husain@hhs.gov>; Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>
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Best,
Krista

Krista (Vrabel) Hebert

Special Policy Assistant, Office of the Center Director
Center for Medicaid & CHIP Services (CMCS)

, (b)(6)

Message

From: Hebert, Krista (CMS/CMCS) <[REDACTED]>, (b)(6)
<[REDACTED]>, (b)(6)
Sent: 4/15/2024 12:50:48 PM
To: Schubel, Jessica L. EOP/WHO <[REDACTED]>, (b)(6) Khong, Kobi T. EOP/WHO (Intern)
<[REDACTED]>, (b)(6)
CC: Pryor, Rachel (HHS/OS/IOS) <[REDACTED]>, (b)(6)
sain, Naba
atch (she/her),
riskin, Perrie
<[REDACTED]>, (b)(6) Daniel (CMS/CMCS)
illo, Anne Marie
olo, Sara

Subject: RE: RE: Upcoming CMCS Rollouts - Week of 4/15

Hi Jessica –

We'll be sending the MA Amendment Approval Letter and the Extension Timeline CIB your way for review today. Stay tuned!

Best,
Krista

From: Schubel, Jessica L. EOP/WHO <Jessica.L.Schubel@who.eop.gov>
Sent: Monday, April 15, 2024 7:27 AM
To: Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>; Khong, Kobi T. EOP/WHO (Intern) <Kobi.T.Khong@who.eop.gov>
Cc: Pryor, Rachel (HHS/OS/IOS) <Rachel.Pryor@hhs.gov>; Husain, Naba (HHS/OS/IOS) <Naba.Husain@hhs.gov>; Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>
Subject: RE: Upcoming CMCS Rollouts - Week of 4/15

Hi – thanks for this. Two questions. What's in the MA amendment approval, and have you shared the timeline extension CIB? I don't recall seeing it, and can't seem to find it in my files/email. Thanks!

From: Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>
Sent: Friday, April 12, 2024 1:42 PM
To: Schubel, Jessica L. EOP/WHO <Jessica.L.Schubel@who.eop.gov>; Khong, Kobi T. EOP/WHO (Intern) <Kobi.T.Khong@who.eop.gov>
Cc: Pryor, Rachel (HHS/OS/IOS) <Rachel.Pryor@hhs.gov>; Husain, Naba (HHS/OS/IOS) <Naba.Husain@hhs.gov>; Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>
Subject: FW: Upcoming CMCS Rollouts - Week of 4/15

Hi Jessica and Kobi -

Below, please find a list of upcoming CMCS Rollouts for next week. On the CMCS rules, Managed Care is now with OFR, and we are just wrapping up the final Access comments now before sending over. Please let us know if you have any questions.

Next Week (4/15 – 4/19)

- SPA: Maryland Mobile Crisis – 4/15/2024
- Reg: 1557 Non-Discrimination in Health Care (*OCR*) – 4/19/2024 tentative
- Section 1115 Demonstration: Massachusetts Amendment – 4/19/2024
- CIB: Guidance on e(14) Extension to June 2025 for Eligibility Redeterminations (unwinding – timelines bundle A) – 4/19/2024

Rest of The Month (April)

- Reg: Medicaid & CHIP Managed Care – 4/22 or 4/26 TBD (*PRESS RELEASE*)
- Reg: Medicaid Access – 4/22 or 4/26 TBD (*PRESS RELEASE*)
- Reg: Minimum Staffing Standards for LTC Facilities and Medicaid Institutional Payment Transparency (*CCSQ*) – 4/22 or 4/26 TBD (*PRESS RELEASE*)
- DACA Final Rule (*CCIIO*) – 4/24/2024
- FAQs: Over-the-Counter Drug Coverage – April TBD
- CIB: Hold Harmless Non-Enforcement – 4/22 or 4/26 TBD (pair with timing of Managed Care Rule)
- Guidance (CIB and slide deck) on Application Processing Times and Backlogs During Redets (unwinding – application Bundle A) – 4/26/2024 (*tentative*)
- October – December 2023 Quarterly MAGI Processing Time Snapshot Report (unwinding – application Bundle A) – 4/26/2024 (*tentative*)
- April Monthly Unwinding Data Release (unwinding) – 4/30/2024

Subsequent Four Months (May – August)

- CIB: Opportunities for Improving Access to Mental Health and Substance Use Disorder Services for Medicaid and CHIP Enrollees Experiencing Homelessness – 5/10/2024
- SHO: Unwinding Data Reporting (unwinding) – 5/30/2024
- Updated State Unwinding Timelines (unwinding – timelines bundle B) – Late May TBD
- CIB: Timelines and Redistribution of Renewals (unwinding – timelines bundle B) – Late May TBD
- Medicaid Drug Misclassification, Beneficiary Access Protection, and Drugs Program Administration Final Rule – June TBD (*tentative*)
- Section 1115 Justice Involved Approvals Bundle – late June TBD (*tentative*)
- Reg: Medicare Outpatient Prospective Payment System Proposed Rule (*CM*) – 6/28/2024
 - Four Walls Provision
 - CHIP Continuous Eligibility Provision

Best,
Krista

Krista (Vrabel) Hebert

Special Policy Assistant, Office of the Center Director
Center for Medicaid & CHIP Services (CMCS)

, (b)(6)

Message

From: Hebert, Krista (CMS/CMCS) , (b)(6)
Sent: 6/13/2023 4:36:04 PM , (b)(6)
To: Briskin, Perrie (CMS/CMCS) , (b)(6)
EOP/WHO [Jessica.L.Schubel@who.eop.gov] Schubel, Jessica L.
CC: Tsai, Daniel (CMS/CMCS) , (b)(6)
yor, Rachel
Costello, Anne Marie
Katch (she/her),
]; Dorsey, Jennifer
nna (CMS/CMCS)
Boston, Beverly
owe, Rory (CMS/CMCS)
guello, Andres (OS/IOS)

Subject: RE: RE: MO Letter - Rollout

Hi Jessica,

Apologies for multiple notes on this – please hold on the below rollout for now. We will circle back when its ready for your review.

Best,
Krista

From: Hebert, Krista (CMS/CMCS)
Sent: Tuesday, June 13, 2023 11:56 AM
To: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Schubel, Jessica L. EOP/WHO <Jessica.L.Schubel@who.eop.gov>
Cc: Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Pryor, Rachel (HHS/OS/IOS) <Rachel.Pryor@hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>; Dorsey, Jennifer (CMS/CMCS) <jennifer.dorsey@cms.hhs.gov>; Janu, Shanna (CMS/CMCS) <Shanna.Janu@cms.hhs.gov>; Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Arguello, Andres (OS/IOS) <Andres.Arguello@hhs.gov>
Subject: RE: MO Letter - Rollout

Hi Jessica,

Please find attached a MO Tax Referral Letter, and below an updated timeline for clearance and release. As a reminder, CMCS is sending this letter to reiterate concerns regarding the State of Missouri's Federal Reimbursement Allowance (FRA) hospital tax program and to encourage the state to take immediate action to ensure its FRA tax arrangement

meets federal requirements. This letter will not be posted on Medicaid.gov and OC already has a reactive statement drafted. Please provide any comments / edits by June 21st.

- 6/13/23 – CMCS shares notice letter, OA TPs, Reactive to OC/OL/HHS/EOP.
- 6/21/23 – OL/OC/HHS/EOP comments due.
- 6/27/23 – Rory (CMCS) reaches out to SMD and OA reaches out to Gov office to schedule calls.
- 6/28/23 – Rory (CMCS) speaks with SMD, OA speaks with Gov office to review what is in the notice letter.
- **Thurs 6/29 12PM – Letter issued**

Best,
Krista

From: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>

Sent: Wednesday, May 17, 2023 11:16 AM

To: Schubel, Jessica L. EOP/WHO <Jessica.L.Schubel@who.eop.gov>

Cc: Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Pryor, Rachel (HHS/OS/IOS) <Rachel.Pryor@hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>; Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>; Dorsey, Jennifer (CMS/CMCS) <jennifer.dorsey@cms.hhs.gov>; Janu, Shanna (CMS/CMCS) <Shanna.Janu@cms.hhs.gov>; Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Arguello, Andres (OS/IOS) <Andres.Arguello@hhs.gov>

Subject: MO Letter - Rollout this Fri 5/19 - Edits/Comments due TODAY

Hi Jessica,

We have updated our timeline and are now planning to send the Missouri letter this Friday, 5/19.

Attached is the draft letter. This has been reviewed and cleared by OGC. CMS will also have a reactive ready. Below is an overview of the issue.

If you have any edits or comments on the letter, please send by today, Wed, COB.

Please let us know if you have any questions. Thank you!

Best,
Perrie

Additional Background

- **Missouri has a provider tax that is called the Federal Reimbursement Allowance (FRA).** The FRA is a tax paid by hospitals to help cover the state cost for MO HealthNet, the state's Medicaid program. There are now reimbursement allowances in Missouri that also cover nursing facilities, as well as pharmacy and ambulance services.
- CMCS' data shows that Missouri's FRA generates over \$1.2 billion in annual revenue and uses most of the revenue to fund the state share of Medicaid.
- **We also believe that Missouri's FRA program is inconsistent with Federal statute and regulations.** Specifically, it appears that participating hospitals are **pooling and redistributing Medicaid payments, which include federal funds, to guarantee that the taxpaying hospitals are not financially harmed by the FRA tax.**

- This type of arrangement, referred to as a **“hold harmless” arrangement, is prohibited by federal law and regulations.** These impermissible arrangements effectively shift the state’s cost of financing Medicaid to the federal government.
- Of critical concern, it appears that the **redistributed Medicaid payments typically benefit hospitals that serve low percentages of Medicaid beneficiaries or no Medicaid beneficiaries at all.** In some cases, this means that federal Medicaid dollars are being used to pay the FRA tax bill for hospitals that do not participate in the Medicaid program.
- Over the past several years, CMS has regularly offered technical assistance to the state and provided multiple opportunities to make practical modifications to its FRA tax arrangement so that the state could continue collecting its FRA tax without a reduction in federal funds.
 - A letter from CMS in 2020 outlined our concerns and described CMS’s understanding at the time that the state intended to end the arrangement in 2021. Unfortunately, it does not appear that the state has acted to end the hold harmless arrangement.
- **On July 15, 2022, CMS sent a letter reiterating our concerns with the FRA tax and our intention to conduct a review of the tax during an upcoming quarter.**
 - **CMS conducted that review relating to tax collections for the last quarter of calendar year 2022. The state did not provide any indication that the state has ended the hold harmless arrangements or any compelling information that the arrangements are allowable.**

, (b)(5)

- This collection amount is based on requirements in the Medicaid statute that CMS reduce a state’s Medicaid expenditures by the total amount of health care-related tax programs that have a hold harmless arrangement. The statute does not permit us to recover only a portion of the tax collected, which is why approximately \$236 million in federal funds are at risk for the last calendar quarter of 2022.
- A disallowance would afford the state administrative appeal rights. Those include requesting reconsideration from CMS, pursuing an appeal at the HHS’ Departmental Appeals Board (DAB), or subsequently appealing to federal court. The state would have the option of retaining the \$236 million during CMS reconsideration and DAB appeals, subject to interest penalties if CMS prevails.

, (b)(5)

, (b)(5)

- We recognize that hospital taxes can be permissible sources to fund the state share of Medicaid. We also understand that the state’s reliance on the FRA revenue is very important to Missouri Medicaid.
- **Our staff has been in close contact with the Missouri Medicaid agency and will continue to offer technical assistance aiming to find a path to ensure the FRA operates in a manner consistent with federal law.**

Timeline for Reference

- On January 19, 2019, CMS learned new details regarding the mechanics of the pooling arrangement operated by the MHA in connection with a review of a managed care proposal that raised concerns regarding the presence of a hold harmless arrangement.
- On July 29, 2020, CMS sent the State of Missouri a letter documenting a commitment from the State of Missouri on a call held on July 19, 2020 in which the State had committed to end the pooling of managed care payments by June 30, 2021.
- On June 13, 2021, the State of Missouri sent CMS a letter confirming that it had told the MHA and the hospitals that all pooling of managed care payments must end by June 30, 2021.
- On September 9, 2021, the State of Missouri informed CMS that there had been an “error” in its earlier responses and that the hospitals and the MHA were told that they could not direct payment distribution through the MCOs, not that they could no longer pool Medicaid payments.
- On July 15, 2022, in conjunction with the approval of a Medicaid managed care State Directed Payment funded in part through the FRA, CMS sent a companion letter reiterating CMS’ concerns with the tax and our intention to conduct a review of the amounts reported on the form CMS 64.11(a) for the quarter ending December 31, 2022.
- On February 17, 2022 CMS began its review of the CMS-64 for that quarter by sending a series of questions to the State of Missouri.
- On March 10, 2023 and March 21, 2023, the State of Missouri responded to some of CMS’ questions. However, it did not provide any information that refuted the hold harmless arrangement.

Message

From: Schubel, Jessica L. EOP/WHO [Jessica.L.Schubel@who.eop.gov]
Sent: 6/13/2023 4:38:44 PM
To: Hebert, Krista (CMS/CMCS) , (b)(6)

Briskin, Perrie

CC:

Pryor, Rachel

Costello, Anne Marie

Katch (she/her),

, (b)(6)

Dorsey, Jennifer

Janu (CMS/CMCS)

Boston, Beverly

Howe, Rory (CMS/CMCS)

Arguello, Andres (OS/IOS)

Subject: RE: RE: MO Letter - Rollout

Ok, will do.

From: Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>
Sent: Tuesday, June 13, 2023 12:36 PM
To: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Schubel, Jessica L. EOP/WHO <Jessica.L.Schubel@who.eop.gov>
Cc: Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Pryor, Rachel (HHS/OS/IOS) <Rachel.Pryor@hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>; Dorsey, Jennifer (CMS/CMCS) <jennifer.dorsey@cms.hhs.gov>; Janu, Shanna (CMS/CMCS) <Shanna.Janu@cms.hhs.gov>; Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Arguello, Andres (OS/IOS) <Andres.Arguello@hhs.gov>
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- Over the past several years, CMS has regularly offered technical assistance to the state and provided multiple opportunities to make practical modifications to its FRA tax arrangement so that the state could continue collecting its FRA tax without a reduction in federal funds.
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, (b)(5)

- If the state decides to take this action and commits in writing to end the redistributions moving forward, CMS would devote its limited financial oversight resources to other oversight activities. This means that CMS would not intend to recover federal funding relating to this issue as long as the state honored its commitment to

correct the redistributions for the calculated quarter in 2022 and end the arrangements prospectively. Of note, CMS can't guaranteed that other oversight entities (such as the HHS OIG or a state auditor) would not review or audit the arrangement leading up until the corrective action.

- We recognize that hospital taxes can be permissible sources to fund the state share of Medicaid. We also understand that the state's reliance on the FRA revenue is very important to Missouri Medicaid.
- **Our staff has been in close contact with the Missouri Medicaid agency and will continue to offer technical assistance aiming to find a path to ensure the FRA operates in a manner consistent with federal law.**

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Message

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Sent: 4/18/2024 8:05:42 PM
To: Pryor, Rachel (HHS/OS/IOS) , (b)(5)
CC: Tsai, Daniel (CMS/CMCS) , (b)(6)
stello, Anne Marie
Vitolo, Sara
ch (she/her), Hannah
Dervan, Elizabeth
, (b)(6) Husain, Naba
; Janu, Shanna
Dorsey, Jennifer
ista (CMS/CMCS)

Subject: CMCS Updates - Rollouts and DPC Agenda

Hi Rachel,

See list of upcoming rollouts and the DPC meeting agenda below. Please let me know if you have any questions.

I will hold for an hour or two until sending to Jessica.

Best,
Perrie

4/19 DPC-CMCS Agenda

- State Demonstration Group Workplan Update
- Rollouts

Upcoming CMCS Rollouts

Next Week (4/22 – 4/26)

- Reg: Managed Care – 4/22
- Reg: Access – 4/22
- Reg: Nursing Facility Staffing – 4/22 (CCSQ reg)
- CIB: Hold Harmless Non-Enforcement – 4/22 (paired with Managed Care Reg)
- Reg: DACA – 4/24
- CIB: Unwinding e(14) extension – 4/24 (tentative – pending latest OGC comments)
- Reg: 1557 Non-Discrimination in Health Care – 4/26
- CIB and slide deck: Unwinding application processing times and backlogs during redeterminations – 4/26 (tentative)
- Data Snapshot: Unwinding Dec 2023 Quarterly MAGI Processing Time Report – 4/26 (tentative)

Next Two Weeks (4/29 – 5/10)

- Technical guidance: Identifying Deceased Medicaid Enrollees – 4/29
- Data Release: Unwinding Monthly Data Release – 4/30
- CIB: Opportunities for Improving Access to Mental Health and Substance Use Disorder Services for Medicaid and CHIP Enrollees Experiencing Homelessness – 5/10
- Slide Deck: Budget Neutrality – April/May TBD
 - Deck to codify our BN policy, ahead of an updated SMDL later this year. Slides may go to All-State call
- SPA: NV Mobile Crisis – May TBD
- SPA: NV Postpartum – Mid-May TBD

Subsequent Four Months (May - August)

High-Profile Rollouts

- SHO: Unwinding Data Reporting Requirements – Late May TBD
- Timelines: Updated State Unwinding Timelines – Late May TBD
- CIB: Unwinding Timelines and Redistribution of Renewals – Late May TBD
- Reg: Medicare Outpatient Prospective Payment System Proposed Rule (CM) – June 28
 - Four Walls Provision
 - CHIP Continuous Eligibility Provision
- Reg: Medicaid Drug Misclassification, Beneficiary Access Protection, and Drugs Program Administration – June TBD (*tentative*)
- 1115: Justice Involved Approvals Bundle – late June TBD (*tentative*)
- SHO: CAA Provision on Justice-Involved Youth – June TBD
- Grants: SBS Grants – late June

Perrie Briskin

Senior Advisor, Office of the Center Director
 Center for Medicaid and CHIP Services (CMCS)
Perrie.Briskin@cms.hhs.gov

, (b)(6)

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Message

From: Briskin, Perrie (CMS/CMCS) , (b)(6)
Sent: 4/18/2024 9:24:55 PM
To: Schubel, Jessica L. EOP/WHO [Jessica.L.Schubel@who.eop.gov]
CC: Tsai, Daniel (CMS/CMCS) , (b)(6)

For, Rachel

Costello, Anne Marie

Vitolo, Sara

ch (she/her), Hannah

, (b)(6)

; Dervan, Elizabeth

Husain, Naba

; Hebert, Krista

Khong, Kobi T.

Subject: EOP/WHO (Intern) [Kobi.T.Khong@who.eop.gov]
DPC Agenda and Upcoming CMCS Rollouts - Week of 4/22

Hi Jessica,

See agenda for our check-in tomorrow and list of rollouts.

Thank you.

Best,
Perrie

4/19 DPC-CMCS Agenda

- State Demonstration Group Workplan Update
- Rollouts

Upcoming CMCS Rollouts

Next Week (4/22 – 4/26)

- Reg: Managed Care – 4/22 Timing dependent on OFR
- Reg: Access – 4/22 Timing dependent on OFR
- Reg: Nursing Facility Staffing – 4/22 (CCSQ reg) Timing dependent on OFR
- CIB: Hold Harmless Non-Enforcement – 4/22 (paired with Managed Care Reg)
- Reg: DACA – 4/24
- CIB: Unwinding e(14) extension – 4/24 (tentative – pending latest OGC comments)
- Reg: 1557 Non-Discrimination in Health Care – 4/26
- CIB and slide deck: Unwinding application processing times and backlogs during redeterminations – 4/26 (tentative)
- Data Snapshot: Unwinding Dec 2023 Quarterly MAGI Processing Time Report – 4/26 (tentative)

Next Two Weeks (4/29 – 5/10)

- Technical guidance: Identifying Deceased Medicaid Enrollees – 4/29
- Data Release: Unwinding Monthly Data Release – 4/30

- CIB: Opportunities for Improving Access to Mental Health and Substance Use Disorder Services for Medicaid and CHIP Enrollees Experiencing Homelessness – 5/10
- Slide Deck: Budget Neutrality – April/May TBD
 - Deck to codify our BN policy, ahead of an updated SMDL later this year. Slides may go to All-State call
- SPA: NV Mobile Crisis – May TBD
- SPA: NV Postpartum – Mid-May TBD

Subsequent Four Months (May - August)

High-Profile Rollouts

- SHO: Unwinding Data Reporting Requirements – Late May TBD
- Timelines: Updated State Unwinding Timelines – Late May TBD
- CIB: Unwinding Timelines and Redistribution of Renewals – Late May TBD
- Reg: Medicare Outpatient Prospective Payment System Proposed Rule (CM) – June 28
 - Four Walls Provision
 - CHIP Continuous Eligibility Provision
- Reg: Medicaid Drug Misclassification, Beneficiary Access Protection, and Drugs Program Administration – June TBD (tentative)
- 1115: Justice Involved Approvals Bundle – late June TBD (tentative)
- SHO: CAA Provision on Justice-Involved Youth – June TBD
- Grants: SBS Grants – late June

Perrie Briskin

Senior Advisor, Office of the Center Director
 Center for Medicaid and CHIP Services (CMCS)
Perrie.Briskin@cms.hhs.gov

, (b)(6)

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Message

From: Schubel, Jessica L. EOP/WHO [Jessica.L.Schubel@who.eop.gov]
Sent: 4/19/2024 10:58:46 AM
To: Briskin, Perrie (CMS/CMCS) , (b)(6)
CC: Tsai, Daniel (CMS/CMCS) , (b)(6)

or, Rachel

Costello, Anne Marie

Vitolo, Sara

ch (she/her), Hannah

, (b)(6)

Dervan, Elizabeth

Husain, Naba

Hebert, Krista

Khong, Kobi T.

Subject: EOP/WHO (Intern) [Kobi.T.Khong@who.eop.gov]; Elliott, Blair B. EOP/WHO [Sarah.B.Elliott2@who.eop.gov]
RE: RE: DPC Agenda and Upcoming CMCS Rollouts - Week of 4/22

Thanks!

From: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>
Sent: Thursday, April 18, 2024 5:25 PM
To: Schubel, Jessica L. EOP/WHO <Jessica.L.Schubel@who.eop.gov>
Cc: Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Pryor, Rachel (HHS/OS/IOS) <Rachel.Pryor@hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>; Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>; Dervan, Elizabeth (CMS/OL) <elizabeth.dervan@cms.hhs.gov>; Husain, Naba (HHS/OS/IOS) <Naba.Husain@hhs.gov>; Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>; Khong, Kobi T. EOP/WHO (Intern) <Kobi.T.Khong@who.eop.gov>
Subject: DPC Agenda and Upcoming CMCS Rollouts - Week of 4/22

Hi Jessica,

See agenda for our check-in tomorrow and list of rollouts.

Thank you.

Best,
Perrie

4/19 DPC-CMCS Agenda

- State Demonstration Group Workplan Update
- Rollouts

Upcoming CMCS Rollouts

Next Week (4/22 – 4/26)

- Reg: Managed Care – 4/22 Timing dependent on OFR
- Reg: Access – 4/22 Timing dependent on OFR

- Reg: Nursing Facility Staffing – 4/22 (CCSQ reg) Timing dependent on OFR
- CIB: Hold Harmless Non-Enforcement – 4/22 (paired with Managed Care Reg)
- Reg: DACA – 4/24
- CIB: Unwinding e(14) extension – 4/24 (tentative – pending latest OGC comments)
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- Technical guidance: Identifying Deceased Medicaid Enrollees – 4/29
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 - Deck to codify our BN policy, ahead of an updated SMDL later this year. Slides may go to All-State call
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- SPA: NV Postpartum – Mid-May TBD

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- Timelines: Updated State Unwinding Timelines – Late May TBD
- CIB: Unwinding Timelines and Redistribution of Renewals – Late May TBD
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 - Four Walls Provision
 - CHIP Continuous Eligibility Provision
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- 1115: Justice Involved Approvals Bundle – late June TBD (tentative)
- SHO: CAA Provision on Justice-Involved Youth – June TBD
- Grants: SBS Grants – late June

Perrie Briskin

Senior Advisor, Office of the Center Director
 Center for Medicaid and CHIP Services (CMCS)
 Perrie.Briskin@cms.hhs.gov

, (b)(6)

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Message

From: Vitolo, Sara (CMS/CMCS) , (b)(6)

Sent: 4/23/2024 1:10:38 PM , (b)(6)

To: Tsai, Daniel (CMS/CMCS) , (b)(6)

riskin, Perrie

abert, Krista

, (b)(6)

]; Costello, Anne Marie

Subject: RE: RE: Reg Impacts

In case this is helpful for others:

, (b)(5)

, (b)(5)

Question on Authority

, (b)(5)

From: Vitolo, Sara (CMS/CMCS)
Sent: Monday, April 22, 2024 2:53 PM
To: Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>
Cc: Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>
Subject: Reg Impacts

Hi all,

, (b)(5)

ed

h

From: Kirchgraber, Kate (CMS/OL) Kate.Kirchgraber@cms.hhs.gov
Sent: Friday, April 19, 2024 3:29 PM
To: Vitolo, Sara (CMS/CMCS) Sara.Vitolo@cms.hhs.gov; Bowdoin (she/her), Jennifer (CMS/CMCS) Jennifer.Bowdoin@cms.hhs.gov; Llanos, Karen (CMS/CMCS) Karen.Llanos@cms.hhs.gov; Deboy, Alissa (CMS/CMCS) alissa.deboy1@cms.hhs.gov; Howe, Rory (CMS/CMCS) Rory.Howe@cms.hhs.gov; Giles, John (CMS/CMCS) John.Giles1@cms.hhs.gov; Maccarroll, Amber (CMS/CMCS) Amber.MacCarroll@cms.hhs.gov; Silanskis, Jeremy (CMS/CMCS) Jeremy.Silanskis@cms.hhs.gov; Minor, Nevena (CMS/OL) Nevena.Minor@cms.hhs.gov; Blackfield, Anne (CMS/CMCS) Anne.Blackfield@cms.hhs.gov
Subject: RE: Access Reg - Back with OSORA from OFR?

, (b)(5)

, (b)(5)

From: Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>

Sent: Friday, April 19, 2024 3:16 PM

To: Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Blackfield, Anne (CMS/CMCS) <Anne.Blackfield@cms.hhs.gov>

Subject: RE: Access Reg - Back with OSORA from OFR?

Kate,

, (b)(5)

Thanks,
Sara

Sara Vitolo
Deputy Director, Center for Medicaid and CHIP Services
Centers for Medicare & Medicaid Services
410-786-5714 | Sara.Vitolo@cms.hhs.gov

Message

From: Briskin, Perrie (CMS/CMCS) , (b)(6)
Sent: 4/29/2024 7:39:44 PM
To: Vitolo, Sara (CMS/CMCS) , (b)(6)
sai, Daniel (CMS/CMCS)
ebert, Krista
, (b)(6)
]; Costello, Anne Marie
Subject: RE: RE: Reg Impacts

, (b)(5)

From: Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>
Sent: Tuesday, April 23, 2024 9:11 AM
To: Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>
Subject: RE: Reg Impacts

In case this is helpful for others:

, (b)(5)

, (b)(5)

From: Vitolo, Sara (CMS/CMCS)
Sent: Monday, April 22, 2024 2:53 PM
To: Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>
Cc: Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>
Subject: Reg Impacts

Hi all,

, (b)(5)

From: Kirchgraber, Kate (CMS/OL) Kate.Kirchgraber@cms.hhs.gov
Sent: Friday, April 19, 2024 3:29 PM
To: Vitolo, Sara (CMS/CMCS) Sara.Vitolo@cms.hhs.gov; Bowdoin (she/her), Jennifer (CMS/CMCS) Jennifer.Bowdoin@cms.hhs.gov; Llanos, Karen (CMS/CMCS) Karen.Llanos@cms.hhs.gov; Deboy, Alissa (CMS/CMCS) alissa.deboy1@cms.hhs.gov; Howe, Rory (CMS/CMCS) Rory.Howe@cms.hhs.gov; Giles, John (CMS/CMCS)

John.Giles1@cms.hhs.gov; Maccarroll, Amber (CMS/CMCS) Amber.MacCarroll@cms.hhs.gov; Silanskis, Jeremy (CMS/CMCS) Jeremy.Silanskis@cms.hhs.gov; Minor, Nevena (CMS/OL) Nevena.Minor@cms.hhs.gov; Blackfield, Anne (CMS/CMCS) Anne.Blackfield@cms.hhs.gov

Subject: RE: Access Reg - Back with OSORA from OFR?

, (b)(5)

From: Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>

Sent: Friday, April 19, 2024 3:16 PM

To: Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Blackfield, Anne (CMS/CMCS) <Anne.Blackfield@cms.hhs.gov>

Subject: RE: Access Reg - Back with OSORA from OFR?

Kate,

, (b)(5)

Thanks,
Sara

Sara Vitolo
Deputy Director, Center for Medicaid and CHIP Services
Centers for Medicare & Medicaid Services
410-786-5714 | Sara.Vitolo@cms.hhs.gov

Message

From: Luband, Charles A. [charles.luband@dentons.com]
Sent: 5/10/2023 6:09:22 PM
To: Tsai, Daniel (CMS/CMCS) , (b)(6)
Subject: Following Up , (b)(6)

Dear Dan:

I apologize for taking so long to follow up on the conversation in the park on April 27.

Notwithstanding my delay, I did want you to know that it was good to see you again and that I sincerely appreciated the meeting and the tenor of the meeting. Even if there is clear disagreement over what interpretation is required (or even permitted) under the current statute and regulations regarding the provider tax hold harmless provisions, I was very much encouraged by your expressed willingness to look for solutions that may work for providers and states but that do not implicate the contested provisions. In that spirit, I am posing a few questions that may help stakeholders reach possible solutions. I hope that you or your staff are willing to respond in that same spirit of cooperation. I am sending this via email reflecting the informality of our meeting, but if you would prefer I am happy to convert this into a formal letter. (FYI, I did also send an email yesterday to Rory Howe asking some technical questions about provider tax waiver requests but have not yet heard back.)

1. **Waiver Options.** In the April 27 meeting, you mentioned a willingness to look at options that involve the provider tax waivers of broad-based or uniform requirements. I agree that looking at these options makes sense. However, I am aware of at least one instance where a state submitted a request for CMS approval of a waiver and CMS denied the waiver, even though the regulatory parameters in 42 CFR 433.68(e) were met. (Admittedly, this did not occur under the current Administration.) Can states and providers expect that CMS will approve waivers that meet the regulatory criteria?

Similarly, I am aware that CMS has in the past questioned whether a hold harmless arrangement exists "if a locality imposes a health care-related tax in which all taxpaying hospitals receive their total tax cost back in the form of Medicaid payments," even in the absence of private redistribution agreements or any other mechanism intended to produce that outcome. See <https://www.hhs.texas.gov/sites/default/files/documents/cms-feedback-with-state-response-march-2022.pdf>, page 92. I am unaware of the regulatory authority for requiring there to be providers that pay more in a provider tax than what they receive in Medicaid payments. If waivers result in this situation--or even if this situation results in the context of a broad-based and uniform provider tax--can states and providers expect that CMS will not raise hold harmless objections regarding a provider tax simply because there are no (or few) providers that pay more in a provider tax than they receive in Medicaid payments?

2. **Non-Medicaid Options.** I have been thinking about the significance of the language in the Informational Bulletin that emphasizes agreements to "redistribute a portion of their **Medicaid payments**" (emphasis added) If providers were able to certify or attest that no portion of their **Medicaid payments** are being used for redistribution, would that in any way be helpful to CMS? Although I am aware that this would disturb some arrangements (such as pooling arrangements relatively clearly derived from Medicaid payments received), other arrangements need not involve Medicaid payments at all and could be explicitly crafted to avoid such involvement.

For example, if a provider association were to make payments to member providers that pay more in taxes than they receive in Medicaid payments, would it be acceptable if the association were to make those payments from dues or an administrative fee paid by members rather than through "redistribution of Medicaid payments"? (Is it helpful if the association cautions member providers not to pay dues or fees using Medicaid revenues?) What if a charitable organization makes grants to providers from solicited contributions? Are either of these arrangements acceptable?

3. **Permitted arrangements.** I am aware that CMS states in the Medicaid managed care proposed rule preamble that it is "only interested in any business arrangements among private entities that could result in a violation of Federal

statutory and regulatory requirements.” 88 Fed. Reg. 28092, 28131 (May 3, 2023). However, since the Informational Bulletin broadly describes problematic arrangements as including both “explicit and implicit meetings of the minds, regardless of the formality or informality of any such agreements,” it is difficult to know what arrangements are permissible. Can CMS provide examples of business arrangements that will not result in a violation of Federal statutory and regulatory requirements?

4. **In-system arrangements.** During our meeting, I raised the question regarding whether CMS intends to prohibit multi-hospital systems from making intra-system transfers related to provider tax obligations. You asked at the meeting that we set aside that question and we did. I think a response could be informative. My strong suspicion is that CMS does not intend to prohibit these transfers. However, it would be helpful to understand CMS's reasoning as to why these transfers are not prohibited. Is it because these transfers do not involve Medicaid payments? Is it because these are examples of business arrangements that are acceptable? What is the rationale that protects these transfers? Understanding CMS's response may help craft additional alternatives that could be acceptable to CMS.

Again, I thank you for your willingness to meet previously and for your consideration of these questions. As stated at the meeting, I think we have a shared concern regarding the safety net; it would be helpful to find mutually acceptable solutions.

Best wishes.

Charlie

Charles A. Luband

 +1 212 768 6942 |  +1 202 607 8933

charles.luband@dentons.com | [Website](#)

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Message

From: Costello, Anne Marie (CMS/CMCS) , (b)(6)
, (b)(6)
Sent: 6/29/2023 2:39:33 PM
To: Collins Offner, Molly [mcollins@aha.org]; Tsai, Daniel (CMS/CMCS) , (b)(6)
, (b)(6) Briskin, Perrie
, (b)(6)
CC: Hughes, Stacey [shughes@aha.org]; Thompson, Ashley [athompson@aha.org]; Smith, Molly [mollysmith@aha.org]; Golder, Chad [cgolder@aha.org]; Millerick, Michelle [mmillerick@aha.org]; Finder, Benjamin [bfinder@aha.org]; Cundari, Megan [mcundari@aha.org]
Subject: RE: RE: AHA comments on CMS's Medicaid access and payment rules

Thank you so much for sharing.

Anne Marie

Anne Marie Costello (she/her)
Deputy Director
Center for Medicaid & CHIP Services, CMS
CMCS Front Office: 410-786-3870
Cell , (b)(6)

From: Collins Offner, Molly <mcollins@aha.org>
Sent: Thursday, June 29, 2023 9:17 AM
To: Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>
Cc: Hughes, Stacey <shughes@aha.org>; Thompson, Ashley <athompson@aha.org>; Smith, Molly <mollysmith@aha.org>; Golder, Chad <cgolder@aha.org>; Millerick, Michelle <mmillerick@aha.org>; Finder, Benjamin <bfinder@aha.org>; Cundari, Megan <mcundari@aha.org>
Subject: AHA comments on CMS's Medicaid access and payment rules
Importance: High

Hello Dan and Anne Marie

As a courtesy, we wanted to share with you AHA's comment letters regarding the Medicaid access and payment rules. AHA is very supportive of many of the provisions in both proposed rules. The rules represent a tremendous commitment, on the part of you and your team, to improving access and increasing provider payment transparency. We did, however, want to let you know that we have raised significant concerns about the approach in the managed care rule relating to provider attestation. These comments were prepared after extensive consultation with our member hospitals and our state and metropolitan hospital association partners. As you can see in our comments, we raise concerns that hospitals, in the proposal, would be used as an enforcement tool for sub-regulation guidance on hold harmless arrangements that has not been subject to the notice and comment process. We are happy to discuss this further with you and your team.

All the best,

Molly

Molly Collins Offner, MHSA

**Director, Policy Development
American Hospital Association
800 10th Street, NW
Two CityCenter, Suite 400
Washington, DC 20001-4956**

, (b)(6)

Office: 202-626-2326

Fax: 202-747-5864

e-mail: mcollins@aha.org

Pronouns: she/her

Message

From: Kochanski, Joseph (CMS/CMCS) , (b)(6)
Sent: 6/29/2023 8:01:55 PM , (b)(6)
To: Tsai, Daniel (CMS/CMCS) , (b)(6)
CC: Briskin, Perrie (CMS/CMCS) , (b)(6)
ostello, Anne Marie
]; Vitolo, Sara
lebert, Krista
†]

Subject: 6/29 Briefing Book

Hi Dan – updated book below. Thanks

Group or Name of Requester	Link – Purpose / Context – Ask – Due Date
Round 2: FMG issues/items needing Leadership input during June	
OSG - Correspondence for signature Joe will apply signatures and reply through swift once Dan approves.	
FMG Disallowance Recommendations	, (b)(5)
SDG Criteria For Adjusting States' Level of Responsibility for Provider Rate Increases	

FMG and MCG		
Managed Care/Financing Impact Overview for Dan/OGC		, (b)(5)
Subject:	Time:	Context of Materials:
Group or Name of Requester	Link – Purpose / Context – Ask – Due Date	
Group or Name of Requester	Link – Purpose / Context – Ask – Due Date	
	<p>Please follow the instructions below to make sure reservations for your visit to Baltimore July 24-27 others. If there are any questions or concerns, feel free to reach out to Gorge and me.</p> <p>To make reservations, please call Emily Hosler, Reservations Coordinator, at 443-940-8831 [between Mor</p>	

Message

From: Kochanski, Joseph (CMS/CMCS) , (b)(6)
 , (b)(6)
Sent: 6/30/2023 1:41:43 PM
To: Tsai, Daniel (CMS/CMCS) , (b)(5)
 , (b)(6)
CC: Briskin, Perrie (CMS/CMCS) , (b)(6)
stello, Anne Marie
Vitolo, Sara
 , (b)(6)
bert, Krista
Subject: 6/30 Briefing Book

Hi Dan – Please see updated book below. Can discuss during our 4:30pm call as well. Thanks!

Group or Name of Requester	Link – Purpose / Context – Ask – Due Date	Dan’s Comments:
Round 2: FMG issues/items needing Leadership input during June		
OSG - Correspondence for signature Joe will apply signatures and reply through swift once Dan approves.		
SDG Criteria For Adjusting States’ Level of Responsibility for Provider Rate Increases	, (b)(5)	

FMG and MCG Managed Care/Financing Impact Overview for Dan/OGC		, (b)(5)	
[Meeting(s) for Following Working Day w/ Materials]			
<i>Subject:</i>	<i>Time:</i>	<i>Context of Materials:</i>	<i>Link for Materials:</i>
[Policy Items for Review]			
<i>Group or Name of Requester</i>	<i>Link – Purpose / Context – Ask – Due Date</i>		<i>Dan's Comments:</i>
MCOG, MBHPG, FMG - AMC/SV - CNMI SPA Approval to Limit Services	, (b)(5)		
OCD Hub TPs			
[Admin Items for Review and (or) Signature]			
<i>Group or Name of Requester</i>	<i>Link – Purpose / Context – Ask – Due Date</i>		<i>Dan's Comments:</i>
Reservation for lodging in Baltimore (Govt. Rate)	<p>Please follow the instructions below to make sure reservations for your visit to Baltimore July 24-27. Note: you will not receive your confirmation email right away, they are sent out on Mondays. There was a deadline to reserve a room at this hotel, so please, <u>do not forward</u> this email to others. If there are any questions or concerns, feel free to reach out to Gorge and me.</p> <p>To make reservations, please call Emily Hosler, Reservations Coordinator, at 443-940-8831 [between Mon-Fri, 9:30am-4:30pm] or email emily.hosler@marriott.com</p>		

ISM Conf form for Dan
to sign

, (b)(5)



Message

From: Kochanski, Joseph (CMS/CMCS) , (b)(6)
Sent: 7/5/2023 8:40:03 PM , (b)(6)
To: Tsai, Daniel (CMS/CMCS) , (b)(6)
CC: Briskin, Perrie (CMS/CMCS) , (b)(6)
 ostello, Anne Marie
]; Vitolo, Sara
 lebert, Krista
 t]

Subject: 7/5 - Briefing Book

Dan – Updated book items below. Thanks !
 - New item – E&E Final Rule (Draft) for review – no hard deadline..

<i>Group or Name of Requester</i>	<i>Link – Purpose / Context – Ask – Due Date</i>	<i>Dan's Comments:</i>
Round 2: FMG issues/items needing Leadership input during June		
OSG - Correspondence for signature Joe will apply signatures and reply through swift once Dan approves.		
SDG Criteria For Adjusting States' Level of Responsibility for Provider Rate Increases	, (b)(5)	

FMG and MCG Managed Care/Financing Impact Overview for Dan/OGC		, (b)(5)	
[Meeting(s) for Following Working Day w/ Materials]			
<i>Subject:</i>	<i>Time:</i>	<i>Context of Materials:</i>	<i>Link for Materials:</i>
[Policy Items for Review]			
<i>Group or Name of Requester</i>	<i>Link – Purpose / Context – Ask – Due Date</i>		<i>Dan's Comments:</i>
MCOG, MBHPG, FMG - AMC/SV - CNMI SPA Approval to Limit Services	, (b)(5)		
CAHPG E&E Final Rule			
OCD Hub TPs			
[Admin Items for Review and (or) Signature]			
<i>Group or Name of Requester</i>	<i>Link – Purpose / Context – Ask – Due Date</i>		<i>Dan's Comments:</i>
Reservation for lodging in Baltimore (Govt. Rate)	Please follow the instructions below to make sure reservations for your visit to Baltimore July 24-27. Note: you will not receive your confirmation email right away, they are sent out on Mondays. There was a deadline to reserve a room at this hotel, so please, <u>do not forward</u> this email to others. If there are any questions or concerns, feel free to reach out to Gorge and me.		

	To make reservations, please call Emily Hosler, Reservations Coordinator, at 443-940-8831 [between Mon-Fri, 9:30am-4:30pm] or email <u>emily.hosler@marriott.com</u>	
ISM Conf form for Dan to sign	, (b)(5)	

Message

From: Lannaman, Morlan (CMS/CMCS) , (b)(6)
Sent: 9/27/2023 3:55:07 PM , (b)(6)
To: Smith, Falecia (CMS/CMCS) , (b)(6)

Swisher, Loan
Kostesich, Jennifer
Endelman (he/him),
; Miller, Courtney
; Gibson, Alexis
Rodriguez, Matthew
]; Abbott, Sarah
Harvin, Carshena
Higgins, Shelby
; Trieger, Michael
helps, Sandra
Arowojolu, Tinu
Dolly, Ed (CMS/CMCS)
; Banton, Kia
Hoang, Dzung
;]; Allison, John
ivane, Nora (CMS/CMCS)
Elizabeth (CMS/CMCS)
Brooks, Bill
Roberts (she/her), Trina
Jensen, Kirsten
nkersley, Michael
Delvecchio, Lynn
Mathurin, Dominique
; Weaver, Brent
Schickner, Loretta

, (b)(6)

orsbach (she/her),
ehm (she/her), Sarah
Brill Ortiz (she/her),
el, Samantha
Muhammad (she/her),
; Howe, Rory
dstein, Stuart
rnold, Charlie
ark, Jennifer
uno, Richard
Hines, Charles
omas, Stephanie
ector, Sarah
Coffey, Gene
Burian, Martin
olligan, Ricardo
aves, Donald
aminsky, Stephanie
antwell, Kenya
Smith, Brandon
Tankersley, Michael
accarroll, Amber
turner, Alexa

, (b)(6)

Subject: CMS/NC DHHS Medicaid Expansion Weekly Check-In (9/28) Meeting Summary /Agenda

Good afternoon,

Please note the Agenda and meeting Summary from NC

CMS/NC DHHS Medicaid Expansion Weekly Check-In Agenda

September 28, 2023, 11:00-12:00 pm ET

- Expansion timeline
- Supplemental 37 Financing

- Discuss CMS review and any questions on:
 - ABP SPA
 - FMAP SPA
 - Eligibility SPA
 - Fiscal note
- Hold Harmless Attestation

Below is the question on the shutdown that our team had and meeting notes and agenda for next week.

If CMS approves the appropriate pre-prints and SPAs related to HASP and Medicaid Expansion, and there is a Federal shutdown, should we plan for extra time in having a supplement grant award approved and issued if needed during the 10/1/23 through 12/31/23 quarter?

CMS/NC DHHS Medicaid Expansion Weekly Check-In (9/21): Meeting Summary and Next Steps

- Government Shutdown
 - NC asked CMS what the implications were, if any, related to FMAP financing in light of a potential government shutdown.
 - CMS said that more information will be known next week and they can address any questions that DHHS may have when there is more clarity on a government shutdown.
 - **Next Steps:**
 - NC to add question on Supplemental-37 funding for next week's agenda and will share in advance so that CMS is prepared to discuss.
- Expansion Related SPAs
 - ABP:
 - NC provided an update to CMS that the State intends to send to CMS, imminently, a revised ABP 5 SPA that now addresses the therapy services issue.
 - Upon receipt of the revised ABP 5, CMS will have a full submission for its review; CMS will continue to review the other templates.
 - For now, ABP SPA templates can continue to be exchanged via email; when DHHS/CMS get closer to near final drafts, DHHS will submit the templates via the MMDL.
 - **Next Steps:**
 - NC to send to CMS revised ABP 5.
 - CMS to finalize review of all ABP SPA templates and provide feedback to NC.
 - FMAP SPA:
 - NC sent a revised FMAP SPA to CMS on 9/9/23 and is awaiting CMS feedback.
 - **Next Steps:**
 - CMS to finalize review of the FMAP SPA and provide any remaining feedback to NC.
 - Eligibility SPA:
 - NC received Martin's questions and will address his questions.
 - NC received questions on fiscal impact and would like to better understand the intent and context of the question.
 - **Next Steps:**
 - During next week's meeting, discuss the fiscal impact question related to the Eligibility SPA.
- General launch update
 - State Legislature released a budget that allows NC To expand Medicaid, upon budget approval.
 - There continues to be an open question on Medicaid expansion effective date.
 - **Next Steps:**
 - NC to update CMS on an effective date, once known.
- Hold Harmless Attestation
 - DHHS wants to check in on the hold harmless attestation language related to HASP Program.
 - CMS is currently reviewing the hold harmless attestation language with senior leadership.
 - NC is looking for guidance from CMS on this by the end of September.

- **Next Steps:**
 - CMS to provide guidance on the hold harmless attestation once finalized.
- FFM Scenarios
 - NC sent to CMS a number of beneficiary scenarios related to the FFM, which CMS will review.
 - **Next Steps:**
 - CMS to continue to review and provide answers to NC's questions related to: (1) FFM Determination transition; and (2) FFM beneficiary scenarios.

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 Mobile , (b)(6)
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From: Lannaman, Morlan (CMS/CMCS)

Sent: Wednesday, September 20, 2023 11:58 AM

To: Smith, Falecia (CMS/CMCS) <Falecia.Smith@cms.hhs.gov>; Swisher, Loan (CMS/CMCS) <Loan.Swisher@cms.hhs.gov>; Kotesich, Jennifer (CMS/CMCS) <Jennifer.Kotesich@cms.hhs.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Miller, Courtney (CMS/CMCS) <Courtney.Miller@cms.hhs.gov>; Gibson, Alexis (CMS/CMCS) <alexis.gibson@cms.hhs.gov>; Rodriguez, Matthew (CMS/CMCS) <Matthew.Rodriguez@cms.hhs.gov>; Abbott, Sarah (CMS/CMCS) <Sarah.Abbott@cms.hhs.gov>; Harvin, Carshena (CMS/CMCS) <Carshena.Harvin@cms.hhs.gov>; Higgins, Shelby (CMS/CMCS) <Shelby.Higgins@cms.hhs.gov>; Trieger, Michael (CMS/CMCS) <Michael.Trieger1@cms.hhs.gov>; Phelps, Sandra (CMS/CMCS) <Sandra.Phelps@cms.hhs.gov>; Arowojolu, Tinu (CMS/CMCS) <Tinu.Arowojolu1@cms.hhs.gov>; Dolly, Ed (CMS/CMCS) <Edward.Dolly@cms.hhs.gov>; Banton, Kia (CMS/CMCS) <Kia.Banton@cms.hhs.gov>; Hoang, Dzung (CMS/CMCS) <Dzung.Hoang@cms.hhs.gov>; Allison, John (CMS/CCIIO) <John.Allison@cms.hhs.gov>; Huvane, Nora (CMS/CMCS) <nora.huvane@cms.hhs.gov>; Hill, Elizabeth (CMS/CMCS) <Elizabeth.Hill@cms.hhs.gov>; Brooks, Bill (CMS/CMCS) <Bill.Brooks@cms.hhs.gov>; Roberts, Shantrina (CMS/CMCS) <Shantrina.Roberts@cms.hhs.gov>; Jensen, Kirsten (CMS/CMCS) <Kirsten.Jensen@cms.hhs.gov>; Tankersley, Michael (CMS/CMCS) <Michael.Tankersley@cms.hhs.gov>; Delvecchio, Lynn (CMS/CMCS) <Lynn.DelVecchio@cms.hhs.gov>; Mathurin, Dominique (CMS/CMCS) <Dominique.Mathurin@cms.hhs.gov>; Weaver, Brent (CMS/CMCS) <Brent.Weaver@cms.hhs.gov>; Schickner, Loretta (CMS/CMCS) <Loretta.Schickner@cms.hhs.gov>; Lorsbach (she/her), Anna (CMS/CCIIO) <anna.lorsbach@cms.hhs.gov>; Boehm (she/her), Sarah (CMS/CCIIO) <Sarah.Boehm@cms.hhs.gov>; Brill Ortiz (she/her), Jessica (CMS/CCIIO) <Jessica.BrillOrtiz@cms.hhs.gov>; Porzel, Samantha (CMS/CCIIO) <samantha.porzel@cms.hhs.gov>; Muhammad (she/her), Kaleema (CMS/CCIIO) <Kaleema.Muhammad@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Cuno, Richard (CMS/CMCS) <Richard.Cuno@cms.hhs.gov>; Hines, Charles (CMS/CMCS) <Charles.Hines@cms.hhs.gov>; Thomas, Stephanie (CMS/CMCS) <Stephanie.Thomas@cms.hhs.gov>; Spector, Sarah (CMS/CMCS) <Sarah.Spector@cms.hhs.gov>; Coffey, Gene (CMS/CMCS) <Gene.Coffey@cms.hhs.gov>; Burian, Martin (CMS/CMCS) <Martin.Burian@cms.hhs.gov>; Holligan, Ricardo (CMS/CMCS) <Ricardo.Holligan@cms.hhs.gov>; Graves, Donald (CMS/CMCS) <Donald.Graves@cms.hhs.gov>; Kaminsky, Stephanie (CMS/CMCS) <Stephanie.Kaminsky@cms.hhs.gov>; Cantwell, Kenya (CMS/CMCS) <Kenya.Cantwell@cms.hhs.gov>; Smith, Brandon (CMS/CMCS) <Brandon.Smith@cms.hhs.gov>; Tankersley, Michael (CMS/CMCS) <Michael.Tankersley@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Turner, Alexa (CMS/CMCS) <Alexandra.Turner@cms.hhs.gov>

Subject: CMS/NC DHHS Medicaid Expansion Weekly Check-In (9/21): Meeting Summary /Agenda

Good afternoon,

Please note the Agenda and meeting Summary from NC

CMS/NC DHHS Medicaid Expansion Weekly Check-In (9/14): Meeting Summary

- **Medicaid Expansion Launch Date**
 - *Status:*
- NC is still awaiting action from the General Assembly and will keep CMS informed of an updated expansion launch date.
- **Status on Legal Authorities**
 - *Status:*
- **ABP SPA:**
 - NC confirmed it sent over a revised version of the SPA to CMS that addresses round 2 feedback, except for updated therapy service limits.
 - NC will submit a revised SPA after finalizing the updated therapy service limits.
- **FMAP SPA:**
 - NC confirmed it submitted a revised version of Attachment E and the MAGI Conversion Plan to CMS on 9/13.
- **Eligibility SPA:**
 - NC confirmed it has responded to all of CMS' questions on the SPA.
 - NC is working on training materials and will submit those to CMS once finalized.
- **FFM Questions**
 - *Status:*
 - NC flagged that CMS responses to FFM-D questions are still outstanding and the timing of CMS' response is impacting the state's timeline.
 - The group discussed that any new questions from NC should continue to be submitted in writing in order for CMS to consult technical SMEs and develop a response. Once NC receives responses, the State can request a call to discuss any follow-up questions.
 - *Next Steps:*
 - **CMS to:** Provide responses to outstanding FFM-D questions from NC.
- **Beneficiary Marketplace Scenarios:**
 - *Status:*
 - NC flagged that it is looking to understand what the experience will be for individuals who are in the Marketplace and will become Medicaid eligible following expansion.
 - NC has developed a document with use case scenarios and follow-up questions for CMS to review and provide responses.
 - NC intends to use this document and use case scenario for stakeholder engagement, including engagement with navigators.
 - *Next Steps:*
 - **CMS to:** review use case scenario document and provide a response to questions.
 - In terms of priority, responses to FFM questions should be prioritized above response to use case scenarios/questions.
- **FFM Data Request**
 - *Status:*
 - CMS flagged that it will send NC a list of what data is available the week of 9/18.
 - NC will need to confirm the preferred timing to obtain data (e.g., pulling data closer to launch date will pull data from broader period of time).

CMS/NC DHHS Medicaid Expansion Weekly Check-In: Agenda

September 21, 2023, 11:00-12:00 pm ET

- **Medicaid Expansion Launch Date**
 - **Eligibility SPA fiscal impact**

- **Hold Harmless Attestation**
- **Follow-Up on Beneficiary Marketplace Scenarios (Attached)**

From: Lannaman, Morlan (CMS/CMCS)

Sent: Wednesday, September 13, 2023 9:19 AM

To: Smith, Falecia (CMS/CMCS) <Falecia.Smith@cms.hhs.gov>; Swisher, Loan (CMS/CMCS) <Loan.Swisher@cms.hhs.gov>; Kotesich, Jennifer (CMS/CMCS) <Jennifer.Kotesich@cms.hhs.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Miller, Courtney (CMS/CMCS) <Courtney.Miller@cms.hhs.gov>; Gibson, Alexis (CMS/CMCS) <alexis.gibson@cms.hhs.gov>; Rodriguez, Matthew (CMS/CMCS) <Matthew.Rodriguez@cms.hhs.gov>; Abbott, Sarah (CMS/CMCS) <Sarah.Abbott@cms.hhs.gov>; Harvin, Carshena (CMS/CMCS) <Carshena.Harvin@cms.hhs.gov>; Higgins, Shelby (CMS/CMCS) <Shelby.Higgins@cms.hhs.gov>; Trieger, Michael (CMS/CMCS) <Michael.Trieger1@cms.hhs.gov>; Phelps, Sandra (CMS/CMCS) <Sandra.Phelps@cms.hhs.gov>; Arowojolu, Tinu (CMS/CMCS) <Tinu.Arowojolu1@cms.hhs.gov>; Dolly, Ed (CMS/CMCS) <Edward.Dolly@cms.hhs.gov>; Banton, Kia (CMS/CMCS) <Kia.Banton@cms.hhs.gov>; Hoang, Dzung (CMS/CMCS) <Dzung.Hoang@cms.hhs.gov>; Allison, John (CMS/CCIIO) <John.Allison@cms.hhs.gov>; Huvane, Nora (CMS/CMCS) <nora.huvane@cms.hhs.gov>; Hill, Elizabeth (CMS/CMCS) <Elizabeth.Hill@cms.hhs.gov>; Brooks, Bill (CMS/CMCS) <Bill.Brooks@cms.hhs.gov>; Roberts, Shantrina (CMS/CMCS) <Shantrina.Roberts@cms.hhs.gov>; Jensen, Kirsten (CMS/CMCS) <Kirsten.Jensen@cms.hhs.gov>; Tankersley, Michael (CMS/CMCS) <Michael.Tankersley@cms.hhs.gov>; Delvecchio, Lynn (CMS/CMCS) <Lynn.DelVecchio@cms.hhs.gov>; Mathurin, Dominique (CMS/CMCS) <Dominique.Mathurin@cms.hhs.gov>; Weaver, Brent (CMS/CMCS) <Brent.Weaver@cms.hhs.gov>; Schickner, Loretta (CMS/CMCS) <Loretta.Schickner@cms.hhs.gov>; Lorschach (she/her), Anna (CMS/CCIIO) <anna.lorschach@cms.hhs.gov>; Boehm (she/her), Sarah (CMS/CCIIO) <Sarah.Boehm@cms.hhs.gov>; Brill Ortiz (she/her), Jessica (CMS/CCIIO) <Jessica.BrillOrtiz@cms.hhs.gov>; Porzel, Samantha (CMS/CCIIO) <samantha.porzel@cms.hhs.gov>; Muhammad (she/her), Kaleema (CMS/CCIIO) <Kaleema.Muhammad@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Cuno, Richard (CMS/CMCS) <Richard.Cuno@cms.hhs.gov>; Hines, Charles (CMS/CMCS) <Charles.Hines@cms.hhs.gov>; Thomas, Stephanie (CMS/CMCS) <Stephanie.Thomas@cms.hhs.gov>; Spector, Sarah (CMS/CMCS) <Sarah.Spector@cms.hhs.gov>; Coffey, Gene (CMS/CMCS) <Gene.Coffey@cms.hhs.gov>; Burian, Martin (CMS/CMCS) <Martin.Burian@cms.hhs.gov>; Holligan, Ricardo (CMS/CMCS) <Ricardo.Holligan@cms.hhs.gov>; Graves, Donald (CMS/CMCS) <Donald.Graves@cms.hhs.gov>; Kaminsky, Stephanie (CMS/CMCS) <Stephanie.Kaminsky@cms.hhs.gov>; Cantwell, Kenya (CMS/CMCS) <Kenya.Cantwell@cms.hhs.gov>; Smith, Brandon (CMS/CMCS) <Brandon.Smith@cms.hhs.gov>; Tankersley, Michael (CMS/CMCS) <Michael.Tankersley@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Turner, Alexa (CMS/CMCS) <Alexandra.Turner@cms.hhs.gov>

Subject: CMS/NC DHHS Medicaid Expansion Weekly Check-In (9/8): Meeting Summary /Agenda

Morning all,

Per NC- CMS/NC DHHS Medicaid Expansion Weekly Check-In (9/8): Meeting Summary

The state will be sending along some FMAP documents and clarifications shortly.

CMS/NC DHHS Medicaid Expansion Weekly Check-In (9/8): Meeting Summary

- **Medicaid Expansion Launch Date**
 - *Status:*
 - NC is evaluating other potential launch dates and will keep CMS informed of an updated expansion launch date.
- **ABP Therapy Service Limits**
 - *Status:*
 - CMS discussed NC's proposed options for updating the PT/OT/ST service limits and provided written feedback on the options that are permissible. In summary:

- Option 1 is permissible and would be a quicker administrative review, as it would not be subject to sufficiency requirements.
- Option 2 is permissible but would be subject to sufficiency requirements, which would require the state to provide supporting information to confirm the services are “sufficient in amount, duration, and scope to reasonably achieve its purpose” (§ 440.230)
- Option 3 is not permissible, as the State cannot impose combined hard limits on habilitative and rehabilitative services (§ 156.115).
- NC will review CMS’ feedback and determine the preferred approach to update PT/OT/ST service limits.
- NC flagged it will also be updating its traditional SPA to align with the ABP SPA.
 - NC flagged that since the State allows for a long period of public comment (10 day public comment and 60-day Tribal consultation), the State requests flexibility to allow the ABP SPA’s approval to occur prior to the benefit SPA’s approval.
- *Next steps:*
- **NC to:** Submit updated ABP SPA to CMS.
- **Status on Legal Authorities**
- *Status:*
- **FMAP SPA:**
 - NC confirmed it will submit an updated FMAP SPA by Monday 9/11.
- **Eligibility SPA:**
 - NC confirmed it submitted an updated Eligibility SPA on Thursday 9/7.
 - NC confirmed it is finalizing eligibility worker training materials and will send those to CMS in the coming weeks.
- **FFM Timeline**
- *Status:*
- CMS shared the table of FFM tool submission deadlines based on FFM go-live date (see below).
- NC requested that CMS clarify if the State can pull back submission of the FFM tool if a budget is not passed by an anticipated date.
- CMS confirmed the State is not required to conduct testing to transition to an FFM determination state.
- *Next Steps:*
- **CMS to:** Clarify if the State can pull back submission of the FFM tool if a budget is not passed by an anticipated date.
- **CMS and NC to:** Set up an ad hoc call to discuss FFM questions.

State and FFE go-live date

Updated tool due from state to CMS

Between 11/1-11/4	9/22
Between 11/5-11/18	9/28
Between 11/19-12/1	10/12
1/1/2024	10/23

CMS/NC DHHS Medicaid Expansion Weekly Check-In: Agenda

September 14, 2023, 11:00-12:00 pm ET

- **Medicaid Expansion Launch Date**

FFM Questions

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Pronouns: She/her

From: Sandoe, Emma
Sent: Friday, September 8, 2023 12:19 PM
To: Smith, Falecia (CMS/CMCS) <Falecia.Smith@cms.hhs.gov>; Lerche, Julia K <julia.lerche@dhhs.nc.gov>; Staton, Betty J <Betty.J.Staton@dhhs.nc.gov>; Bush, Melanie E <melanie.bush@dhhs.nc.gov>
Cc: Lannaman, Morlan (CMS/CMCS) <Morlan.Lannaman@cms.hhs.gov>
Subject: RE: 9/7 Agenda Topics

One quick edit to the below in red sorry for the confusion. I know when we speak about CMS 37 vs 64 it creates some confusion.

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Sent: Wednesday, September 6, 2023 5:25 PM
To: Smith, Falecia (CMS/CMCS) <Falecia.Smith@cms.hhs.gov>; Lerche, Julia K <julia.lerche@dhhs.nc.gov>; Staton, Betty J <Betty.J.Staton@dhhs.nc.gov>; Bush, Melanie E <melanie.bush@dhhs.nc.gov>
Cc: Lannaman, Morlan (CMS/CMCS) <Morlan.Lannaman@cms.hhs.gov>
Subject: 9/7 Agenda Topics

Falecia,
Below are the minutes from last week and the agenda for tomorrow.

CMS/NC DHHS Medicaid Expansion Weekly Check-In (8/31): Meeting Summary

- **Medicaid Expansion Launch Date**
 - *Status:*
 - NC will not proceed with Medicaid expansion launch on 10/1 as the General Assembly did not take needed legislative action by 9/1. NC is evaluating other potential launch dates and will keep CMS informed of an updated expansion launch date.
 - NC flagged it will hold on updating the effective date on the SPAs until a new expansion launch date is confirmed.
 - CMS confirmed that if the only significant change NC is making to a SPA is the effective date, no additional Tribal consultation or public notice is required.
- **Requirements for Federal Funds**

- *Status:*
- CMS-37
 - CMS confirmed that the CMS-37 can be submitted after approval of the Eligibility SPA and HASP pre-print.
 - CMS confirmed that after submission of the CMS-37, it will take CMS approximately 10 days to process and make funding available to NC for Medicaid expansion launch.
- CMS-64:
 - CMS confirmed that the CMS-64 can be submitted after approval of the Eligibility SPA, ABP SPA, and FMAP SPA.
- 5% FMAP Bump:
 - CMS confirmed that the State is able to draw down funds on the CMS 37 from the 5% FMAP bump following approval of Eligibility SPA, ~~ABP SPA, and FMAP SPA~~ (i.e., State can draw down funds prior to enrolling the first person in the Medicaid expansion adult group).
- **FFM Timeline**
- *Status:*
 - CMS confirmed that if NC plans for an 11/1/23 go-live for the FFM, the data collection tool will be due 9/22/23.
 - CMS confirmed that the State may be able to pursue an FFM go-live date after 11/1/23 but will have to consider this will be during open enrollment which can add complexity.
- *Next Steps:*
 - **CMS to:** Provide written responses to NC questions on FFM.
 - **CMS to:** Send FFM resource guide to NC.
- **FMAP SPA Attachment E**
- *Status:*
 - CMS flagged that any individual who is facing a reduction in benefits due to transitioning to a different Medicaid eligibility group must have at least 10 days' notice for due process right; CMS anticipates the population this will apply to are individuals aged 20-21 who are aging out of EPSDT following the end of continuous coverage.
 - NC confirmed that individuals transitioning to the adult expansion group at their next redetermination date will receive notice at least 10 days before their change in coverage is effective. NC will revise Attachment E to clarify this process/timeline.
- *Next Steps:*
 - **NC to:** Update FMAP SPA Attachment E.
 - **NC to:** Upload conversion plan with next submission of the FMAP SPA.
- **ABP SPA**
- *Status*
 - CMS acknowledged it will respond to NC's open question on therapy service limits.

CMS/NC DHHS Medicaid Expansion Weekly Check-In: Agenda

September 7, 2023, 11:00-12:00 pm ET

- **ABP SPA**
 - Discuss CMS feedback on options to update therapy service limits (*see below table*)
- **FFM Outstanding Issues**

Options to Update Therapy Limits	CMS: Is this option permissible under federal regulation/CMS guidance?
Option 1: <ul style="list-style-type: none"> ● PT/OT Service Limit <ul style="list-style-type: none"> ○ PT/OT share a combined visit limit across <i>both rehab and habilitative services</i> with a 30 visit <i>soft limit</i>; exceptions to the service limit can be authorized by the State when medically necessary. ● ST Service Limit 	<ul style="list-style-type: none"> ○

<ul style="list-style-type: none"> ○ ST has a visit limit across <i>both rehab and habilitative services</i> with a 30 visit <i>soft limit</i>; exceptions to the service limit can be authorized by the State when medically necessary. 	
Option 2: <ul style="list-style-type: none"> • PT/OT Service Limit <ul style="list-style-type: none"> ○ PT/OT have a combined 30 visit <i>hard limit</i> for <i>rehabilitative services</i> ○ PT/OT have a combined 30 visit <i>hard limit</i> for <i>habilitative services</i>. • ST Service Limit <ul style="list-style-type: none"> ○ ST has a 30 visit <i>hard limit</i> for <i>rehabilitative services</i> ○ ST has a 30 visit <i>hard limit</i> for <i>habilitative services</i>. 	○
Option 3: <ul style="list-style-type: none"> • PT Service Limit <ul style="list-style-type: none"> ○ PT has a hard limit of 30 visits combined across <i>both rehabilitative and habilitative services</i>. • OT Service Limit <ul style="list-style-type: none"> ○ OT has a hard limit of 30 visits combined across <i>both rehabilitative and habilitative services</i>. • ST Service Limit <ul style="list-style-type: none"> ○ ST has a hard limit of 30 visits combined across <i>both rehabilitative and habilitative services</i>. 	○

Emma Sandoe, PhD

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From: Sandoe, Emma

Sent: Thursday, August 31, 2023 8:33 AM

To: Smith, Falecia (CMS/CMCS) <Falecia.Smith@cms.hhs.gov>; Lerche, Julia K <julia.lerche@dhhs.nc.gov>; Staton, Betty J <Betty.J.Staton@dhhs.nc.gov>; Bush, Melanie E <melanie.bush@dhhs.nc.gov>

Cc: Lannaman, Morlan (CMS/CMCS) <Morlan.Lannaman@cms.hhs.gov>; Burian, Martin (CMS/CMCS) <Martin.Burian@cms.hhs.gov>; McChesney, Melissa (CMS/CMCS) <Melissa.McChesney@cms.hhs.gov>; Harris, Debra (CMS/CMCS) <Debra.Harris@cms.hhs.gov>

Subject: RE: [External] 8/31 Agenda Topics

Thank you, looking forward to the discussion this morning.

Emma Sandoe, PhD

Deputy Director, Medicaid Policy
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From: Smith, Falecia (CMS/CMCS) <Falecia.Smith@cms.hhs.gov>

Sent: Wednesday, August 30, 2023 5:27 PM

To: Sandoe, Emma <Emma.Sandoe@dhhs.nc.gov>; Lerche, Julia K <julia.lerche@dhhs.nc.gov>; Staton, Betty J <Betty.J.Staton@dhhs.nc.gov>; Bush, Melanie E <melanie.bush@dhhs.nc.gov>

Cc: Lannaman, Morlan (CMS/CMCS) <Morlan.Lannaman@cms.hhs.gov>; Burian, Martin (CMS/CMCS) <Martin.Burian@cms.hhs.gov>; McChesney, Melissa (CMS/CMCS) <Melissa.McChesney@cms.hhs.gov>; Harris, Debra (CMS/CMCS) <Debra.Harris@cms.hhs.gov>

Subject: [External] 8/31 Agenda Topics

Importance: High

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Hi Emma and Team

Our colleagues our Children and Adult Health Program Group would like to discuss NC's draft Transition Plan (Attachment E to the FMAP SPA):

- *Because of the tight timelines for implementation and the necessary IT systems changes, the State will transition individuals into the new adult group and then send a notice informing individuals of their coverage effective date, change in benefits, reporting obligations and where to go to have questions answered.*

In addition, we would like to provide technical assistance regarding notices in cases of reductions or terminations of benefits.

Please let me know if you have any questions.

Thank you,

Falecia Smith
South Branch Manager, Division of Program Operations
Medicaid & CHIP Operations Group
Centers for Medicare & Medicaid Services
Phone: 410 786 4113
Mobile: , (b)(6)
Email: falecia.smith@cms.hhs.gov

Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized State official. Unauthorized disclosure of juvenile, health, legally privileged, or otherwise confidential information, including confidential information relating to an ongoing State procurement effort, is prohibited by law. If you have received this email in error, please notify the sender immediately and delete all records of this email.

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Message

From: Lerche, Julia K [julia.lerche@dhhs.nc.gov]
Sent: 10/3/2023 3:46:26 PM
To: Howe, Rory (CMS/CMCS), (b)(6)
Subject: Automatic reply: Automatic reply: [External] RE: Revised NC Hold Harmless Attestation

This message was sent securely using Zix®

I will be out of the office attending a conference until Wednesday, October 4th.
For scheduling or other time sensitive requests, please reach out to Anjelica.Brown@dhhs.nc.gov.
Thank you,
Julia

Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized State official. Unauthorized disclosure of juvenile, health, legally privileged, or otherwise confidential information, including confidential information relating to an ongoing State procurement effort, is prohibited by law. If you have received this email in error, please notify the sender immediately and delete all records of this email.

This message was secured by Zix®.

Message

From: Goldstein, Stuart (CMS/CMCS) , (b)(6)
Sent: 10/3/2023 3:49:48 PM , (b)(6)
To: Howe, Rory (CMS/CMCS) , (b)(6)
Subject: Automatic reply: Automatic reply: Revised NC Hold Harmless Attestation , (b)(6)

I will be out of the starting October 2nd through October 6th. If you need immediate assistance please contact Jen Clark at Jennifer.Clark@cms.hhs.gov

Thank you
Stuart Goldstein

Message

Sent: 4/23/2024 12:56:22 PM
To: Giles, John (CMS/CMCS) , (b)(6)
Subject: Hold Harmless CIB TP for Hill Call , (b)(6)

Hi, John. I pulled this talking point from the reactive on the CIB. I know timing is tight, so please let me know if you want more detail or have any questions. Thanks again.

Rory

Yesterday, CMS released a CMCS Informational Bulletin (CIB) to coincide with the Managed Care Final Rule. This CIB addresses CMS's exercise of enforcement discretion until January 1, 2028, for existing health-care related tax programs with hold-harmless arrangements involving the redistribution of Medicaid payments in order to give states (and providers) a clear timeline to transition away from potentially impermissible arrangements and come into compliance with federal law. This step will ensure compliance while preserving stability for health care providers, particularly safety net providers, as well as for Medicaid eligible individuals.

Message

Sent: 6/29/2023 5:55:12 PM
To: adams, lia (CMS/CMCS)

, (b)(6)

, (b)(6)

]; Teal, Lela (CMS/CMCS)

hanski, Joseph

Hebert, Krista

]

CC: , (b)(6)

Silanskis, Jeremy

Boston, Beverly

Siles, John (CMS/CMCS)

Subject: FMG and MCG - Managed Care/Financing Overview for Dan/OGC - 6/29/23

FMG and MCG would like to add the following to Dan and Anne Marie's books. Please let me know if you need anything else from FMG.

i. Link:

ii.

, (b)(5)

iii.

iv.

Message

Sent: 7/28/2023 2:04:04 PM
To: Giles, John (CMS/CMCS) , (b)(6)
Subject: RE: RE: Quick Question on SDP Projections , (b)(6)

Hi, John. Thanks for reaching out and pulling these together. Here are a few thoughts:

-
-

, (b)(5)

Thanks again and please let me know if you have any questions or would like to discuss.

Rory

From: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Sent: Friday, July 28, 2023 9:46 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Subject: RE: Quick Question on SDP Projections

Hi Rory – I wanted to start working with OACT on the scoring that Dan wants. See below for what I think the 5 options are... let me know if you have others. Thank you!

, (b)(5)

John Giles, MPA
Acting Director, Managed Care Group
Center for Medicaid and CHIP Services
Centers for Medicare & Medicaid Services
Phone: 410-786-5545
E-mail: John.Giles1@cms.hhs.gov

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Friday, July 21, 2023 8:13 AM
To: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Subject: FW: Quick Question on SDP Projections

Hi, John. Raising this to the top of your email per our conversation with Dan yesterday.

From: Howe, Rory (CMS/CMCS)
Sent: Wednesday, June 28, 2023 2:22 PM
To: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Subject: FW: Quick Question on SDP Projections

, (b)(5)

From: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>
Sent: Wednesday, June 28, 2023 2:09 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Subject: RE: Quick Question on SDP Projections

	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2024-2033
Spending - low end under proposed rule	37	46	44	47	51	56	59	62	67	72	77	82	617
Spending - high end under proposed rule	37	46	47	53	60	66	70	74	79	86	92	97	724
Spending - assume all states	37	46	54	67	82	98	103	110	117	127	135	144	1038

go to ACR													
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From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Wednesday, June 28, 2023 1:06 PM
To: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>
Subject: RE: Quick Question on SDP Projections

Hi, Chris. Thanks again for the work on this. I think the 10-year impact is most important for us to have. If it is not more work to also provide the 2027 impact, that would be helpful as a secondary number, but it is not critical at all.

From: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>
Sent: Wednesday, June 28, 2023 12:55 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Subject: RE: Quick Question on SDP Projections

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Tuesday, June 27, 2023 1:45 PM
To: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>
Subject: RE: Quick Question on SDP Projections

Just sent the appointment. Thanks, Chris!

From: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>
Sent: Tuesday, June 27, 2023 12:32 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Subject: RE: Quick Question on SDP Projections

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Tuesday, June 27, 2023 11:42 AM
To: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>
Subject: Quick Question on SDP Projections

Hi, Chris. I hope all is well. Would you have a few minutes either today or tomorrow for a quick call (hopefully less than 15 min) on SDPs ?

Thanks,
Rory

Message

From: Howe, Rory (CMS/CMCS) <[REDACTED]>, (b)(6)
<[REDACTED]>, (b)(6)
Sent: 10/5/2023 3:06:32 PM
To: adams, lia (CMS/CMCS) <[REDACTED]>, (b)(6)
[REDACTED], Silanskis, Jeremy

CC: [REDACTED], (b)(6)
[REDACTED], Maccarroll, Amber

Subject: RE: RE: SWIFT FYI: Michael Burgess SPS00513831 - Rep. Burgess+24: Concerns with Medicaid Managed Care NPRM (CMS-2439-P) and CIB; +CMS

Hi, Lia. This sounds like the right approach to me. Thanks.

From: adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>
Sent: Thursday, October 5, 2023 11:04 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>
Cc: Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>
Subject: RE: SWIFT FYI: Michael Burgess SPS00513831 - Rep. Burgess+24: Concerns with Medicaid Managed Care NPRM (CMS-2439-P) and CIB; +CMS

Hi Rory and Jeremy,

[REDACTED], (b)(5)

Thanks,
Lia

From: SWIFT (No Reply) <[REDACTED]>
Sent: Thursday, October 5, 2023 10:48 AM
To: adams, lia (CMS/CMCS) <[REDACTED]>
Subject: SWIFT FYI: Michael Burgess SPS00513831 - Rep. Burgess+24: Concerns with Medicaid Managed Care NPRM (CMS-2439-P) and CIB; +CMS

You received a

Details

Full Name: Michael Burgess

Organization: U. S. House of Representatives

Subject: Rep. Burgess+24: Concerns with Medicaid Managed Care NPRM (CMS-2439-P) and CIB; +CMS

Synopsis: Please control this letter we received Rep. Crenshaw's office. Thanks

Instructions: To FMG for review and clearance. Draft authored by MCG. MCG requests that FMG review and concur with the response as it relates to a CIB for which there is active litigation. Due 10/11.

Action Required: Prep for Sig (Sec Sig)

Assigned To: CMCS - FMG

Info Copies: Beverly Boston; Lia Adams

Deadline: (none)

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Message

From: Howe, Rory (CMS/CMCS) , (b)(6)
(b)(5)
Sent: 11/2/2023 5:16:25 PM
To: Truffer, Christopher (CMS/OACT) (b)(6)
; Giles, John (CMS/CMCS)
(b)(6)
Subject: RE: RE: SDP/Financing Estimates

Thanks, Chris. 2 PM would work for me. John?

From: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>
Sent: Thursday, November 2, 2023 1:15 PM
To: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Cc: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Subject: RE: SDP/Financing Estimates

From: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Sent: Thursday, November 2, 2023 1:09 PM
To: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>
Cc: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Subject: RE: SDP/Financing Estimates

, (b)(5)

Thank you so much!

John Giles, MPA
Acting Director, Managed Care Group
Center for Medicaid and CHIP Services
Centers for Medicare & Medicaid Services
Phone: 410-786-5545
E-mail: John.Giles1@cms.hhs.gov

From: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>
Sent: Wednesday, November 1, 2023 4:02 PM
To: Burch Mack, Rebecca (CMS/CMCS) <Rebecca.BurchMack@cms.hhs.gov>
Cc: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Roberts (she/her), Trina (CMS/CMCS) <Shantrina.Roberts@cms.hhs.gov>; Gentile, Amy (CMS/CMCS) <Amy.Gentile@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Cope, Tristan (CMS/OACT) <Tristan.Cope@cms.hhs.gov>; Smith, Jessica (CMS/OACT) <Jessica.Smith@cms.hhs.gov>
Subject: RE: SDP/Financing Estimates

From: Burch Mack, Rebecca (CMS/CMCS) <Rebecca.BurchMack@cms.hhs.gov>
Sent: Wednesday, November 1, 2023 11:20 AM
To: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>
Cc: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Roberts (she/her), Trina (CMS/CMCS) <Shantrina.Roberts@cms.hhs.gov>; Gentile, Amy (CMS/CMCS) <Amy.Gentile@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Cope, Tristan (CMS/OACT) <Tristan.Cope@cms.hhs.gov>; Smith, Jessica (CMS/OACT) <Jessica.Smith@cms.hhs.gov>
Subject: RE: SDP/Financing Estimates

Good Morning Chris,

, (b)(5)

Thank you,

Rebecca

From: Burch Mack, Rebecca (CMS/CMCS) <Rebecca.BurchMack@cms.hhs.gov>
Sent: Tuesday, October 31, 2023 1:27 PM
To: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>
Cc: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Roberts (she/her), Trina (CMS/CMCS) <Shantrina.Roberts@cms.hhs.gov>; Gentile, Amy (CMS/CMCS) <Amy.Gentile@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Cope, Tristan (CMS/OACT) <Tristan.Cope@cms.hhs.gov>; Smith, Jessica (CMS/OACT) <Jessica.Smith@cms.hhs.gov>
Subject: RE: SDP/Financing Estimates

Chris,

Please find an excerpt on the comments received on the RIA. There were only 8 and they were all focused on the RIA for SDPs. I attached an Excel document with excerpts as well as the actual comments for ease of your review and efforts on the RIA. Thanks so much for your assistance on this section. We greatly appreciate it.

Rebecca

From: Burch Mack, Rebecca (CMS/CMCS) <Rebecca.BurchMack@cms.hhs.gov>
Sent: Monday, October 30, 2023 10:32 AM
To: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>
Cc: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Roberts (she/her), Trina (CMS/CMCS) <Shantrina.Roberts@cms.hhs.gov>; Gentile, Amy (CMS/CMCS) <Amy.Gentile@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Cope, Tristan (CMS/OACT) <Tristan.Cope@cms.hhs.gov>; Smith, Jessica (CMS/OACT) <Jessica.Smith@cms.hhs.gov>
Subject: RE: SDP/Financing Estimates

Good Morning Chris,

Yes, we will work on compiling the comments specific to the RIA to share with you. Stay tuned.

Rebecca

From: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>
Sent: Monday, October 30, 2023 8:23 AM
To: Burch Mack, Rebecca (CMS/CMCS) <Rebecca.BurchMack@cms.hhs.gov>
Cc: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Roberts (she/her), Trina (CMS/CMCS) <Shantrina.Roberts@cms.hhs.gov>; Gentile, Amy (CMS/CMCS) <Amy.Gentile@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Cope, Tristan (CMS/OACT) <Tristan.Cope@cms.hhs.gov>; Smith, Jessica (CMS/OACT) <Jessica.Smith@cms.hhs.gov>
Subject: RE: SDP/Financing Estimates

From: Burch Mack, Rebecca (CMS/CMCS) <Rebecca.BurchMack@cms.hhs.gov>
Sent: Tuesday, October 24, 2023 3:01 PM
To: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>
Cc: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Roberts (she/her), Trina (CMS/CMCS) <Shantrina.Roberts@cms.hhs.gov>; Gentile, Amy (CMS/CMCS) <Amy.Gentile@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Cope, Tristan (CMS/OACT) <Tristan.Cope@cms.hhs.gov>; Smith, Jessica (CMS/OACT) <Jessica.Smith@cms.hhs.gov>
Subject: RE: SDP/Financing Estimates

Thanks Chris for this update. This is very helpful!

, (b)(5)

• , (b)(5)

Rebecca

From: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>
Sent: Tuesday, October 24, 2023 12:52 PM
To: Burch Mack, Rebecca (CMS/CMCS) <Rebecca.BurchMack@cms.hhs.gov>
Cc: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Roberts (she/her), Trina (CMS/CMCS) <Shantrina.Roberts@cms.hhs.gov>; Gentile, Amy (CMS/CMCS) <Amy.Gentile@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Cope, Tristan (CMS/OACT) <Tristan.Cope@cms.hhs.gov>; Smith, Jessica (CMS/OACT) <Jessica.Smith@cms.hhs.gov>
Subject: RE: SDP/Financing Estimates

From: Burch Mack, Rebecca (CMS/CMCS) <Rebecca.BurchMack@cms.hhs.gov>
Sent: Tuesday, October 24, 2023 10:54 AM
To: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>
Cc: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Roberts (she/her), Trina (CMS/CMCS) <Shantrina.Roberts@cms.hhs.gov>; Gentile, Amy (CMS/CMCS) <Amy.Gentile@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Cope, Tristan (CMS/OACT) <Tristan.Cope@cms.hhs.gov>; Smith, Jessica (CMS/OACT) <Jessica.Smith@cms.hhs.gov>
Subject: SDP/Financing Estimates

Good Morning Chris,

, (b)(5)

Let us know if you have questions or it would be helpful to touch base.

Thank you for your help,

Rebecca

Rebecca M. Burch Mack, M.P.P.

Senior Policy Advisor

Managed Care Group | Center for Medicaid and CHIP Services | Centers for Medicare & Medicaid Services

Mailstop S2-14-26, 7500 Security Blvd., Baltimore, MD 21244

, (b)(6) ✉: rebecca.burchmack@cms.hhs.gov

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Message

From: Howe, Rory (CMS/CMCS) , (b)(6)
 , (b)(6)
Sent: 12/1/2023 8:47:25 PM
To: Truffer, Christopher (CMS/OACT) , (b)(6)
 , (b)(6)
CC: Giles, John (CMS/CMCS) , (b)(6)
 , (b)(6)
Subject: RE: RE: SDP/Financing Estimates , (b)(6)

Hi Chris,

We really appreciate the time and effort you and your team put into these estimates. We will review, share with our leadership, and let you know if there are questions. Thanks again and have a great weekend.

Rory

From: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>
Sent: Friday, December 1, 2023 3:42 PM
To: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Subject: RE: SDP/Financing Estimates

John and Rory,

, (b)(5)

, (b)(5)

I would be glad to discuss these estimates further and answer any questions you have.

Thanks,
Chris

Christopher Truffer, F.S.A., M.A.A.A.
Deputy Director, Medicare and Medicaid Cost Estimates Group
Office of the Actuary
Centers for Medicare & Medicaid Services
(410) 786-1264

From: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>

Sent: Tuesday, November 14, 2023 5:00 PM

To: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>

Subject: RE: SDP/Financing Estimates

, (b)(5)

, (b)(5)

Thank you so much!

John Giles, MPA
Acting Director, Managed Care Group
Center for Medicaid and CHIP Services
Centers for Medicare & Medicaid Services
Phone: 410-786-5545
E-mail: John.Giles1@cms.hhs.gov

From: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>
Sent: Tuesday, November 14, 2023 10:11 AM
To: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Subject: RE: SDP/Financing Estimates

From: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Sent: Thursday, November 9, 2023 9:19 AM
To: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>; Burch Mack, Rebecca (CMS/CMCS) <Rebecca.BurchMack@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Cc: Roberts (she/her), Trina (CMS/CMCS) <Shantrina.Roberts@cms.hhs.gov>; Gentile, Amy (CMS/CMCS) <Amy.Gentile@cms.hhs.gov>; Cope, Tristan (CMS/OACT) <Tristan.Cope@cms.hhs.gov>; Smith, Jessica (CMS/OACT) <Jessica.Smith@cms.hhs.gov>
Subject: RE: SDP/Financing Estimates

, (b)(5)

Thank you Chris! We really appreciate all of this information – and, we will definitely keep you updated on any developments that we hear about.

John Giles, MPA
Acting Director, Managed Care Group
Center for Medicaid and CHIP Services
Centers for Medicare & Medicaid Services
Phone: 410-786-5545
E-mail: John.Giles1@cms.hhs.gov

From: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>
Sent: Wednesday, November 8, 2023 10:56 AM
To: Burch Mack, Rebecca (CMS/CMCS) <Rebecca.BurchMack@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Roberts (she/her), Trina (CMS/CMCS) <Shantrina.Roberts@cms.hhs.gov>; Gentile, Amy (CMS/CMCS) <Amy.Gentile@cms.hhs.gov>; Cope, Tristan (CMS/OACT) <Tristan.Cope@cms.hhs.gov>; Smith, Jessica (CMS/OACT) <Jessica.Smith@cms.hhs.gov>
Subject: RE: SDP/Financing Estimates

At your request, we have developed estimates for the Medicaid managed care rule (CMS-2349-F) for the provisions related to state directed payments (SDP). We understand that the currently proposed policy is the following:

, (b)(5)

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, (b)(5)

Please let me know if you have any questions or other requests.

Thanks,
Chris

Christopher Truffer, F.S.A., M.A.A.A.
Deputy Director, Medicare and Medicaid Cost Estimates Group
Office of the Actuary
Centers for Medicare & Medicaid Services
(410) 786-1264

From: Burch Mack, Rebecca (CMS/CMCS) <Rebecca.BurchMack@cms.hhs.gov>

Sent: Wednesday, November 1, 2023 4:05 PM

To: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>

Cc: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Roberts (she/her), Trina (CMS/CMCS) <Shantrina.Roberts@cms.hhs.gov>; Gentile, Amy (CMS/CMCS) <Amy.Gentile@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Cope, Tristan (CMS/OACT) <Tristan.Cope@cms.hhs.gov>; Smith, Jessica (CMS/OACT) <Jessica.Smith@cms.hhs.gov>

Subject: RE: SDP/Financing Estimates

Thanks Chris! We will definitely follow-up if we hear any changes in the decision from OS. Thank you for all your efforts on this!

Rebecca

From: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>
Sent: Wednesday, November 1, 2023 2:02 PM
To: Burch Mack, Rebecca (CMS/CMCS) <Rebecca.BurchMack@cms.hhs.gov>
Cc: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Roberts (she/her), Trina (CMS/CMCS) <Shantrina.Roberts@cms.hhs.gov>; Gentile, Amy (CMS/CMCS) <Amy.Gentile@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Cope, Tristan (CMS/OACT) <Tristan.Cope@cms.hhs.gov>; Smith, Jessica (CMS/OACT) <Jessica.Smith@cms.hhs.gov>
Subject: RE: SDP/Financing Estimates

From: Burch Mack, Rebecca (CMS/CMCS) <Rebecca.BurchMack@cms.hhs.gov>
Sent: Wednesday, November 1, 2023 11:20 AM
To: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>
Cc: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Roberts (she/her), Trina (CMS/CMCS) <Shantrina.Roberts@cms.hhs.gov>; Gentile, Amy (CMS/CMCS) <Amy.Gentile@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Cope, Tristan (CMS/OACT) <Tristan.Cope@cms.hhs.gov>; Smith, Jessica (CMS/OACT) <Jessica.Smith@cms.hhs.gov>
Subject: RE: SDP/Financing Estimates

Good Morning Chris,

, (b)(5)

Thank you,

Rebecca

From: Burch Mack, Rebecca (CMS/CMCS) <Rebecca.BurchMack@cms.hhs.gov>
Sent: Tuesday, October 31, 2023 1:27 PM

To: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>
Cc: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Roberts (she/her), Trina (CMS/CMCS) <Shantrina.Roberts@cms.hhs.gov>; Gentile, Amy (CMS/CMCS) <Amy.Gentile@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Cope, Tristan (CMS/OACT) <Tristan.Cope@cms.hhs.gov>; Smith, Jessica (CMS/OACT) <Jessica.Smith@cms.hhs.gov>
Subject: RE: SDP/Financing Estimates

Chris,

Please find an excerpt on the comments received on the RIA. There were only 8 and they were all focused on the RIA for SDPs. I attached an Excel document with excerpts as well as the actual comments for ease of your review and efforts on the RIA. Thanks so much for your assistance on this section. We greatly appreciate it.

Rebecca

From: Burch Mack, Rebecca (CMS/CMCS) <Rebecca.BurchMack@cms.hhs.gov>
Sent: Monday, October 30, 2023 10:32 AM
To: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>
Cc: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Roberts (she/her), Trina (CMS/CMCS) <Shantrina.Roberts@cms.hhs.gov>; Gentile, Amy (CMS/CMCS) <Amy.Gentile@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Cope, Tristan (CMS/OACT) <Tristan.Cope@cms.hhs.gov>; Smith, Jessica (CMS/OACT) <Jessica.Smith@cms.hhs.gov>
Subject: RE: SDP/Financing Estimates

Good Morning Chris,

Yes, we will work on compiling the comments specific to the RIA to share with you. Stay tuned.

Rebecca

From: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>
Sent: Monday, October 30, 2023 8:23 AM
To: Burch Mack, Rebecca (CMS/CMCS) <Rebecca.BurchMack@cms.hhs.gov>
Cc: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Roberts (she/her), Trina (CMS/CMCS) <Shantrina.Roberts@cms.hhs.gov>; Gentile, Amy (CMS/CMCS) <Amy.Gentile@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Cope, Tristan (CMS/OACT) <Tristan.Cope@cms.hhs.gov>; Smith, Jessica (CMS/OACT) <Jessica.Smith@cms.hhs.gov>
Subject: RE: SDP/Financing Estimates

From: Burch Mack, Rebecca (CMS/CMCS) <Rebecca.BurchMack@cms.hhs.gov>
Sent: Tuesday, October 24, 2023 3:01 PM
To: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>
Cc: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Roberts (she/her), Trina (CMS/CMCS) <Shantrina.Roberts@cms.hhs.gov>; Gentile, Amy (CMS/CMCS) <Amy.Gentile@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Cope, Tristan (CMS/OACT) <Tristan.Cope@cms.hhs.gov>; Smith, Jessica (CMS/OACT)

<Jessica.Smith@cms.hhs.gov>

Subject: RE: SDP/Financing Estimates

Thanks Chris for this update. This is very helpful!

, (b)(5)

Rebecca

From: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>

Sent: Tuesday, October 24, 2023 12:52 PM

To: Burch Mack, Rebecca (CMS/CMCS) <Rebecca.BurchMack@cms.hhs.gov>

Cc: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Roberts (she/her), Trina (CMS/CMCS)

<Shantrina.Roberts@cms.hhs.gov>; Gentile, Amy (CMS/CMCS) <Amy.Gentile@cms.hhs.gov>; Howe, Rory (CMS/CMCS)

<Rory.Howe@cms.hhs.gov>; Cope, Tristan (CMS/OACT) <Tristan.Cope@cms.hhs.gov>; Smith, Jessica (CMS/OACT)

<Jessica.Smith@cms.hhs.gov>

Subject: RE: SDP/Financing Estimates

From: Burch Mack, Rebecca (CMS/CMCS) <Rebecca.BurchMack@cms.hhs.gov>

Sent: Tuesday, October 24, 2023 10:54 AM

To: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>

Cc: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Roberts (she/her), Trina (CMS/CMCS)

<Shantrina.Roberts@cms.hhs.gov>; Gentile, Amy (CMS/CMCS) <Amy.Gentile@cms.hhs.gov>; Howe, Rory (CMS/CMCS)

<Rory.Howe@cms.hhs.gov>; Cope, Tristan (CMS/OACT) <Tristan.Cope@cms.hhs.gov>; Smith, Jessica (CMS/OACT)

<Jessica.Smith@cms.hhs.gov>

Subject: SDP/Financing Estimates

Good Morning Chris,

, (b)(5)

, (b)(5)

Let us know if you have questions or it would be helpful to touch base.

Thank you for your help,

Rebecca

Rebecca M. Burch Mack, M.P.P.

Senior Policy Advisor

Managed Care Group | Center for Medicaid and CHIP Services | Centers for Medicare & Medicaid Services

Mailstop S2-14-26, 7500 Security Blvd., Baltimore, MD 21244

, (b)(6)

✉: rebecca.burchmack@cms.hhs.gov

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Message

From: Howe, Rory (CMS/CMCS) , (b)(6)
Sent: 12/6/2023 6:11:28 PM , (b)(6)
To: Silanskis, Jeremy (CMS/CMCS) (b)(6)
Subject: FW: FW: December financing call , (b)(6)

From: Arroyo, Anna R. EOP/OMB <Anna_R._Arroyo@omb.eop.gov>
Sent: Wednesday, December 6, 2023 1:05 PM
To: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Wolgast, Henry K. EOP/OMB <Henry.K.Wolgast@omb.eop.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Subject: December financing call

Hi Rory and Amber—As we flagged for Rory yesterday, we'd like to walk through a few questions on the managed care rule during our monthly call tomorrow. Below are some questions we pulled together. We are still thinking through the issues so may have additional questions tomorrow, but wanted to send along so you have a chance to consider. Thanks!

, (b)(5)

From: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>
Sent: Thursday, November 2, 2023 9:36 AM
To: Arroyo, Anna R. EOP/OMB <Anna_R._Arroyo@omb.eop.gov>; Wolgast, Henry K. EOP/OMB <Henry.K.Wolgast@omb.eop.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Subject: RE: November financing call

Hi Anna – yes, we are available and the time still works on our end.

Talk soon, Amber

From: Arroyo, Anna R. EOP/OMB <Anna_R._Arroyo@omb.eop.gov>
Sent: Thursday, November 2, 2023 9:34 AM
To: Wolgast, Henry K. EOP/OMB <Henry.K.Wolgast@omb.eop.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Subject: November financing call

Hi Amber and Rory—Are you guys available for the financing call today? We are available, just let us know if it still works on your end. Thanks!

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Sent: Tuesday, September 5, 2023 9:23 AM
To: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Arroyo, Anna R. EOP/OMB <Anna_R._Arroyo@omb.eop.gov>
Subject: RE: September financing call

Terrific, thanks Amber. Yes, if you wouldn't mind sending a zoom link that would be great.

From: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>
Sent: Tuesday, September 5, 2023 9:17 AM
To: Wolgast, Henry K. EOP/OMB <Henry.K.Wolgast@omb.eop.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Arroyo, Anna R. EOP/OMB <Anna_R._Arroyo@omb.eop.gov>
Subject: RE: September financing call

Hi Henry –

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Thanks, Amber

From: Wolgast, Henry K. EOP/OMB <Henry.K.Wolgast@omb.eop.gov>
Sent: Tuesday, September 5, 2023 9:12 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>
Cc: Arroyo, Anna R. EOP/OMB <Anna_R._Arroyo@omb.eop.gov>
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Message

From: Howe, Rory (CMS/CMCS) , (b)(6)
Sent: 12/6/2023 8:35:18 PM , (b)(6)
To: Giles, John (CMS/CMCS) , (b)(6)
(b)(6)
Subject: FW: FW: December financing call , (b)(6)

FYI per our discussion.

From: Arroyo, Anna R. EOP/OMB <Anna_R._Arroyo@omb.eop.gov>
Sent: Wednesday, December 6, 2023 1:05 PM
To: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Wolgast, Henry K. EOP/OMB <Henry.K.Wolgast@omb.eop.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
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To: Wolgast, Henry K. EOP/OMB <Henry.K.Wolgast@omb.eop.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Arroyo, Anna R. EOP/OMB <Anna_R._Arroyo@omb.eop.gov>
Subject: RE: September financing call

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Thanks, Amber

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Sent: Tuesday, September 5, 2023 9:12 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>
Cc: Arroyo, Anna R. EOP/OMB <Anna_R._Arroyo@omb.eop.gov>
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Message

From: Howe, Rory (CMS/CMCS) _ , (b)(6)
 , (b)(6)
Sent: 12/11/2023 3:11:28 PM
To: Arnold, Charlie (CMS/CMCS) , (b)(6)
 , (b)(6)
CC: Goldstein, Stuart (CMS/CMCS) , (b)(6)
(FYDIBOHF23SPDLT)/cn=Recip _ ; Clark, Jennifer
Endelman (he/him),
]; Silanskis, Jeremy
 , (b)(6)
Maccarroll, Amber

Subject: Hold Harmless/Redistribution States Chart

Hi Charlie,

I hope you had a good weekend. Do you have the latest version of the Excel spreadsheet listing the states with suspected hold harmless/redistribution arrangements? Would you mind sharing ASAP, even if it is not updated? OMB is asking for awareness.

Thanks,
Rory

Message

From: Howe, Rory (CMS/CMCS) , (b)(6)
Sent: 12/7/2023 12:01:15 AM , (b)(6)
To: Giles, John (CMS/CMCS) , (b)(6)
Subject: Re: Re: December financing call , (b)(6)

Thanks, John. It is completely fine to skip, just wanted to extend the invite. I'll give you a read out if there is anything of interest. Thanks!

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From: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Sent: Wednesday, December 6, 2023 5:27:42 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Subject: RE: December financing call

Thanks Rory for sharing these questions. Unless you disagree, I'm not sure that I need to join your meeting with OMB. But, if you think I can be helpful, I am happy to join. Thanks again!

John Giles, MPA
Acting Director, Managed Care Group
Center for Medicaid and CHIP Services
Centers for Medicare & Medicaid Services
Phone: 410-786-5545
E-mail: John.Giles1@cms.hhs.gov

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Wednesday, December 6, 2023 3:35 PM
To: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Subject: FW: December financing call

FYI per our discussion.

From: Arroyo, Anna R. EOP/OMB <Anna_R._Arroyo@omb.eop.gov>
Sent: Wednesday, December 6, 2023 1:05 PM
To: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Wolgast, Henry K. EOP/OMB <Henry.K.Wolgast@omb.eop.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Subject: December financing call

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Cc: Arroyo, Anna R. EOP/OMB <Anna_R._Arroyo@omb.eop.gov>
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Message

From: Howe, Rory (CMS/CMCS) , (b)(6)
Sent: 12/11/2023 3:20:29 PM , (b)(6)
To: Endelman (he/him), Jonathan (CMS/CMCS) | , (b)(6)
Arnold, Charlie

CC:
Clark, Jennifer
, (b)(6)
Silanskis, Jeremy
Maccarroll, Amber

Subject: RE: RE: Hold Harmless/Redistribution States Chart

Thanks!

From: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Sent: Monday, December 11, 2023 10:18 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>
Cc: Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>
Subject: RE: Hold Harmless/Redistribution States Chart

FYI.

Best,

Jonathan

Jonathan Endelman (he/him), PhD
Social Science Research Analyst
Centers for Medicare & Medicaid Services (CMS)
Center for Medicaid and CHIP Services (CMCS)
Financial Management Group (FMG)
Division of Financial Policy (DFP)
410.786.4738
jonathan.endelman@cms.hhs.gov
7500 Security Blvd.
Mail Stop, S3-14-28
Baltimore, MD 21244-1850

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Monday, December 11, 2023 10:11 AM
To: Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>
Cc: Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS)

<Amber.MacCarroll@cms.hhs.gov>

Subject: Hold Harmless/Redistribution States Chart

Hi Charlie,

I hope you had a good weekend. Do you have the latest version of the Excel spreadsheet listing the states with suspected hold harmless/redistribution arrangements? Would you mind sharing ASAP, even if it is not updated? OMB is asking for awareness.

Thanks,
Rory

Message

From: Howe, Rory (CMS/CMCS) , (b)(6)
Sent: 12/11/2023 3:28:38 PM
To: Arnold, Charlie (CMS/CMCS) , (b)(6)
Subject: RE: Hold Harmless/Redistribution States Chart

Hi, Charlie. I think I have what I need for now. At the next DFO/DFP touch base, we should talk about whether it makes sense to keep our tracking up-to-date moving forward.

From: Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>
Sent: Monday, December 11, 2023 10:24 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Subject: RE: Hold Harmless/Redistribution States Chart

Rory,

Is the PowerPoint good or would you like it in chart form?

Thanks,

Charlie Arnold
Director
CMCS/FMG/DFP

, (b)(6)

Any opinion expressed in this email communication does not represent the opinion of the agency and will not bind or obligate CMS. CMS has relied on the facts and information presented and if any material facts have not been disclosed, any opinion/advice is without force and effect. Any advice is limited to the facts presented and is part of informal discussions of the issues raised.

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Monday, December 11, 2023 10:20 AM
To: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>
Cc: Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>
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Subject: Hold Harmless/Redistribution States Chart

Hi Charlie,

I hope you had a good weekend. Do you have the latest version of the Excel spreadsheet listing the states with suspected hold harmless/redistribution arrangements? Would you mind sharing ASAP, even if it is not updated? OMB is asking for awareness.

Thanks,
Rory

Message

From: Howe, Rory (CMS/CMCS) , (b)(6)
Sent: 12/12/2023 9:03:29 PM , (b)(6)
To: Arroyo, Anna R. , (b)(6)
CC: Giles, John (CMS/CMCS) , (b)(6)
EOP/OMB , (b)(6) , (b)(6) Wolgast, Henry K.
Burkhart, Samantha M. , (b)(6)
Subject: New OACT Estimates - MC Rule/Financing

Hi Anna,

, (b)(5)

Thanks,
Rory

, (b)(5)

, (b)(5)

Message

From: Howe, Rory (CMS/CMCS) , (b)(6)
Sent: 12/12/2023 6:59:21 PM , (b)(6)
To: Truffer, Christopher (CMS/OACT) , (b)(6)
CC: Giles, John (CMS/CMCS) , (b)(6)
Subject: RE: RE: SDP/Financing Estimates , (b)(6)

Thanks again, Chris. This is really helpful. We will let you know if there are any questions.

Rory

From: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>
Sent: Tuesday, December 12, 2023 1:33 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Subject: RE: SDP/Financing Estimates

, (b)(5)

, (b)(5)

Thanks,
Chris

Christopher Truffer, F.S.A., M.A.A.A.
Deputy Director, Medicare and Medicaid Cost Estimates Group
Office of the Actuary
Centers for Medicare & Medicaid Services
(410) 786-1264

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Wednesday, December 6, 2023 4:26 PM
To: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>

Cc: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>

Subject: RE: SDP/Financing Estimates

Hi Chris,

Thanks again for all your work on this issue. F

, (b)(5)

, (b)(5) The additional language is highlighted in yellow in the document. Please let us know if you have questions or would like to discuss.

Thanks again,
Rory

From: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>

Sent: Friday, December 1, 2023 12:42 PM

To: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>

Subject: RE: SDP/Financing Estimates

, (b)(5)

John Giles, MPA
Acting Director, Managed Care Group
Center for Medicaid and CHIP Services
Centers for Medicare & Medicaid Services
Phone: 410-786-5545
E-mail: John.Giles1@cms.hhs.gov

From: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Sent: Thursday, November 30, 2023 3:31 PM
To: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Subject: RE: SDP/Financing Estimates

, (b)(5)

Thanks again for all of your help on this!

John Giles, MPA
Acting Director, Managed Care Group
Center for Medicaid and CHIP Services
Centers for Medicare & Medicaid Services
Phone: 410-786-5545
E-mail: John.Giles1@cms.hhs.gov

From: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Sent: Tuesday, November 14, 2023 5:00 PM
To: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Subject: RE: SDP/Financing Estimates

, (b)(5)

, (b)(5)

Thank you so much!

John Giles, MPA
Acting Director, Managed Care Group
Center for Medicaid and CHIP Services
Centers for Medicare & Medicaid Services
Phone: 410-786-5545
E-mail: John.Giles1@cms.hhs.gov

From: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>
Sent: Tuesday, November 14, 2023 10:11 AM
To: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Subject: RE: SDP/Financing Estimates

From: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Sent: Thursday, November 9, 2023 9:19 AM
To: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>; Burch Mack, Rebecca (CMS/CMCS) <Rebecca.BurchMack@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Cc: Roberts (she/her), Trina (CMS/CMCS) <Shantrina.Roberts@cms.hhs.gov>; Gentile, Amy (CMS/CMCS) <Amy.Gentile@cms.hhs.gov>; Cope, Tristan (CMS/OACT) <Tristan.Cope@cms.hhs.gov>; Smith, Jessica (CMS/OACT) <Jessica.Smith@cms.hhs.gov>
Subject: RE: SDP/Financing Estimates

Thank you Chris! We really appreciate all of this information – and, we will definitely keep you updated on any developments that we hear about.

John Giles, MPA

initiatives, or any other payment models that are intended to recognize quality/value over volume. This could reduce the federal budget impact of any option and promote payment that aligns with program goals.

Acting Director, Managed Care Group
Center for Medicaid and CHIP Services
Centers for Medicare & Medicaid Services
Phone: 410-786-5545
E-mail: John.Giles1@cms.hhs.gov

From: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>

Sent: Wednesday, November 8, 2023 10:56 AM

To: Burch Mack, Rebecca (CMS/CMCS) <Rebecca.BurchMack@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>

Cc: Roberts (she/her), Trina (CMS/CMCS) <Shantrina.Roberts@cms.hhs.gov>; Gentile, Amy (CMS/CMCS) <Amy.Gentile@cms.hhs.gov>; Cope, Tristan (CMS/OACT) <Tristan.Cope@cms.hhs.gov>; Smith, Jessica (CMS/OACT) <Jessica.Smith@cms.hhs.gov>

Subject: RE: SDP/Financing Estimates

, (b)(5)

, (b)(5)

Thanks,
Chris

Christopher Truffer, F.S.A., M.A.A.A.
Deputy Director, Medicare and Medicaid Cost Estimates Group
Office of the Actuary
Centers for Medicare & Medicaid Services
(410) 786-1264

From: Burch Mack, Rebecca (CMS/CMCS) <Rebecca.BurchMack@cms.hhs.gov>
Sent: Wednesday, November 1, 2023 4:05 PM
To: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>
Cc: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Roberts (she/her), Trina (CMS/CMCS) <Shantrina.Roberts@cms.hhs.gov>; Gentile, Amy (CMS/CMCS) <Amy.Gentile@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Cope, Tristan (CMS/OACT) <Tristan.Cope@cms.hhs.gov>; Smith, Jessica (CMS/OACT) <Jessica.Smith@cms.hhs.gov>
Subject: RE: SDP/Financing Estimates

Thanks Chris! We will definitely follow-up if we hear any changes in the decision from OS. Thank you for all your efforts on this!

Rebecca

From: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>
Sent: Wednesday, November 1, 2023 2:02 PM
To: Burch Mack, Rebecca (CMS/CMCS) <Rebecca.BurchMack@cms.hhs.gov>
Cc: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Roberts (she/her), Trina (CMS/CMCS) <Shantrina.Roberts@cms.hhs.gov>; Gentile, Amy (CMS/CMCS) <Amy.Gentile@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Cope, Tristan (CMS/OACT) <Tristan.Cope@cms.hhs.gov>; Smith, Jessica (CMS/OACT) <Jessica.Smith@cms.hhs.gov>
Subject: RE: SDP/Financing Estimates

From: Burch Mack, Rebecca (CMS/CMCS) <Rebecca.BurchMack@cms.hhs.gov>
Sent: Wednesday, November 1, 2023 11:20 AM
To: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>
Cc: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Roberts (she/her), Trina (CMS/CMCS) <Shantrina.Roberts@cms.hhs.gov>; Gentile, Amy (CMS/CMCS) <Amy.Gentile@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Cope, Tristan (CMS/OACT) <Tristan.Cope@cms.hhs.gov>; Smith, Jessica (CMS/OACT) <Jessica.Smith@cms.hhs.gov>
Subject: RE: SDP/Financing Estimates

Good Morning Chris,

, (b)(5)

Thank you,

Rebecca

From: Burch Mack, Rebecca (CMS/CMCS) <Rebecca.BurchMack@cms.hhs.gov>
Sent: Tuesday, October 31, 2023 1:27 PM
To: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>
Cc: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Roberts (she/her), Trina (CMS/CMCS) <Shantrina.Roberts@cms.hhs.gov>; Gentile, Amy (CMS/CMCS) <Amy.Gentile@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Cope, Tristan (CMS/OACT) <Tristan.Cope@cms.hhs.gov>; Smith, Jessica (CMS/OACT)

<Jessica.Smith@cms.hhs.gov>

Subject: RE: SDP/Financing Estimates

Chris,

Please find an excerpt on the comments received on the RIA. There were only 8 and they were all focused on the RIA for SDPs. I attached an Excel document with excerpts as well as the actual comments for ease of your review and efforts on the RIA. Thanks so much for your assistance on this section. We greatly appreciate it.

Rebecca

From: Burch Mack, Rebecca (CMS/CMCS) <Rebecca.BurchMack@cms.hhs.gov>

Sent: Monday, October 30, 2023 10:32 AM

To: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>

Cc: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Roberts (she/her), Trina (CMS/CMCS)

<Shantrina.Roberts@cms.hhs.gov>; Gentile, Amy (CMS/CMCS) <Amy.Gentile@cms.hhs.gov>; Howe, Rory (CMS/CMCS)

<Rory.Howe@cms.hhs.gov>; Cope, Tristan (CMS/OACT) <Tristan.Cope@cms.hhs.gov>; Smith, Jessica (CMS/OACT)

<Jessica.Smith@cms.hhs.gov>

Subject: RE: SDP/Financing Estimates

Good Morning Chris,

Yes, we will work on compiling the comments specific to the RIA to share with you. Stay tuned.

Rebecca

From: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>

Sent: Monday, October 30, 2023 8:23 AM

To: Burch Mack, Rebecca (CMS/CMCS) <Rebecca.BurchMack@cms.hhs.gov>

Cc: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Roberts (she/her), Trina (CMS/CMCS)

<Shantrina.Roberts@cms.hhs.gov>; Gentile, Amy (CMS/CMCS) <Amy.Gentile@cms.hhs.gov>; Howe, Rory (CMS/CMCS)

<Rory.Howe@cms.hhs.gov>; Cope, Tristan (CMS/OACT) <Tristan.Cope@cms.hhs.gov>; Smith, Jessica (CMS/OACT)

<Jessica.Smith@cms.hhs.gov>

Subject: RE: SDP/Financing Estimates

From: Burch Mack, Rebecca (CMS/CMCS) <Rebecca.BurchMack@cms.hhs.gov>

Sent: Tuesday, October 24, 2023 3:01 PM

To: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>

Cc: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Roberts (she/her), Trina (CMS/CMCS)

<Shantrina.Roberts@cms.hhs.gov>; Gentile, Amy (CMS/CMCS) <Amy.Gentile@cms.hhs.gov>; Howe, Rory (CMS/CMCS)

<Rory.Howe@cms.hhs.gov>; Cope, Tristan (CMS/OACT) <Tristan.Cope@cms.hhs.gov>; Smith, Jessica (CMS/OACT)

<Jessica.Smith@cms.hhs.gov>

Subject: RE: SDP/Financing Estimates

Thanks Chris for this update. This is very helpful!

, (b)(5)

Rebecca

From: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>
Sent: Tuesday, October 24, 2023 12:52 PM
To: Burch Mack, Rebecca (CMS/CMCS) <Rebecca.BurchMack@cms.hhs.gov>
Cc: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Roberts (she/her), Trina (CMS/CMCS) <Shantrina.Roberts@cms.hhs.gov>; Gentile, Amy (CMS/CMCS) <Amy.Gentile@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Cope, Tristan (CMS/OACT) <Tristan.Cope@cms.hhs.gov>; Smith, Jessica (CMS/OACT) <Jessica.Smith@cms.hhs.gov>
Subject: RE: SDP/Financing Estimates

From: Burch Mack, Rebecca (CMS/CMCS) <Rebecca.BurchMack@cms.hhs.gov>
Sent: Tuesday, October 24, 2023 10:54 AM
To: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>
Cc: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Roberts (she/her), Trina (CMS/CMCS) <Shantrina.Roberts@cms.hhs.gov>; Gentile, Amy (CMS/CMCS) <Amy.Gentile@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Cope, Tristan (CMS/OACT) <Tristan.Cope@cms.hhs.gov>; Smith, Jessica (CMS/OACT) <Jessica.Smith@cms.hhs.gov>
Subject: SDP/Financing Estimates

Good Morning Chris,

, (b)(5)

, (b)(5)

Thank you for your help,

Rebecca

Rebecca M. Burch Mack, M.P.P.

Senior Policy Advisor

Managed Care Group | Center for Medicaid and CHIP Services | Centers for Medicare & Medicaid Services
Mailstop S2-14-26, 7500 Security Blvd., Baltimore, MD 21244

, (b)(6) ✉: rebecca.burchmack@cms.hhs.gov

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Message

Sent: 8/31/2023 4:12:08 PM
To: CMS OCD Director Book

, (b)(6)

, (b)(6)

Teal, Lela (CMS/CMCS)

, (b)(6)

; Kochanski, Joseph

; Hebert, Krista

†]

CC:

, (b)(6)

, (b)(6)

; Boston, Beverly

Giles, John (CMS/CMCS)

dams, lia (CMS/CMCS)

Subject: RE: RE: FMG and MCG - Managed Care/Financing Impact Overview for Dan/OGC - 6/29/23

FMG and MCG would like to add the following to Dan and Anne Marie's books. Please let me know if you need anything else from FMG or MCG.

i. **Link**

ii. , (b)(5)

iii.

iv.

Message

From: adams, lia (CMS/CMCS) , (b)(6)
, (b)(6)
Sent: 10/5/2023 3:08:46 PM
To: Howe, Rory (CMS/CMCS) , (b)(6)
Silanskis, Jeremy

CC: , (b)(6)
Maccarroll, Amber

Subject: RE: RE: SWIFT FYI: Michael Burgess SPS00513831 - Rep. Burgess+24: Concerns with Medicaid Managed Care NPRM (CMS-2439-P) and CIB; +CMS

Thanks, Rory! I will respond that we concur.

~ lia

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Thursday, October 5, 2023 11:07 AM
To: adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>
Cc: Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>
Subject: RE: SWIFT FYI: Michael Burgess SPS00513831 - Rep. Burgess+24: Concerns with Medicaid Managed Care NPRM (CMS-2439-P) and CIB; +CMS

Hi, Lia. This sounds like the right approach to me. Thanks.

From: adams, lia (CMS/CMCS) < >
Sent: Thursday, October 5, 2023 11:04 AM
To: Howe, Rory (CMS/CMCS) < >; Silanskis, Jeremy (CMS/CMCS) < >
Cc: Boston, Beverly (CMS/CMCS) < >; Maccarroll, Amber (CMS/CMCS) < >
Subject: RE: SWIFT FYI: Michael Burgess SPS00513831 - Rep. Burgess+24: Concerns with Medicaid Managed Care NPRM (CMS-2439-P) and CIB; +CMS

Hi Rory and Jeremy,

, (b)(5)

Thanks,
Lia

From: SWIFT (No Reply) < >
Sent: Thursday, October 5, 2023 10:48 AM
To: adams, lia (CMS/CMCS) < >
Subject: SWIFT FYI: Michael Burgess SPS00513831 - Rep. Burgess+24: Concerns with Medicaid Managed Care NPRM (CMS-2439-P) and CIB; +CMS

You received a

Details

Full Name: Michael Burgess
Organization: U. S. House of Representatives
Subject: Rep. Burgess+24: Concerns with Medicaid Managed Care NPRM (CMS-2439-P) and CIB; +CMS
Synopsis: Please control this letter we received Rep. Crenshaw's office. Thanks
Instructions: To FMG for review and clearance. Draft authored by MCG. MCG requests that FMG review and concur with the response as it relates to a CIB for which there is active litigation. Due 10/11.
Action Required: Prep for Sig (Sec Sig)
Assigned To: CMCS - FMG
Info Copies: Beverly Boston; Lia Adams
Deadline: (none)

This SWIFT package may include document attachments that are not in this email. Please click the link at the top of the email to review all attachments.

Contact the SWIFT Coordinator, (CMCS), if you have any difficulty opening the link.

Note: Only forward this email if you intend to delegate the ability to respond directly to SWIFT. Additional sharing options are available by clicking the link at the top of this email.

Do you have a SWIFT account? Click to open the workfolder.

Message

From: Lannaman, Morlan (CMS/CMCS) , (b)(6)
Sent: 10/5/2023 1:38:28 PM , (b)(6)
To: Smith, Falecia (CMS/CMCS) , (b)(6)

; Swisher, Loan
; Kotesich, Jennifer
Endelman (he/him),
i]; Miller, Courtney
i]; Gibson, Alexis
Rodriguez, Matthew
d]; Abbott, Sarah
]; Harvin, Carshena
]; Higgins, Shelby
]; Trieger, Michael
Phelps, Sandra
; Dolly, Ed (CMS/CMCS)
ll]; Banton, Kia
]; Hoang, Dzung
g]; Allison, John
Iuvane, Nora (CMS/CMCS)
, Elizabeth (CMS/CMCS)
]; Arowojolu, Tinu
]; Brooks, Bill (CMS/CMCS)
; Roberts (she/her), Trina
; Jensen, Kirsten
ankersley, Michael
Delvecchio, Lynn
; Mathurin, Dominique
g]; Weaver, Brent
]; Schickner, Loretta

, (b)(6)

; Lorsbach (she/her),
Boehm (she/her), Sarah
]; Brill Ortiz (she/her),
rzel, Samantha
; Muhammad (she/her),
h]; Howe, Rory
oldstein, Stuart
; Arnold, Charlie
Clark, Jennifer
Cuno, Richard
]; Hines, Charles
Thomas, Stephanie
Spector, Sarah
; Coffey, Gene
]; Burian, Martin
; Holligan, Ricardo
Graves, Donald
Kaminsky, Stephanie
Cantwell, Kenya
/]; Smith, Brandon
]; Tankersley, Michael
Glaze, Jackie
Maccarroll, Amber
; Turner, Alexa

, (b)(6)

Subject: CMS/NC DHHS Medicaid Expansion Weekly Meeting Agenda

Good morning all,

Please review last week meeting Summary and today's meeting Agenda

CMS/NC DHHS Medicaid Expansion Weekly Check-In (9/28): Meeting Summary

- Medicaid Expansion Launch Date

- NC confirmed December 1, 2023 is the confirmed launch date for Medicaid Expansion now that the General Assembly has enacted a budget.
- **Status on Legal Authorities**
 - ABP:
 - CMS confirmed it has received the latest ABP 5 from NC transmitted the week of 9/25 reflecting updates to the therapy service limits.
 - NC confirmed the State will submit an update to the state plan to align with the therapy service limits in the ABP.
 - **Next Steps:**
 - CMS to finalize review of all ABP SPA templates and provide feedback to NC.
 - FMAP SPA:
 - NC confirmed the State has responded to all CMS feedback on the FMAP SPA, including Attachment E, and transmitted the approved conversion plan to CMS.
 - **Next Steps:**
 - CMS to finalize review of the FMAP SPA and provide any remaining feedback to NC.
 - Eligibility SPA:
 - CMS confirmed it is reviewing the latest Eligibility SPA in MACPro.
 - NC confirmed it is finalizing the eligibility training materials to transmit to CMS.
 - NC confirmed it has transmitted additional documentation to address the question about the fiscal note in the Eligibility SPA.
 - **Next Steps:**
 - CMS to finalize review of the Eligibility SPA and provide any remaining feedback to NC.
- **Timeline for Legal Authorities Approval**
 - NC confirmed it is developing a timeline of target dates by which to obtain approval of legal authority SPAs to ensure no impact on drawing down federal funds for Medicaid expansion.

CMS/NC DHHS Medicaid Expansion Weekly Check-In: Agenda

October 5, 2023, 11:00-12:00 pm ET

- Discuss CMS review and any questions on:
 - ABP SPA
 - FMAP SPA
 - Eligibility SPA
- FFM-D Follow Up

Thanks,

Morlan

From: Lannaman, Morlan (CMS/CMCS)

Sent: Wednesday, September 27, 2023 11:55 AM

To: Smith, Falecia (CMS/CMCS) <Falecia.Smith@cms.hhs.gov>; Swisher, Loan (CMS/CMCS) <Loan.Swisher@cms.hhs.gov>; Kotesich, Jennifer (CMS/CMCS) <Jennifer.Kotesich@cms.hhs.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Miller, Courtney (CMS/CMCS) <Courtney.Miller@cms.hhs.gov>; Gibson, Alexis (CMS/CMCS) <alexis.gibson@cms.hhs.gov>; Rodriguez, Matthew (CMS/CMCS) <Matthew.Rodriguez@cms.hhs.gov>; Abbott, Sarah (CMS/CMCS) <Sarah.Abbott@cms.hhs.gov>; Harvin, Carshena (CMS/CMCS) <Carshena.Harvin@cms.hhs.gov>; Higgins, Shelby (CMS/CMCS) <Shelby.Higgins@cms.hhs.gov>; Trieger, Michael (CMS/CMCS) <Michael.Trieger1@cms.hhs.gov>; Phelps, Sandra (CMS/CMCS) <Sandra.Phelps@cms.hhs.gov>; Arowojolu, Tinu (CMS/CMCS) <Tinu.Arowojolu1@cms.hhs.gov>; Dolly, Ed (CMS/CMCS) <Edward.Dolly@cms.hhs.gov>; Banton, Kia (CMS/CMCS) <Kia.Banton@cms.hhs.gov>; Hoang, Dzung (CMS/CMCS) <Dzung.Hoang@cms.hhs.gov>; Allison, John (CMS/CCIIO) <John.Allison@cms.hhs.gov>; Huvane, Nora (CMS/CMCS) <nora.huvane@cms.hhs.gov>; Hill, Elizabeth (CMS/CMCS) <Elizabeth.Hill@cms.hhs.gov>; Brooks, Bill (CMS/CMCS) <Bill.Brooks@cms.hhs.gov>; Roberts (she/her), Trina (CMS/CMCS) <Shantrina.Roberts@cms.hhs.gov>; Jensen, Kirsten (CMS/CMCS) <Kirsten.Jensen@cms.hhs.gov>; Tankersley, Michael (CMS/CMCS) <Michael.Tankersley@cms.hhs.gov>;

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Subject: CMS/NC DHHS Medicaid Expansion Weekly Check-In (9/28) Meeting Summary /Agenda

Good afternoon,

Please note the Agenda and meeting Summary from NC

CMS/NC DHHS Medicaid Expansion Weekly Check-In Agenda

September 28, 2023, 11:00-12:00 pm ET

- Expansion timeline
- Supplemental 37 Financing
- Discuss CMS review and any questions on:
 - ABP SPA
 - FMAP SPA
 - Eligibility SPA
 - Fiscal note
- Hold Harmless Attestation

Below is the question on the shutdown that our team had and meeting notes and agenda for next week.

If CMS approves the appropriate pre-prints and SPAs related to HASP and Medicaid Expansion, and there is a Federal shutdown, should we plan for extra time in having a supplement grant award approved and issued if needed during the 10/1/23 through 12/31/23 quarter?

CMS/NC DHHS Medicaid Expansion Weekly Check-In (9/21): Meeting Summary and Next Steps

- Government Shutdown
 - NC asked CMS what the implications were, if any, related to FMAP financing in light of a potential government shutdown.
 - CMS said that more information will be known next week and they can address any questions that DHHS may have when there is more clarity on a government shutdown.
 - **Next Steps:**
 - NC to add question on Supplemental-37 funding for next week's agenda and will share in advance so that CMS is prepared to discuss.
- Expansion Related SPAs
 - ABP:
 - NC provided an update to CMS that the State intends to send to CMS, imminently, a revised ABP 5 SPA that now addresses the therapy services issue.

- Upon receipt of the revised ABP 5, CMS will have a full submission for its review; CMS will continue to review the other templates.
 - For now, ABP SPA templates can continue to be exchanged via email; when DHHS/CMS get closer to near final drafts, DHHS will submit the templates via the MMDL.
 - **Next Steps:**
 - NC to send to CMS revised ABP 5.
 - CMS to finalize review of all ABP SPA templates and provide feedback to NC.
- FMAP SPA:
 - NC sent a revised FMAP SPA to CMS on 9/9/23 and is awaiting CMS feedback.
 - **Next Steps:**
 - CMS to finalize review of the FMAP SPA and provide any remaining feedback to NC.
- Eligibility SPA:
 - NC received Martin's questions and will address his questions.
 - NC received questions on fiscal impact and would like to better understand the intent and context of the question.
 - **Next Steps:**
 - During next week's meeting, discuss the fiscal impact question related to the Eligibility SPA.
- General launch update
 - State Legislature released a budget that allows NC To expand Medicaid, upon budget approval.
 - There continues to be an open question on Medicaid expansion effective date.
 - **Next Steps:**
 - NC to update CMS on an effective date, once known.
- Hold Harmless Attestation
 - DHHS wants to check in on the hold harmless attestation language related to HASP Program.
 - CMS is currently reviewing the hold harmless attestation language with senior leadership.
 - NC is looking for guidance from CMS on this by the end of September.
 - **Next Steps:**
 - CMS to provide guidance on the hold harmless attestation once finalized.
- FFM Scenarios
 - NC sent to CMS a number of beneficiary scenarios related to the FFM, which CMS will review.
 - **Next Steps:**
 - CMS to continue to review and provide answers to NC's questions related to: (1) FFM Determination transition; and (2) FFM beneficiary scenarios.

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Sent: Wednesday, September 20, 2023 11:58 AM

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Subject: CMS/NC DHHS Medicaid Expansion Weekly Check-In (9/21): Meeting Summary /Agenda

Good afternoon,

Please note the Agenda and meeting Summary from NC

CMS/NC DHHS Medicaid Expansion Weekly Check-In (9/14): Meeting Summary

- **Medicaid Expansion Launch Date**
 - *Status:*
 - NC is still awaiting action from the General Assembly and will keep CMS informed of an updated expansion launch date.
- **Status on Legal Authorities**
 - *Status:*
 - ABP SPA:
 - NC confirmed it sent over a revised version of the SPA to CMS that addresses round 2 feedback, except for updated therapy service limits.
 - NC will submit a revised SPA after finalizing the updated therapy service limits.
 - FMAP SPA:
 - NC confirmed it submitted a revised version of Attachment E and the MAGI Conversion Plan to CMS on 9/13.
 - *Eligibility SPA:*
 - NC confirmed it has responded to all of CMS' questions on the SPA.
 - NC is working on training materials and will submit those to CMS once finalized.
- **FFM Questions**
 - *Status:*
 - NC flagged that CMS responses to FFM-D questions are still outstanding and the timing of CMS' response is impacting the state's timeline.

- The group discussed that any new questions from NC should continue to be submitted in writing in order for CMS to consult technical SMEs and develop a response. Once NC receives responses, the State can request a call to discuss any follow-up questions.
- *Next Steps:*
- **CMS to:** Provide responses to outstanding FFM-D questions from NC.
- **Beneficiary Marketplace Scenarios:**
- *Status:*
- NC flagged that it is looking to understand what the experience will be for individuals who are in the Marketplace and will become Medicaid eligible following expansion.
 - NC has developed a document with use case scenarios and follow-up questions for CMS to review and provide responses.
 - NC intends to use this document and use case scenario for stakeholder engagement, including engagement with navigators.
- *Next Steps:*
- **CMS to:** review use case scenario document and provide a response to questions.
 - In terms of priority, responses to FFM questions should be prioritized above response to use case scenarios/questions.
- **FFM Data Request**
- *Status:*
- CMS flagged that it will send NC a list of what data is available the week of 9/18.
- NC will need to confirm the preferred timing to obtain data (e.g., pulling data closer to launch date will pull data from broader period of time).

CMS/NC DHHS Medicaid Expansion Weekly Check-In: Agenda

September 21, 2023, 11:00-12:00 pm ET

- **Medicaid Expansion Launch Date**
 - **Eligibility SPA fiscal impact**
- **Hold Harmless Attestation**
- **Follow-Up on Beneficiary Marketplace Scenarios (Attached)**

From: Lannaman, Morlan (CMS/CMCS)

Sent: Wednesday, September 13, 2023 9:19 AM

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Subject: CMS/NC DHHS Medicaid Expansion Weekly Check-In (9/8): Meeting Summary /Agenda

Morning all,

Per NC- CMS/NC DHHS Medicaid Expansion Weekly Check-In (9/8): Meeting Summary

The state will be sending along some FMAP documents and clarifications shortly.

CMS/NC DHHS Medicaid Expansion Weekly Check-In (9/8): Meeting Summary

- **Medicaid Expansion Launch Date**
 - *Status:*
 - NC is evaluating other potential launch dates and will keep CMS informed of an updated expansion launch date.
- **ABP Therapy Service Limits**
 - *Status:*
 - CMS discussed NC's proposed options for updating the PT/OT/ST service limits and provided written feedback on the options that are permissible. In summary:
 - Option 1 is permissible and would be a quicker administrative review, as it would not be subject to sufficiency requirements.
 - Option 2 is permissible but would be subject to sufficiency requirements, which would require the state to provide supporting information to confirm the services are "sufficient in amount, duration, and scope to reasonably achieve its purpose" (§ 440.230)
 - Option 3 is not permissible, as the State cannot impose combined hard limits on habilitative and rehabilitative services (§ 156.115).
 - NC will review CMS' feedback and determine the preferred approach to update PT/OT/ST service limits.
 - NC flagged it will also be updating its traditional SPA to align with the ABP SPA.
 - NC flagged that since the State allows for a long period of public comment (10 day public comment and 60-day Tribal consultation), the State requests flexibility to allow the ABP SPA's approval to occur prior to the benefit SPA's approval.
 - *Next steps:*
 - **NC to:** Submit updated ABP SPA to CMS.
- **Status on Legal Authorities**
 - *Status:*
 - **FMAP SPA:**
 - NC confirmed it will submit an updated FMAP SPA by Monday 9/11.
 - **Eligibility SPA:**
 - NC confirmed it submitted an updated Eligibility SPA on Thursday 9/7.
 - NC confirmed it is finalizing eligibility worker training materials and will send those to CMS in the coming weeks.
- **FFM Timeline**
 - *Status:*
 - CMS shared the table of FFM tool submission deadlines based on FFM go-live date (see below).

- NC requested that CMS clarify if the State can pull back submission of the FFM tool if a budget is not passed by an anticipated date.
- CMS confirmed the State is not required to conduct testing to transition to an FFM determination state.
 - *Next Steps:*
- **CMS to:** Clarify if the State can pull back submission of the FFM tool if a budget is not passed by an anticipated date.
- **CMS and NC to:** Set up an ad hoc call to discuss FFM questions.

State and FFE go-live date	Updated tool due from state to CMS
Between 11/1-11/4	9/22
Between 11/5-11/18	9/28
Between 11/19-12/1	10/12
1/1/2024	10/23

CMS/NC DHHS Medicaid Expansion Weekly Check-In: Agenda

September 14, 2023, 11:00-12:00 pm ET

- **Medicaid Expansion Launch Date**
- FFM Questions**

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From: Sandoe, Emma
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Cc: Lannaman, Morlan (CMS/CMCS) <Morlan.Lannaman@cms.hhs.gov>
Subject: RE: 9/7 Agenda Topics

One quick edit to the below in red sorry for the confusion. I know when we speak about CMS 37 vs 64 it creates some confusion.

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From: Sandoe, Emma

Sent: Wednesday, September 6, 2023 5:25 PM

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Cc: Lannaman, Morlan (CMS/CMCS) <Morlan.Lannaman@cms.hhs.gov>

Subject: 9/7 Agenda Topics

Falecia,

Below are the minutes from last week and the agenda for tomorrow.

CMS/NC DHHS Medicaid Expansion Weekly Check-In (8/31): Meeting Summary

- **Medicaid Expansion Launch Date**
 - *Status:*
 - NC will not proceed with Medicaid expansion launch on 10/1 as the General Assembly did not take needed legislative action by 9/1. NC is evaluating other potential launch dates and will keep CMS informed of an updated expansion launch date.
 - NC flagged it will hold on updating the effective date on the SPAs until a new expansion launch date is confirmed.
 - CMS confirmed that if the only significant change NC is making to a SPA is the effective date, no additional Tribal consultation or public notice is required.
- **Requirements for Federal Funds**
 - *Status:*
 - CMS-37
 - CMS confirmed that the CMS-37 can be submitted after approval of the Eligibility SPA and HASP pre-print.
 - CMS confirmed that after submission of the CMS-37, it will take CMS approximately 10 days to process and make funding available to NC for Medicaid expansion launch.
 - CMS-64:
 - CMS confirmed that the CMS-64 can be submitted after approval of the Eligibility SPA, ABP SPA, and FMAP SPA.
 - 5% FMAP Bump:
 - CMS confirmed that the State is able to draw down funds on the CMS 37 from the 5% FMAP bump following approval of Eligibility SPA, ~~ABP SPA, and FMAP SPA~~ (i.e., State can draw down funds prior to enrolling the first person in the Medicaid expansion adult group).
- **FFM Timeline**
 - *Status:*
 - CMS confirmed that if NC plans for an 11/1/23 go-live for the FFM, the data collection tool will be due 9/22/23.
 - CMS confirmed that the State may be able to pursue an FFM go-live date after 11/1/23 but will have to consider this will be during open enrollment which can add complexity.
 - *Next Steps:*
 - **CMS to:** Provide written responses to NC questions on FFM.
 - **CMS to:** Send FFM resource guide to NC.
- **FMAP SPA Attachment E**
 - *Status:*

- CMS flagged that any individual who is facing a reduction in benefits due to transitioning to a different Medicaid eligibility group must have at least 10 days' notice for due process right; CMS anticipates the population this will apply to are individuals aged 20-21 who are aging out of EPSDT following the end of continuous coverage.
 - NC confirmed that individuals transitioning to the adult expansion group at their next redetermination date will receive notice at least 10 days before their change in coverage is effective. NC will revise Attachment E to clarify this process/timeline.
- *Next Steps:*
- **NC to:** Update FMAP SPA Attachment E.
- **NC to:** Upload conversion plan with next submission of the FMAP SPA.
- **ABP SPA**
- *Status*
- CMS acknowledged it will respond to NC's open question on therapy service limits.

CMS/NC DHHS Medicaid Expansion Weekly Check-In: Agenda

September 7, 2023, 11:00-12:00 pm ET

- **ABP SPA**
 - Discuss CMS feedback on options to update therapy service limits (*see below table*)
- **FFM Outstanding Issues**

Options to Update Therapy Limits	CMS: Is this option permissible under federal regulation/CMS guidance?
Option 1: <ul style="list-style-type: none"> • PT/OT Service Limit <ul style="list-style-type: none"> ○ PT/OT share a combined visit limit across <i>both rehab and habilitative services</i> with a 30 visit <i>soft limit</i>; exceptions to the service limit can be authorized by the State when medically necessary. • ST Service Limit <ul style="list-style-type: none"> ○ ST has a visit limit across <i>both rehab and habilitative services</i> with a 30 visit <i>soft limit</i>; exceptions to the service limit can be authorized by the State when medically necessary. 	○
Option 2: <ul style="list-style-type: none"> • PT/OT Service Limit <ul style="list-style-type: none"> ○ PT/OT have a combined 30 visit <i>hard limit</i> for <i>rehabilitative services</i> ○ PT/OT have a combined 30 visit <i>hard limit</i> for <i>habilitative services</i>. • ST Service Limit <ul style="list-style-type: none"> ○ ST has a 30 visit <i>hard limit</i> for <i>rehabilitative services</i> ○ ST has a 30 visit <i>hard limit</i> for <i>habilitative services</i>. 	○
Option 3: <ul style="list-style-type: none"> • PT Service Limit <ul style="list-style-type: none"> ○ PT has a hard limit of 30 visits combined across <i>both rehabilitative and habilitative services</i>. • OT Service Limit <ul style="list-style-type: none"> ○ OT has a hard limit of 30 visits combined across <i>both rehabilitative and habilitative services</i>. • ST Service Limit <ul style="list-style-type: none"> ○ ST has a hard limit of 30 visits combined across <i>both rehabilitative and habilitative services</i>. 	○

Emma Sandoe, PhD

Deputy Director, Medicaid Policy

Division of Health Benefits

NC Department of Health and Human Services

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Pronouns: She/her

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Sent: Thursday, August 31, 2023 8:33 AM

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Subject: RE: [External] 8/31 Agenda Topics

Thank you, looking forward to the discussion this morning.

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Sent: Wednesday, August 30, 2023 5:27 PM

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Subject: [External] 8/31 Agenda Topics

Importance: High

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Hi Emma and Team

Our colleagues our Children and Adult Health Program Group would like to discuss NC's draft Transition Plan (Attachment E to the FMAP SPA):

- *Because of the tight timelines for implementation and the necessary IT systems changes, the State will transition individuals into the new adult group and then send a notice informing individuals of their coverage effective date, change in benefits, reporting obligations and where to go to have questions answered.*

In addition, we would like to provide technical assistance regarding notices in cases of reductions or terminations of benefits.

Please let me know if you have any questions.

Thank you,

Falecia Smith
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Message

From: Lannaman, Morlan (CMS/CMCS) , (b)(6)

Sent: 10/11/2023 6:14:48 PM

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CC:

Moua, Pader
Douglas, Jessika

Subject: CMS/NC DHHS Medicaid Expansion Weekly Meeting Agenda

CMS Team,

Please note agenda for Thursday CMS/NC DHHS Medicaid Expansion Weekly meeting and notes from last week

CMS/NC DHHS Medicaid Expansion Weekly Check-In: Agenda

October 12, 2023, 11:00-12:00 pm ET

- Discuss CMS review and approval status for:
 - FMAP SPA
 - Eligibility SPA
 - ABP SPA
 - Follow-up on therapy service limits feedback
- HPE SPA
- FFM questions
- Marketplace use case scenarios

CMS/NC DHHS Medicaid Expansion Weekly Check-In (10/5): Meeting Summary

- **Timeline for Legal Authorities Approval**
 - NC requested CMS approval of the FMAP and Eligibility SPA by 10/12 to ensure the State is able to draw down federal funds for Medicaid expansion.
 - **Next Steps:**
 - NC and CMS to check-in on Tuesday 10/10 on the status for approval of the FMAP and Eligibility SPA.
- **Status on Legal Authorities**
 - FMAP SPA:
 - CMS requested that NC transmit an email compiling all finalized attachments for the FMAP SPA (e.g., Attachment A, Attachment E, CMS-179 form) for CMS to conduct final review and approval.
 - NC will confirm the SPA effective date was updated to 12/1/23.
 - **Next Steps:**
 - NC to finalize FMAP SPA and send final version to CMS for approval.
 - CMS to finalize review and approval of the FMAP SPA.
 - Eligibility SPA:
 - NC confirmed it transmitted the eligibility training materials to transmit to CMS.
 - **Next Steps:**
 - CMS to finalize review and approval of the Eligibility SPA.
 - ABP SPA:
 - NC confirmed it received CMS' comments on the ABP 9 and will provide an updated version.
 - NC and CMS discussed feedback on the ABP 5 re: therapy service limits. NC clarified that current therapy service limits are set in the Clinical Coverage Policies outside of the State Plan, since they are optional services.
 - The proposed updated limits for therapy services in the ABP are a significant increase in coverage and therefore are not an ARP 9817 MOE violation. CMS will follow-up with the 9817 CMS team to flag this clarification and inform NC if additional documentation is needed.
 - NC clarified that therapy services are provided through the health home benefit, as described in the State Plan. Additionally, therapy services are provided through hospital outpatient clinics and private physician offices and the State intends on updating the State Plan to reflect this.
 - **Next Steps:**
 - CMS to flag clarification for 9817 CMS team that NC's proposed therapy service limits in ABP SPA are greater than existing service limits as stated in Clinical Coverage Policies.
 - NC to address remaining CMS feedback on ABP 5.
- **FFM Determination**
 - CMS flagged that it plans to discuss outstanding FFM question on the forthcoming check-in scheduled for 10/12. CMS will flag the technical resource guide NC should reference for this topic.

- NC informed it is tentatively planning to become an FFM determination state effective 1/1/24. NC will confirm the date with CMS once finalized.
- CMS confirmed it is reviewing NC's document with beneficiary marketplace use case scenarios and will provide responses.

From: Lannaman, Morlan (CMS/CMCS)

Sent: Thursday, October 5, 2023 9:38 AM

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Subject: CMS/NC DHHS Medicaid Expansion Weekly Meeting Agenda

Good morning all,

Please review last week meeting Summary and today's meeting Agenda

CMS/NC DHHS Medicaid Expansion Weekly Check-In (9/28): Meeting Summary

• **Medicaid Expansion Launch Date**

- NC confirmed December 1, 2023 is the confirmed launch date for Medicaid Expansion now that the General Assembly has enacted a budget.

• **Status on Legal Authorities**

- ABP:
 - CMS confirmed it has received the latest ABP 5 from NC transmitted the week of 9/25 reflecting updates to the therapy service limits.
 - NC confirmed the State will submit an update to the state plan to align with the therapy service limits in the ABP.

- **Next Steps:**
 - CMS to finalize review of all ABP SPA templates and provide feedback to NC.
- FMAP SPA:
 - NC confirmed the State has responded to all CMS feedback on the FMAP SPA, including Attachment E, and transmitted the approved conversion plan to CMS.
 - **Next Steps:**
 - CMS to finalize review of the FMAP SPA and provide any remaining feedback to NC.
- Eligibility SPA:
 - CMS confirmed it is reviewing the latest Eligibility SPA in MACPro.
 - NC confirmed it is finalizing the eligibility training materials to transmit to CMS.
 - NC confirmed it has transmitted additional documentation to address the question about the fiscal note in the Eligibility SPA.
 - **Next Steps:**
 - CMS to finalize review of the Eligibility SPA and provide any remaining feedback to NC.
- **Timeline for Legal Authorities Approval**
 - NC confirmed it is developing a timeline of target dates by which to obtain approval of legal authority SPAs to ensure no impact on drawing down federal funds for Medicaid expansion.

CMS/NC DHHS Medicaid Expansion Weekly Check-In: Agenda

October 5, 2023, 11:00-12:00 pm ET

- Discuss CMS review and any questions on:
 - ABP SPA
 - FMAP SPA
 - Eligibility SPA
- FFM-D Follow Up

Thanks,

Morlan

From: Lannaman, Morlan (CMS/CMCS)

Sent: Wednesday, September 27, 2023 11:55 AM

To: Smith, Falecia (CMS/CMCS) <Falecia.Smith@cms.hhs.gov>; Swisher, Loan (CMS/CMCS) <Loan.Swisher@cms.hhs.gov>; Kotesich, Jennifer (CMS/CMCS) <Jennifer.Kotesich@cms.hhs.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Miller, Courtney (CMS/CMCS) <Courtney.Miller@cms.hhs.gov>; Gibson, Alexis (CMS/CMCS) <alexis.gibson@cms.hhs.gov>; Rodriguez, Matthew (CMS/CMCS) <Matthew.Rodriguez@cms.hhs.gov>; Abbott, Sarah (CMS/CMCS) <Sarah.Abbott@cms.hhs.gov>; Harvin, Carshena (CMS/CMCS) <Carshena.Harvin@cms.hhs.gov>; Higgins, Shelby (CMS/CMCS) <Shelby.Higgins@cms.hhs.gov>; Trieger, Michael (CMS/CMCS) <Michael.Trieger1@cms.hhs.gov>; Phelps, Sandra (CMS/CMCS) <Sandra.Phelps@cms.hhs.gov>; Arowojolu, Tinu (CMS/CMCS) <Tinu.Arowojolu1@cms.hhs.gov>; Dolly, Ed (CMS/CMCS) <Edward.Dolly@cms.hhs.gov>; Banton, Kia (CMS/CMCS) <Kia.Banton@cms.hhs.gov>; Hoang, Dzung (CMS/CMCS) <Dzung.Hoang@cms.hhs.gov>; Allison, John (CMS/CCIIO) <John.Allison@cms.hhs.gov>; Huvane, Nora (CMS/CMCS) <nora.huvane@cms.hhs.gov>; Hill, Elizabeth (CMS/CMCS) <Elizabeth.Hill@cms.hhs.gov>; Brooks, Bill (CMS/CMCS) <Bill.Brooks@cms.hhs.gov>; Roberts (she/her), Trina (CMS/CMCS) <Shantrina.Roberts@cms.hhs.gov>; Jensen, Kirsten (CMS/CMCS) <Kirsten.Jensen@cms.hhs.gov>; Tankersley, Michael (CMS/CMCS) <Michael.Tankersley@cms.hhs.gov>; Delvecchio, Lynn (CMS/CMCS) <Lynn.DeVecchio@cms.hhs.gov>; Mathurin, Dominique (CMS/CMCS) <Dominique.Mathurin@cms.hhs.gov>; Weaver, Brent (CMS/CMCS) <Brent.Weaver@cms.hhs.gov>; Schickner, Loretta (CMS/CMCS) <Loretta.Schickner@cms.hhs.gov>; Lorsbach (she/her), Anna (CMS/CCIIO) <anna.lorsbach@cms.hhs.gov>; Boehm (she/her), Sarah (CMS/CCIIO) <Sarah.Boehm@cms.hhs.gov>; Brill Ortiz (she/her), Jessica (CMS/CCIIO) <Jessica.BrillOrtiz@cms.hhs.gov>; Porzel, Samantha (CMS/CCIIO) <samantha.porzel@cms.hhs.gov>; Muhammad (she/her), Kaleema (CMS/CCIIO) <Kaleema.Muhammad@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Cuno, Richard

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Subject: CMS/NC DHHS Medicaid Expansion Weekly Check-In (9/28) Meeting Summary /Agenda

Good afternoon,

Please note the Agenda and meeting Summary from NC

CMS/NC DHHS Medicaid Expansion Weekly Check-In Agenda

September 28, 2023, 11:00-12:00 pm ET

- Expansion timeline
- Supplemental 37 Financing
- Discuss CMS review and any questions on:
 - ABP SPA
 - FMAP SPA
 - Eligibility SPA
 - Fiscal note
- Hold Harmless Attestation

Below is the question on the shutdown that our team had and meeting notes and agenda for next week.

If CMS approves the appropriate pre-prints and SPAs related to HASP and Medicaid Expansion, and there is a Federal shutdown, should we plan for extra time in having a supplement grant award approved and issued if needed during the 10/1/23 through 12/31/23 quarter?

CMS/NC DHHS Medicaid Expansion Weekly Check-In (9/21): Meeting Summary and Next Steps

- Government Shutdown
 - NC asked CMS what the implications were, if any, related to FMAP financing in light of a potential government shutdown.
 - CMS said that more information will be known next week and they can address any questions that DHHS may have when there is more clarity on a government shutdown.
 - **Next Steps:**
 - NC to add question on Supplemental-37 funding for next week's agenda and will share in advance so that CMS is prepared to discuss.
- Expansion Related SPAs
 - ABP:
 - NC provided an update to CMS that the State intends to send to CMS, imminently, a revised ABP 5 SPA that now addresses the therapy services issue.
 - Upon receipt of the revised ABP 5, CMS will have a full submission for its review; CMS will continue to review the other templates.
 - For now, ABP SPA templates can continue to be exchanged via email; when DHHS/CMS get closer to near final drafts, DHHS will submit the templates via the MMDL.
 - **Next Steps:**
 - NC to send to CMS revised ABP 5.
 - CMS to finalize review of all ABP SPA templates and provide feedback to NC.
 - FMAP SPA:
 - NC sent a revised FMAP SPA to CMS on 9/9/23 and is awaiting CMS feedback.

- **Next Steps:**
 - CMS to finalize review of the FMAP SPA and provide any remaining feedback to NC.
- Eligibility SPA:
 - NC received Martin's questions and will address his questions.
 - NC received questions on fiscal impact and would like to better understand the intent and context of the question.
 - **Next Steps:**
 - During next week's meeting, discuss the fiscal impact question related to the Eligibility SPA.
- General launch update
 - State Legislature released a budget that allows NC To expand Medicaid, upon budget approval.
 - There continues to be an open question on Medicaid expansion effective date.
 - **Next Steps:**
 - NC to update CMS on an effective date, once known.
- Hold Harmless Attestation
 - DHHS wants to check in on the hold harmless attestation language related to HASP Program.
 - CMS is currently reviewing the hold harmless attestation language with senior leadership.
 - NC is looking for guidance form CMS on this by the end of September.
 - **Next Steps:**
 - CMS to provide guidance on the hold harmless attestation once finalized.
- FFM Scenarios
 - NC sent to CMS a number of beneficiary scenarios related to the FFM, which CMS will review.
 - **Next Steps:**
 - CMS to continue to review and provide answers to NC's questions related to: (1) FFM Determination transition; and (2) FFM beneficiary scenarios.

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Subject: CMS/NC DHHS Medicaid Expansion Weekly Check-In (9/21): Meeting Summary /Agenda

Good afternoon,

Please note the Agenda and meeting Summary from NC

CMS/NC DHHS Medicaid Expansion Weekly Check-In (9/14): Meeting Summary

- **Medicaid Expansion Launch Date**
 - *Status:*
 - NC is still awaiting action from the General Assembly and will keep CMS informed of an updated expansion launch date.
- **Status on Legal Authorities**
 - *Status:*
 - ABP SPA:
 - NC confirmed it sent over a revised version of the SPA to CMS that addresses round 2 feedback, except for updated therapy service limits.
 - NC will submit a revised SPA after finalizing the updated therapy service limits.
 - FMAP SPA:
 - NC confirmed it submitted a revised version of Attachment E and the MAGI Conversion Plan to CMS on 9/13.
 - *Eligibility SPA:*
 - NC confirmed it has responded to all of CMS' questions on the SPA.
 - NC is working on training materials and will submit those to CMS once finalized.
- **FFM Questions**
 - *Status:*
 - NC flagged that CMS responses to FFM-D questions are still outstanding and the timing of CMS' response is impacting the state's timeline.
 - The group discussed that any new questions from NC should continue to be submitted in writing in order for CMS to consult technical SMEs and develop a response. Once NC receives responses, the State can request a call to discuss any follow-up questions.
 - *Next Steps:*
 - **CMS to:** Provide responses to outstanding FFM-D questions from NC.
- **Beneficiary Marketplace Scenarios:**
 - *Status:*
 - NC flagged that it is looking to understand what the experience will be for individuals who are in the Marketplace and will become Medicaid eligible following expansion.
 - NC has developed a document with use case scenarios and follow-up questions for CMS to review and provide responses.

- NC intends to use this document and use case scenario for stakeholder engagement, including engagement with navigators.
- *Next Steps:*
- **CMS to:** review use case scenario document and provide a response to questions.
 - In terms of priority, responses to FFM questions should be prioritized above response to use case scenarios/questions.
- **FFM Data Request**
- *Status:*
- CMS flagged that it will send NC a list of what data is available the week of 9/18.
- NC will need to confirm the preferred timing to obtain data (e.g., pulling data closer to launch date will pull data from broader period of time).

CMS/NC DHHS Medicaid Expansion Weekly Check-In: Agenda

September 21, 2023, 11:00-12:00 pm ET

- **Medicaid Expansion Launch Date**
 - **Eligibility SPA fiscal impact**
- **Hold Harmless Attestation**
- **Follow-Up on Beneficiary Marketplace Scenarios (Attached)**

From: Lannaman, Morlan (CMS/CMCS)

Sent: Wednesday, September 13, 2023 9:19 AM

To: Smith, Falecia (CMS/CMCS) <Falecia.Smith@cms.hhs.gov>; Swisher, Loan (CMS/CMCS) <Loan.Swisher@cms.hhs.gov>; Kotesich, Jennifer (CMS/CMCS) <Jennifer.Kotesich@cms.hhs.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Miller, Courtney (CMS/CMCS) <Courtney.Miller@cms.hhs.gov>; Gibson, Alexis (CMS/CMCS) <alexis.gibson@cms.hhs.gov>; Rodriguez, Matthew (CMS/CMCS) <Matthew.Rodriguez@cms.hhs.gov>; Abbott, Sarah (CMS/CMCS) <Sarah.Abbott@cms.hhs.gov>; Harvin, Carshena (CMS/CMCS) <Carshena.Harvin@cms.hhs.gov>; Higgins, Shelby (CMS/CMCS) <Shelby.Higgins@cms.hhs.gov>; Trieger, Michael (CMS/CMCS) <Michael.Trieger1@cms.hhs.gov>; Phelps, Sandra (CMS/CMCS) <Sandra.Phelps@cms.hhs.gov>; Arowojolu, Tinu (CMS/CMCS) <Tinu.Arowojolu1@cms.hhs.gov>; Dolly, Ed (CMS/CMCS) <Edward.Dolly@cms.hhs.gov>; Banton, Kia (CMS/CMCS) <Kia.Banton@cms.hhs.gov>; Hoang, Dzung (CMS/CMCS) <Dzung.Hoang@cms.hhs.gov>; Allison, John (CMS/CCIIO) <John.Allison@cms.hhs.gov>; Huvane, Nora (CMS/CMCS) <nora.huvane@cms.hhs.gov>; Hill, Elizabeth (CMS/CMCS) <Elizabeth.Hill@cms.hhs.gov>; Brooks, Bill (CMS/CMCS) <Bill.Brooks@cms.hhs.gov>; Roberts, Shantrina (CMS/CMCS) <Shantrina.Roberts@cms.hhs.gov>; Jensen, Kirsten (CMS/CMCS) <Kirsten.Jensen@cms.hhs.gov>; Tankersley, Michael (CMS/CMCS) <Michael.Tankersley@cms.hhs.gov>; Delvecchio, Lynn (CMS/CMCS) <Lynn.DelVecchio@cms.hhs.gov>; Mathurin, Dominique (CMS/CMCS) <Dominique.Mathurin@cms.hhs.gov>; Weaver, Brent (CMS/CMCS) <Brent.Weaver@cms.hhs.gov>; Schickner, Loretta (CMS/CMCS) <Loretta.Schickner@cms.hhs.gov>; Lorsbach (she/her), Anna (CMS/CCIIO) <anna.lorsbach@cms.hhs.gov>; Boehm (she/her), Sarah (CMS/CCIIO) <Sarah.Boehm@cms.hhs.gov>; Brill Ortiz (she/her), Jessica (CMS/CCIIO) <Jessica.BrillOrtiz@cms.hhs.gov>; Porzel, Samantha (CMS/CCIIO) <samantha.porzel@cms.hhs.gov>; Muhammad (she/her), Kaleema (CMS/CCIIO) <Kaleema.Muhammad@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Cuno, Richard (CMS/CMCS) <Richard.Cuno@cms.hhs.gov>; Hines, Charles (CMS/CMCS) <Charles.Hines@cms.hhs.gov>; Thomas, Stephanie (CMS/CMCS) <Stephanie.Thomas@cms.hhs.gov>; Spector, Sarah (CMS/CMCS) <Sarah.Spector@cms.hhs.gov>; Coffey, Gene (CMS/CMCS) <Gene.Coffey@cms.hhs.gov>; Burian, Martin (CMS/CMCS) <Martin.Burian@cms.hhs.gov>; Holligan, Ricardo (CMS/CMCS) <Ricardo.Holligan@cms.hhs.gov>; Graves, Donald (CMS/CMCS) <Donald.Graves@cms.hhs.gov>; Kaminsky, Stephanie (CMS/CMCS) <Stephanie.Kaminsky@cms.hhs.gov>; Cantwell, Kenya (CMS/CMCS) <Kenya.Cantwell@cms.hhs.gov>; Smith, Brandon (CMS/CMCS) <Brandon.Smith@cms.hhs.gov>; Tankersley, Michael (CMS/CMCS) <Michael.Tankersley@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS)

<Amber.MacCarroll@cms.hhs.gov>; Turner, Alexa (CMS/CMCS) <Alexandra.Turner@cms.hhs.gov>

Subject: CMS/NC DHHS Medicaid Expansion Weekly Check-In (9/8): Meeting Summary /Agenda

Morning all,

Per NC- CMS/NC DHHS Medicaid Expansion Weekly Check-In (9/8): Meeting Summary

The state will be sending along some FMAP documents and clarifications shortly.

CMS/NC DHHS Medicaid Expansion Weekly Check-In (9/8): Meeting Summary

- **Medicaid Expansion Launch Date**
 - *Status:*
 - NC is evaluating other potential launch dates and will keep CMS informed of an updated expansion launch date.
- **ABP Therapy Service Limits**
 - *Status:*
 - CMS discussed NC's proposed options for updating the PT/OT/ST service limits and provided written feedback on the options that are permissible. In summary:
 - Option 1 is permissible and would be a quicker administrative review, as it would not be subject to sufficiency requirements.
 - Option 2 is permissible but would be subject to sufficiency requirements, which would require the state to provide supporting information to confirm the services are "sufficient in amount, duration, and scope to reasonably achieve its purpose" (§ 440.230)
 - Option 3 is not permissible, as the State cannot impose combined hard limits on habilitative and rehabilitative services (§ 156.115).
 - NC will review CMS' feedback and determine the preferred approach to update PT/OT/ST service limits.
 - NC flagged it will also be updating its traditional SPA to align with the ABP SPA.
 - NC flagged that since the State allows for a long period of public comment (10 day public comment and 60-day Tribal consultation), the State requests flexibility to allow the ABP SPA's approval to occur prior to the benefit SPA's approval.
 - *Next steps:*
 - **NC to:** Submit updated ABP SPA to CMS.
- **Status on Legal Authorities**
 - *Status:*
 - **FMAP SPA:**
 - NC confirmed it will submit an updated FMAP SPA by Monday 9/11.
 - **Eligibility SPA:**
 - NC confirmed it submitted an updated Eligibility SPA on Thursday 9/7.
 - NC confirmed it is finalizing eligibility worker training materials and will send those to CMS in the coming weeks.
- **FFM Timeline**
 - *Status:*
 - CMS shared the table of FFM tool submission deadlines based on FFM go-live date (see below).
 - NC requested that CMS clarify if the State can pull back submission of the FFM tool if a budget is not passed by an anticipated date.
 - CMS confirmed the State is not required to conduct testing to transition to an FFM determination state.
 - *Next Steps:*
 - **CMS to:** Clarify if the State can pull back submission of the FFM tool if a budget is not passed by an anticipated date.
 - **CMS and NC to:** Set up an ad hoc call to discuss FFM questions.

State and FFE go-live date

Updated tool due from state to CMS

Between 11/1-11/4	9/22
Between 11/5-11/18	9/28
Between 11/19-12/1	10/12
1/1/2024	10/23

CMS/NC DHHS Medicaid Expansion Weekly Check-In: Agenda

September 14, 2023, 11:00-12:00 pm ET

- **Medicaid Expansion Launch Date**
- FFM Questions**

Morlan Lannaman
Health Insurance Specialist
Medicaid & CHIP Operations Group
Centers for Medicare & Medicaid Services
Mobile: , (b)(6)
Email: morlan.lannaman@cms.hhs.gov

Emma Sandoe, PhD
Deputy Director, Medicaid Policy
Division of Health Benefits
NC Department of Health and Human Services
Office: (919) 527-7043
Cell , (b)(6)
Pronouns: She/her

From: Sandoe, Emma
Sent: Friday, September 8, 2023 12:19 PM
To: Smith, Falecia (CMS/CMCS) <Falecia.Smith@cms.hhs.gov>; Lerche, Julia K <julia.lerche@dhhs.nc.gov>; Staton, Betty J <Betty.J.Staton@dhhs.nc.gov>; Bush, Melanie E <melanie.bush@dhhs.nc.gov>
Cc: Lannaman, Morlan (CMS/CMCS) <Morlan.Lannaman@cms.hhs.gov>
Subject: RE: 9/7 Agenda Topics

One quick edit to the below in red sorry for the confusion. I know when we speak about CMS 37 vs 64 it creates some confusion.

Emma Sandoe, PhD
Deputy Director, Medicaid Policy
Division of Health Benefits
NC Department of Health and Human Services
Office: (919) 527-7043
Cell , (b)(6)
Pronouns: She/her

From: Sandoe, Emma
Sent: Wednesday, September 6, 2023 5:25 PM

To: Smith, Falecia (CMS/CMCS) <Falecia.Smith@cms.hhs.gov>; Lerche, Julia K <julia.lerche@dhhs.nc.gov>; Staton, Betty J <Betty.J.Staton@dhhs.nc.gov>; Bush, Melanie E <melanie.bush@dhhs.nc.gov>
Cc: Lannaman, Morlan (CMS/CMCS) <Morlan.Lannaman@cms.hhs.gov>
Subject: 9/7 Agenda Topics

Falecia,
Below are the minutes from last week and the agenda for tomorrow.

CMS/NC DHHS Medicaid Expansion Weekly Check-In (8/31): Meeting Summary

- **Medicaid Expansion Launch Date**
 - *Status:*
 - NC will not proceed with Medicaid expansion launch on 10/1 as the General Assembly did not take needed legislative action by 9/1. NC is evaluating other potential launch dates and will keep CMS informed of an updated expansion launch date.
 - NC flagged it will hold on updating the effective date on the SPAs until a new expansion launch date is confirmed.
 - CMS confirmed that if the only significant change NC is making to a SPA is the effective date, no additional Tribal consultation or public notice is required.
- **Requirements for Federal Funds**
 - *Status:*
 - CMS-37
 - CMS confirmed that the CMS-37 can be submitted after approval of the Eligibility SPA and HASP pre-print.
 - CMS confirmed that after submission of the CMS-37, it will take CMS approximately 10 days to process and make funding available to NC for Medicaid expansion launch.
 - CMS-64:
 - CMS confirmed that the CMS-64 can be submitted after approval of the Eligibility SPA, ABP SPA, and FMAP SPA.
 - 5% FMAP Bump:
 - CMS confirmed that the State is able to draw down funds on the CMS 37 from the 5% FMAP bump following approval of Eligibility SPA, ~~ABP SPA, and FMAP SPA~~ (i.e., State can draw down funds prior to enrolling the first person in the Medicaid expansion adult group).
- **FFM Timeline**
 - *Status:*
 - CMS confirmed that if NC plans for an 11/1/23 go-live for the FFM, the data collection tool will be due 9/22/23.
 - CMS confirmed that the State may be able to pursue an FFM go-live date after 11/1/23 but will have to consider this will be during open enrollment which can add complexity.
 - *Next Steps:*
 - **CMS to:** Provide written responses to NC questions on FFM.
 - **CMS to:** Send FFM resource guide to NC.
- **FMAP SPA Attachment E**
 - *Status:*
 - CMS flagged that any individual who is facing a reduction in benefits due to transitioning to a different Medicaid eligibility group must have at least 10 days' notice for due process right; CMS anticipates the population this will apply to are individuals aged 20-21 who are aging out of EPSDT following the end of continuous coverage.
 - NC confirmed that individuals transitioning to the adult expansion group at their next redetermination date will receive notice at least 10 days before their change in coverage is effective. NC will revise Attachment E to clarify this process/timeline.
 - *Next Steps:*
 - **NC to:** Update FMAP SPA Attachment E.
 - **NC to:** Upload conversion plan with next submission of the FMAP SPA.
- **ABP SPA**
 - *Status*
 - CMS acknowledged it will respond to NC's open question on therapy service limits.

CMS/NC DHHS Medicaid Expansion Weekly Check-In: Agenda

September 7, 2023, 11:00-12:00 pm ET

- **ABP SPA**
 - Discuss CMS feedback on options to update therapy service limits (*see below table*)
- **FFM Outstanding Issues**

Options to Update Therapy Limits	CMS: Is this option permissible under federal regulation/CMS guidance?
Option 1: <ul style="list-style-type: none">• PT/OT Service Limit<ul style="list-style-type: none">○ PT/OT share a combined visit limit across <i>both rehab and habilitative services</i> with a 30 visit <i>soft limit</i>; exceptions to the service limit can be authorized by the State when medically necessary.• ST Service Limit<ul style="list-style-type: none">○ ST has a visit limit across <i>both rehab and habilitative services</i> with a 30 visit <i>soft limit</i>; exceptions to the service limit can be authorized by the State when medically necessary.	○
Option 2: <ul style="list-style-type: none">• PT/OT Service Limit<ul style="list-style-type: none">○ PT/OT have a combined 30 visit <i>hard limit</i> for <i>rehabilitative services</i>○ PT/OT have a combined 30 visit <i>hard limit</i> for <i>habilitative services</i>.• ST Service Limit<ul style="list-style-type: none">○ ST has a 30 visit <i>hard limit</i> for <i>rehabilitative services</i>○ ST has a 30 visit <i>hard limit</i> for <i>habilitative services</i>.	○
Option 3: <ul style="list-style-type: none">• PT Service Limit<ul style="list-style-type: none">○ PT has a hard limit of 30 visits combined across <i>both rehabilitative and habilitative services</i>.• OT Service Limit<ul style="list-style-type: none">○ OT has a hard limit of 30 visits combined across <i>both rehabilitative and habilitative services</i>.• ST Service Limit<ul style="list-style-type: none">○ ST has a hard limit of 30 visits combined across <i>both rehabilitative and habilitative services</i>.	○

Emma Sandoe, PhD

Deputy Director, Medicaid Policy

Division of Health Benefits

NC Department of Health and Human Services

Office: (919) 527-7043

Cell: , (b)(6)

Pronouns: She/her

From: Sandoe, Emma

Sent: Thursday, August 31, 2023 8:33 AM

To: Smith, Falecia (CMS/CMCS) <Falecia.Smith@cms.hhs.gov>; Lerche, Julia K <julia.lerche@dhhs.nc.gov>; Staton, Betty J <Betty.J.Staton@dhhs.nc.gov>; Bush, Melanie E <melanie.bush@dhhs.nc.gov>
Cc: Lannaman, Morlan (CMS/CMCS) <Morlan.Lannaman@cms.hhs.gov>; Burian, Martin (CMS/CMCS) <Martin.Burian@cms.hhs.gov>; McChesney, Melissa (CMS/CMCS) <Melissa.McChesney@cms.hhs.gov>; Harris, Debra (CMS/CMCS) <Debra.Harris@cms.hhs.gov>
Subject: RE: [External] 8/31 Agenda Topics

Thank you, looking forward to the discussion this morning.

Emma Sandoe, PhD

Deputy Director, Medicaid Policy
Division of Health Benefits
NC Department of Health and Human Services
Office: (919) 527-7043
Cell: (b)(6)
Pronouns: She/her

From: Smith, Falecia (CMS/CMCS) <Falecia.Smith@cms.hhs.gov>

Sent: Wednesday, August 30, 2023 5:27 PM

To: Sandoe, Emma <Emma.Sandoe@dhhs.nc.gov>; Lerche, Julia K <julia.lerche@dhhs.nc.gov>; Staton, Betty J <Betty.J.Staton@dhhs.nc.gov>; Bush, Melanie E <melanie.bush@dhhs.nc.gov>

Cc: Lannaman, Morlan (CMS/CMCS) <Morlan.Lannaman@cms.hhs.gov>; Burian, Martin (CMS/CMCS) <Martin.Burian@cms.hhs.gov>; McChesney, Melissa (CMS/CMCS) <Melissa.McChesney@cms.hhs.gov>; Harris, Debra (CMS/CMCS) <Debra.Harris@cms.hhs.gov>

Subject: [External] 8/31 Agenda Topics

Importance: High

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Hi Emma and Team

Our colleagues our Children and Adult Health Program Group would like to discuss NC's draft Transition Plan (Attachment E to the FMAP SPA):

- *Because of the tight timelines for implementation and the necessary IT systems changes, the State will transition individuals into the new adult group and then send a notice informing individuals of their coverage effective date, change in benefits, reporting obligations and where to go to have questions answered.*

In addition, we would like to provide technical assistance regarding notices in cases of reductions or terminations of benefits.

Please let me know if you have any questions.

Thank you,

Falecia Smith
South Branch Manager, Division of Program Operations
Medicaid & CHIP Operations Group
Centers for Medicare & Medicaid Services
Phone: 410 786 4113
Mobile: (b)(6)
Email: falecia.smith@cms.hhs.gov

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Message

From: Clark, Jennifer (CMS/CMCS) , (b)(6)
Sent: 10/12/2023 6:57:59 PM
To: Howe, Rory (CMS/CMCS) , (b)(6)
accarroll, Amber
Silanskis, Jeremy
CC: , (b)(6)
Goldstein, Stuart
Subject: FW: FW: North Carolina Attestations

Just a FYI (see email below).

From: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Sent: Thursday, October 12, 2023 2:56 PM
To: Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Cuno, Richard (CMS/CMCS) <Richard.Cuno@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; McClure, Deb (CMS/CMCS) <Deborah.McClure@cms.hhs.gov>; Mosley, Elle (CMS/CMCS) <larrica.mosley@cms.hhs.gov>; Schoonover, Matthew (CMS/CMCS) <matthew.schoonover@cms.hhs.gov>
Subject: FW: North Carolina Attestations

For those who did not make the call today North Carolina stated that their provider community was beginning to become anxious surrounding the attestation issue. They asked that we provide them with a definitive response by tomorrow, October 13, 2023. We let them know that our group leadership was acutely aware of the issue and actively working on it. The state appeared to be quite concerned.

Best,

Jonathan

Jonathan Endelman (he/him), PhD
Social Science Research Analyst
Centers for Medicare & Medicaid Services (CMS)
Center for Medicaid and CHIP Services (CMCS)
Financial Management Group (FMG)
Division of Financial Policy (DFP)
410.786.4738
jonathan.endelman@cms.hhs.gov
7500 Security Blvd.
Mail Stop, S3-14-28
Baltimore, MD 21244-1850

From: Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>
Sent: Thursday, October 12, 2023 11:09 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS)

Message

From: Silanskis, Jeremy (CMS/CMCS) , (b)(6)
Sent: 10/12/2023 8:38:52 PM , (b)(6)
To: Howe, Rory (CMS/CMCS) , (b)(6)
Subject: Automatic reply: Automatic reply: Revised NC Hold Harmless Attestation , (b)(6)

Hello -

I am out of the office on October 13, 2023. I will respond to your email when I return to the office. If you need immediate assistance, please contact Amber MacCarroll at: Amber.MacCarroll@cms.hhs.gov.

Thanks.

Jeremy

Message

From: Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>, (b)(6)
Sent: 10/16/2023 3:54:20 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>, (b)(6)
Endelman (he/him),

CC: Cuno, Richard
Fan, Kristin
Goldstein, Stuart
McClure, Deb
(b)(6)
Mosley, Elle
Schoonover, Matthew
Maccarroll, Amber
Silanskis, Jeremy
Endams, lia (CMS/CMCS)

Subject: RE: RE: North Carolina Attestations

Rory,

We will hold until we get the update from you.

Thanks,

Charlie Arnold
Director
CMCS/FMG/DFP
(b)(6)

Any opinion expressed in this email communication does not represent the opinion of the agency and will not bind or obligate CMS. CMS has relied on the facts and information presented and if any material facts have not been disclosed, any opinion/advice is without force and effect. Any advice is limited to the facts presented and is part of informal discussions of the issues raised.

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Monday, October 16, 2023 11:47 AM
To: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Cc: Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Cuno, Richard (CMS/CMCS) <Richard.Cuno@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; McClure, Deb (CMS/CMCS) <Deborah.McClure@cms.hhs.gov>; Mosley, Elle (CMS/CMCS) <larrica.mosley@cms.hhs.gov>; Schoonover, Matthew (CMS/CMCS) <matthew.schoonover@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS)

Message

From: Lannaman, Morlan (CMS/CMCS) , (b)(6)
Sent: 10/17/2023 1:52:15 PM , (b)(6)
To: Smith, Falecia (CMS/CMCS) , (b)(6)

Swisher, Loan
Kostesich, Jennifer
Endelman (he/him),
; Miller, Courtney
; Gibson, Alexis
Rodriguez, Matthew
]; Abbott, Sarah
; Harvin, Carshena
Higgins, Shelby
; Trieger, Michael
Phelps, Sandra
Dolly, Ed (CMS/CMCS)
]; Banton, Kia
Hoang, Dzung
]; Allison, John
ivane, Nora (CMS/CMCS)
Elizabeth (CMS/CMCS)
Arowojolu, Tinu
Brooks, Bill (CMS/CMCS)
Roberts (she/her), Trina
Jensen, Kirsten
nkersley, Michael
Delvecchio, Lynn
Mathurin, Dominique
; Weaver, Brent
Schickner, Loretta

, (b)(6)

rsbach (she/her),
hm (she/her), Sarah
rill Ortiz (she/her),
l, Samantha
hammad (she/her),
Howe, Rory
stein, Stuart
nold, Charlie
rk, Jennifer
no, Richard
ines, Charles
omas, Stephanie
ector, Sarah
ffey, Gene
urian, Martin
olligan, Ricardo
ves, Donald
minsky, Stephanie
ntwell, Kenya
smith, Brandon
ankersley, Michael
ze, Jackie
ccarroll, Amber
irner, Alexa
ore (she/her), Z.
ieng, Suzette
loua, Pader
ouglass, Jessika

, (b)(6)

Subject: CMS/NC DHHS Medicaid Expansion Weekly Meeting Agenda October 19

Good Morning All,

Below are call notes/meeting summary and a draft agenda for Thursday's meeting.

CMS/NC DHHS Medicaid Expansion Weekly Check-In: Agenda

October 19, 2023, 11:00-12:00 pm ET

- Discuss CMS review and approval status for:
 - ABP SPA/Therapy Services
 - Hospital PE
 - Single State Agency SPA
 - FMAP Proxy
- FFM Determination
 - Marketplace use case scenarios
- FFM Data Request

CMS/NC DHHS Medicaid Expansion Weekly Check-In (10/12): Meeting Summary

- **Status on Legal Authorities**
 - Eligibility SPA:
 - Eligibility SPA has been approved by CMS.
 - FMAP SPA:
 - CMS approval of the FMAP SPA is expected imminently.
 - CMS confirmed that NC may separately submit Attachment D to the FMAP SPA with the postpartum proxy methodology with a 12/1 effective date.
 - ABP SPA:
 - CMS received documentation from NC on existing therapy service limits and confirmed NC's proposed service limits in the ABP are greater than existing therapy service limits. As a result, the CMS 9817 team confirmed there is no MOE violation with the proposed ABP therapy service limits.
 - NC confirmed it will submit an amendment to the State Plan aligning therapy service limits with those in the ABP.
 - CMS requested NC submit a draft version of the State Plan amendment for review in parallel to NC conducting public comment and Tribal consultation, in order to shorten review timeline and begin sufficiency analysis.
 - **Next Steps:**
 - NC to submit draft version of the State Plan amendment re: therapy service limits to CMS.
- **Hospital Presumptive Eligibility SPA**
 - NC confirmed it is targeting for this SPA to have an effective date of 12/1.
 - **Next Steps**
 - CMS to send NC template language for training materials.
- **Hold Harmless Attestation**
 - CMS clarified it is still discussing internally a response to NC's question on hold harmless attestation and will follow-up with a response.
- **FFM Data Request**
 - CMS confirmed it is routing the IEA to NC. CMS intends to have the data pull ready once the IEA is executed.
 - NC clarified that data request should include social security number for data matching purposes.
 - **Next Steps**
 - CMS will update the IEA and data request to include social security number data.
- **FFM Determination**
 - CMS confirmed it is finalizing a response to NC's document with beneficiary marketplace use case scenarios.
 - NC requested a response by noon on Wednesday 10/18 if possible.
 - NC informed it is tentatively planning to become an FFM determination state effective January 1, 2024. NC will confirm the date with CMS once finalized.

Thanks,

Morlan

From: Lannaman, Morlan (CMS/CMCS)

Sent: Wednesday, October 11, 2023 2:15 PM

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Subject: CMS/NC DHHS Medicaid Expansion Weekly Meeting Agenda

CMS Team,

Please note agenda for Thursday CMS/NC DHHS Medicaid Expansion Weekly meeting and notes from last week

CMS/NC DHHS Medicaid Expansion Weekly Check-In: Agenda

October 12, 2023, 11:00-12:00 pm ET

- Discuss CMS review and approval status for:
 - FMAP SPA
 - Eligibility SPA
 - ABP SPA
 - Follow-up on therapy service limits feedback
- HPE SPA

- FFM questions
- Marketplace use case scenarios

CMS/NC DHHS Medicaid Expansion Weekly Check-In (10/5): Meeting Summary

- **Timeline for Legal Authorities Approval**
 - NC requested CMS approval of the FMAP and Eligibility SPA by 10/12 to ensure the State is able to draw down federal funds for Medicaid expansion.
 - **Next Steps:**
 - NC and CMS to check-in on Tuesday 10/10 on the status for approval of the FMAP and Eligibility SPA.
- **Status on Legal Authorities**
 - FMAP SPA:
 - CMS requested that NC transmit an email compiling all finalized attachments for the FMAP SPA (e.g., Attachment A, Attachment E, CMS-179 form) for CMS to conduct final review and approval.
 - NC will confirm the SPA effective date was updated to 12/1/23.
 - **Next Steps:**
 - NC to finalize FMAP SPA and send final version to CMS for approval.
 - CMS to finalize review and approval of the FMAP SPA.
 - Eligibility SPA:
 - NC confirmed it transmitted the eligibility training materials to transmit to CMS.
 - **Next Steps:**
 - CMS to finalize review and approval of the Eligibility SPA.
 - ABP SPA:
 - NC confirmed it received CMS' comments on the ABP 9 and will provide an updated version.
 - NC and CMS discussed feedback on the ABP 5 re: therapy service limits. NC clarified that current therapy service limits are set in the Clinical Coverage Policies outside of the State Plan, since they are optional services.
 - The proposed updated limits for therapy services in the ABP are a significant increase in coverage and therefore are not an ARP 9817 MOE violation. CMS will follow-up with the 9817 CMS team to flag this clarification and inform NC if additional documentation is needed.
 - NC clarified that therapy services are provided through the health home benefit, as described in the State Plan. Additionally, therapy services are provided through hospital outpatient clinics and private physician offices and the State intends on updating the State Plan to reflect this.
 - **Next Steps:**
 - CMS to flag clarification for 9817 CMS team that NC's proposed therapy service limits in ABP SPA are greater than existing service limits as stated in Clinical Coverage Policies.
 - NC to address remaining CMS feedback on ABP 5.
- **FFM Determination**
 - CMS flagged that it plans to discuss outstanding FFM question on the forthcoming check-in scheduled for 10/12. CMS will flag the technical resource guide NC should reference for this topic.
 - NC informed it is tentatively planning to become an FFM determination state effective 1/1/24. NC will confirm the date with CMS once finalized.
 - CMS confirmed it is reviewing NC's document with beneficiary marketplace use case scenarios and will provide responses.

From: Lannaman, Morlan (CMS/CMCS)

Sent: Thursday, October 5, 2023 9:38 AM

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Subject: CMS/NC DHHS Medicaid Expansion Weekly Meeting Agenda

Good morning all,

Please review last week meeting Summary and today's meeting Agenda

CMS/NC DHHS Medicaid Expansion Weekly Check-In (9/28): Meeting Summary

- **Medicaid Expansion Launch Date**
 - NC confirmed December 1, 2023 is the confirmed launch date for Medicaid Expansion now that the General Assembly has enacted a budget.
- **Status on Legal Authorities**
 - ABP:
 - CMS confirmed it has received the latest ABP 5 from NC transmitted the week of 9/25 reflecting updates to the therapy service limits.
 - NC confirmed the State will submit an update to the state plan to align with the therapy service limits in the ABP.
 - **Next Steps:**
 - CMS to finalize review of all ABP SPA templates and provide feedback to NC.
 - FMAP SPA:
 - NC confirmed the State has responded to all CMS feedback on the FMAP SPA, including Attachment E, and transmitted the approved conversion plan to CMS.
 - **Next Steps:**
 - CMS to finalize review of the FMAP SPA and provide any remaining feedback to NC.
 - Eligibility SPA:
 - CMS confirmed it is reviewing the latest Eligibility SPA in MACPro.
 - NC confirmed it is finalizing the eligibility training materials to transmit to CMS.
 - NC confirmed it has transmitted additional documentation to address the question about the fiscal note in the Eligibility SPA.
 - **Next Steps:**
 - CMS to finalize review of the Eligibility SPA and provide any remaining feedback to NC.

- **Timeline for Legal Authorities Approval**

- NC confirmed it is developing a timeline of target dates by which to obtain approval of legal authority SPAs to ensure no impact on drawing down federal funds for Medicaid expansion.

CMS/NC DHHS Medicaid Expansion Weekly Check-In: Agenda

October 5, 2023, 11:00-12:00 pm ET

- Discuss CMS review and any questions on:
 - ABP SPA
 - FMAP SPA
 - Eligibility SPA
- FFM-D Follow Up

Thanks,

Morlan

From: Lannaman, Morlan (CMS/CMCS)

Sent: Wednesday, September 27, 2023 11:55 AM

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Subject: CMS/NC DHHS Medicaid Expansion Weekly Check-In (9/28) Meeting Summary /Agenda

Good afternoon,

Please note the Agenda and meeting Summary from NC

CMS/NC DHHS Medicaid Expansion Weekly Check-In Agenda

September 28, 2023, 11:00-12:00 pm ET

- Expansion timeline
- Supplemental 37 Financing
- Discuss CMS review and any questions on:
 - ABP SPA
 - FMAP SPA
 - Eligibility SPA
 - Fiscal note
- Hold Harmless Attestation

Below is the question on the shutdown that our team had and meeting notes and agenda for next week.

If CMS approves the appropriate pre-prints and SPAs related to HASP and Medicaid Expansion, and there is a Federal shutdown, should we plan for extra time in having a supplement grant award approved and issued if needed during the 10/1/23 through 12/31/23 quarter?

CMS/NC DHHS Medicaid Expansion Weekly Check-In (9/21): Meeting Summary and Next Steps

- Government Shutdown
 - NC asked CMS what the implications were, if any, related to FMAP financing in light of a potential government shutdown.
 - CMS said that more information will be known next week and they can address any questions that DHHS may have when there is more clarity on a government shutdown.
 - **Next Steps:**
 - NC to add question on Supplemental-37 funding for next week's agenda and will share in advance so that CMS is prepared to discuss.
- Expansion Related SPAs
 - ABP:
 - NC provided an update to CMS that the State intends to send to CMS, imminently, a revised ABP 5 SPA that now addresses the therapy services issue.
 - Upon receipt of the revised ABP 5, CMS will have a full submission for its review; CMS will continue to review the other templates.
 - For now, ABP SPA templates can continue to be exchanged via email; when DHHS/CMS get closer to near final drafts, DHHS will submit the templates via the MMDL.
 - **Next Steps:**
 - NC to send to CMS revised ABP 5.
 - CMS to finalize review of all ABP SPA templates and provide feedback to NC.
 - FMAP SPA:
 - NC sent a revised FMAP SPA to CMS on 9/9/23 and is awaiting CMS feedback.
 - **Next Steps:**
 - CMS to finalize review of the FMAP SPA and provide any remaining feedback to NC.
 - Eligibility SPA:
 - NC received Martin's questions and will address his questions.
 - NC received questions on fiscal impact and would like to better understand the intent and context of the question.
 - **Next Steps:**
 - During next week's meeting, discuss the fiscal impact question related to the Eligibility SPA.
- General launch update
 - State Legislature released a budget that allows NC To expand Medicaid, upon budget approval.
 - There continues to be an open question on Medicaid expansion effective date.
 - **Next Steps:**

- NC to update CMS on an effective date, once known.
- Hold Harmless Attestation
 - DHHS wants to check in on the hold harmless attestation language related to HASP Program.
 - CMS is currently reviewing the hold harmless attestation language with senior leadership.
 - NC is looking for guidance from CMS on this by the end of September.
 - **Next Steps:**
 - CMS to provide guidance on the hold harmless attestation once finalized.
- FFM Scenarios
 - NC sent to CMS a number of beneficiary scenarios related to the FFM, which CMS will review.
 - **Next Steps:**
 - CMS to continue to review and provide answers to NC's questions related to: (1) FFM Determination transition; and (2) FFM beneficiary scenarios.

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Subject: CMS/NC DHHS Medicaid Expansion Weekly Check-In (9/21): Meeting Summary /Agenda

Good afternoon,

Please note the Agenda and meeting Summary from NC

CMS/NC DHHS Medicaid Expansion Weekly Check-In (9/14): Meeting Summary

- **Medicaid Expansion Launch Date**
 - *Status:*
 - NC is still awaiting action from the General Assembly and will keep CMS informed of an updated expansion launch date.
- **Status on Legal Authorities**
 - *Status:*
 - ABP SPA:
 - NC confirmed it sent over a revised version of the SPA to CMS that addresses round 2 feedback, except for updated therapy service limits.
 - NC will submit a revised SPA after finalizing the updated therapy service limits.
 - *FMAP SPA:*
 - NC confirmed it submitted a revised version of Attachment E and the MAGI Conversion Plan to CMS on 9/13.
 - *Eligibility SPA:*
 - NC confirmed it has responded to all of CMS' questions on the SPA.
 - NC is working on training materials and will submit those to CMS once finalized.
- **FFM Questions**
 - *Status:*
 - NC flagged that CMS responses to FFM-D questions are still outstanding and the timing of CMS' response is impacting the state's timeline.
 - The group discussed that any new questions from NC should continue to be submitted in writing in order for CMS to consult technical SMEs and develop a response. Once NC receives responses, the State can request a call to discuss any follow-up questions.
 - *Next Steps:*
 - **CMS to:** Provide responses to outstanding FFM-D questions from NC.
- **Beneficiary Marketplace Scenarios:**
 - *Status:*
 - NC flagged that it is looking to understand what the experience will be for individuals who are in the Marketplace and will become Medicaid eligible following expansion.
 - NC has developed a document with use case scenarios and follow-up questions for CMS to review and provide responses.
 - NC intends to use this document and use case scenario for stakeholder engagement, including engagement with navigators.
 - *Next Steps:*
 - **CMS to:** review use case scenario document and provide a response to questions.
 - In terms of priority, responses to FFM questions should be prioritized above response to use case scenarios/questions.
- **FFM Data Request**
 - *Status:*
 - CMS flagged that it will send NC a list of what data is available the week of 9/18.
 - NC will need to confirm the preferred timing to obtain data (e.g., pulling data closer to launch date will pull data from broader period of time).

CMS/NC DHHS Medicaid Expansion Weekly Check-In: Agenda

September 21, 2023, 11:00-12:00 pm ET

- **Medicaid Expansion Launch Date**
 - Eligibility SPA fiscal impact
- **Hold Harmless Attestation**
- **Follow-Up on Beneficiary Marketplace Scenarios (Attached)**

From: Lannaman, Morlan (CMS/CMCS)

Sent: Wednesday, September 13, 2023 9:19 AM

To: Smith, Falecia (CMS/CMCS) <Falecia.Smith@cms.hhs.gov>; Swisher, Loan (CMS/CMCS) <Loan.Swisher@cms.hhs.gov>; Kotesich, Jennifer (CMS/CMCS) <Jennifer.Kotesich@cms.hhs.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Miller, Courtney (CMS/CMCS) <Courtney.Miller@cms.hhs.gov>; Gibson, Alexis (CMS/CMCS) <alexis.gibson@cms.hhs.gov>; Rodriguez, Matthew (CMS/CMCS) <Matthew.Rodriguez@cms.hhs.gov>; Abbott, Sarah (CMS/CMCS) <Sarah.Abbott@cms.hhs.gov>; Harvin, Carshena (CMS/CMCS) <Carshena.Harvin@cms.hhs.gov>; Higgins, Shelby (CMS/CMCS) <Shelby.Higgins@cms.hhs.gov>; Trieger, Michael (CMS/CMCS) <Michael.Trieger1@cms.hhs.gov>; Phelps, Sandra (CMS/CMCS) <Sandra.Phelps@cms.hhs.gov>; Arowojolu, Tinu (CMS/CMCS) <Tinu.Arowojolu1@cms.hhs.gov>; Dolly, Ed (CMS/CMCS) <Edward.Dolly@cms.hhs.gov>; Banton, Kia (CMS/CMCS) <Kia.Banton@cms.hhs.gov>; Hoang, Dzung (CMS/CMCS) <Dzung.Hoang@cms.hhs.gov>; Allison, John (CMS/CCIIO) <John.Allison@cms.hhs.gov>; Huvane, Nora (CMS/CMCS) <nora.huvane@cms.hhs.gov>; Hill, Elizabeth (CMS/CMCS) <Elizabeth.Hill@cms.hhs.gov>; Brooks, Bill (CMS/CMCS) <Bill.Brooks@cms.hhs.gov>; Roberts, Shantrina (CMS/CMCS) <Shantrina.Roberts@cms.hhs.gov>; Jensen, Kirsten (CMS/CMCS) <Kirsten.Jensen@cms.hhs.gov>; Tankersley, Michael (CMS/CMCS) <Michael.Tankersley@cms.hhs.gov>; Delvecchio, Lynn (CMS/CMCS) <Lynn.DelVecchio@cms.hhs.gov>; Mathurin, Dominique (CMS/CMCS) <Dominique.Mathurin@cms.hhs.gov>; Weaver, Brent (CMS/CMCS) <Brent.Weaver@cms.hhs.gov>; Schickner, Loretta (CMS/CMCS) <Loretta.Schickner@cms.hhs.gov>; Lorschach (she/her), Anna (CMS/CCIIO) <anna.lorschach@cms.hhs.gov>; Boehm (she/her), Sarah (CMS/CCIIO) <Sarah.Boehm@cms.hhs.gov>; Brill Ortiz (she/her), Jessica (CMS/CCIIO) <Jessica.BrillOrtiz@cms.hhs.gov>; Porzel, Samantha (CMS/CCIIO) <samantha.porzel@cms.hhs.gov>; Muhammad (she/her), Kaleema (CMS/CCIIO) <Kaleema.Muhammad@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Cuno, Richard (CMS/CMCS) <Richard.Cuno@cms.hhs.gov>; Hines, Charles (CMS/CMCS) <Charles.Hines@cms.hhs.gov>; Thomas, Stephanie (CMS/CMCS) <Stephanie.Thomas@cms.hhs.gov>; Spector, Sarah (CMS/CMCS) <Sarah.Spector@cms.hhs.gov>; Coffey, Gene (CMS/CMCS) <Gene.Coffey@cms.hhs.gov>; Burian, Martin (CMS/CMCS) <Martin.Burian@cms.hhs.gov>; Holligan, Ricardo (CMS/CMCS) <Ricardo.Holligan@cms.hhs.gov>; Graves, Donald (CMS/CMCS) <Donald.Graves@cms.hhs.gov>; Kaminsky, Stephanie (CMS/CMCS) <Stephanie.Kaminsky@cms.hhs.gov>; Cantwell, Kenya (CMS/CMCS) <Kenya.Cantwell@cms.hhs.gov>; Smith, Brandon (CMS/CMCS) <Brandon.Smith@cms.hhs.gov>; Tankersley, Michael (CMS/CMCS) <Michael.Tankersley@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Turner, Alexa (CMS/CMCS) <Alexandra.Turner@cms.hhs.gov>

Subject: CMS/NC DHHS Medicaid Expansion Weekly Check-In (9/8): Meeting Summary /Agenda

Morning all,

Per NC- CMS/NC DHHS Medicaid Expansion Weekly Check-In (9/8): Meeting Summary

The state will be sending along some FMAP documents and clarifications shortly.

CMS/NC DHHS Medicaid Expansion Weekly Check-In (9/8): Meeting Summary

- **Medicaid Expansion Launch Date**
 - *Status:*
- NC is evaluating other potential launch dates and will keep CMS informed of an updated expansion launch date.

- **ABP Therapy Service Limits**

- *Status:*

- CMS discussed NC's proposed options for updating the PT/OT/ST service limits and provided written feedback on the options that are permissible. In summary:
 - Option 1 is permissible and would be a quicker administrative review, as it would not be subject to sufficiency requirements.
 - Option 2 is permissible but would be subject to sufficiency requirements, which would require the state to provide supporting information to confirm the services are "sufficient in amount, duration, and scope to reasonably achieve its purpose" (§ 440.230)
 - Option 3 is not permissible, as the State cannot impose combined hard limits on habilitative and rehabilitative services (§ 156.115).
- NC will review CMS' feedback and determine the preferred approach to update PT/OT/ST service limits.
- NC flagged it will also be updating its traditional SPA to align with the ABP SPA.
 - NC flagged that since the State allows for a long period of public comment (10 day public comment and 60-day Tribal consultation), the State requests flexibility to allow the ABP SPA's approval to occur prior to the benefit SPA's approval.

- *Next steps:*

- **NC to:** Submit updated ABP SPA to CMS.

- **Status on Legal Authorities**

- *Status:*

- *FMAP SPA:*

- NC confirmed it will submit an updated FMAP SPA by Monday 9/11.

- *Eligibility SPA:*

- NC confirmed it submitted an updated Eligibility SPA on Thursday 9/7.
- NC confirmed it is finalizing eligibility worker training materials and will send those to CMS in the coming weeks.

- **FFM Timeline**

- *Status:*

- CMS shared the table of FFM tool submission deadlines based on FFM go-live date (see below).
- NC requested that CMS clarify if the State can pull back submission of the FFM tool if a budget is not passed by an anticipated date.
- CMS confirmed the State is not required to conduct testing to transition to an FFM determination state.
- *Next Steps:*
- **CMS to:** Clarify if the State can pull back submission of the FFM tool if a budget is not passed by an anticipated date.
- **CMS and NC to:** Set up an ad hoc call to discuss FFM questions.

State and FFE go-live date	Updated tool due from state to CMS
Between 11/1-11/4	9/22
Between 11/5-11/18	9/28
Between 11/19-12/1	10/12
1/1/2024	10/23

CMS/NC DHHS Medicaid Expansion Weekly Check-In: Agenda

September 14, 2023, 11:00-12:00 pm ET

- **Medicaid Expansion Launch Date**

FFM Questions

Morlan Lannaman
Health Insurance Specialist
Medicaid & CHIP Operations Group
Centers for Medicare & Medicaid Services
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Email: morlan.lannaman@cms.hhs.gov

Emma Sandoe, PhD
Deputy Director, Medicaid Policy
Division of Health Benefits
NC Department of Health and Human Services
Office: (919) 527-7043
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Pronouns: She/her

From: Sandoe, Emma
Sent: Friday, September 8, 2023 12:19 PM
To: Smith, Falecia (CMS/CMCS) <Falecia.Smith@cms.hhs.gov>; Lerche, Julia K <julia.lerche@dhhs.nc.gov>; Staton, Betty J <Betty.J.Staton@dhhs.nc.gov>; Bush, Melanie E <melanie.bush@dhhs.nc.gov>
Cc: Lannaman, Morlan (CMS/CMCS) <Morlan.Lannaman@cms.hhs.gov>
Subject: RE: 9/7 Agenda Topics

One quick edit to the below in red sorry for the confusion. I know when we speak about CMS 37 vs 64 it creates some confusion.

Emma Sandoe, PhD
Deputy Director, Medicaid Policy
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From: Sandoe, Emma
Sent: Wednesday, September 6, 2023 5:25 PM
To: Smith, Falecia (CMS/CMCS) <Falecia.Smith@cms.hhs.gov>; Lerche, Julia K <julia.lerche@dhhs.nc.gov>; Staton, Betty J <Betty.J.Staton@dhhs.nc.gov>; Bush, Melanie E <melanie.bush@dhhs.nc.gov>
Cc: Lannaman, Morlan (CMS/CMCS) <Morlan.Lannaman@cms.hhs.gov>
Subject: 9/7 Agenda Topics

Falecia,
Below are the minutes from last week and the agenda for tomorrow.

CMS/NC DHHS Medicaid Expansion Weekly Check-In (8/31): Meeting Summary

- **Medicaid Expansion Launch Date**
 - *Status:*
- NC will not proceed with Medicaid expansion launch on 10/1 as the General Assembly did not take needed legislative action by 9/1. NC is evaluating other potential launch dates and will keep CMS informed of an updated expansion launch date.

- NC flagged it will hold on updating the effective date on the SPAs until a new expansion launch date is confirmed.
- CMS confirmed that if the only significant change NC is making to a SPA is the effective date, no additional Tribal consultation or public notice is required.
- **Requirements for Federal Funds**
 - *Status:*
- CMS-37
 - CMS confirmed that the CMS-37 can be submitted after approval of the Eligibility SPA and HASP pre-print.
 - CMS confirmed that after submission of the CMS-37, it will take CMS approximately 10 days to process and make funding available to NC for Medicaid expansion launch.
- CMS-64:
 - CMS confirmed that the CMS-64 can be submitted after approval of the Eligibility SPA, ABP SPA, and FMAP SPA.
- 5% FMAP Bump:
 - CMS confirmed that the State is able to draw down funds on the CMS 37 from the 5% FMAP bump following approval of Eligibility SPA, ~~ABP SPA, and FMAP SPA~~ (i.e., State can draw down funds prior to enrolling the first person in the Medicaid expansion adult group).
- **FFM Timeline**
 - *Status:*
 - CMS confirmed that if NC plans for an 11/1/23 go-live for the FFM, the data collection tool will be due 9/22/23.
 - CMS confirmed that the State may be able to pursue an FFM go-live date after 11/1/23 but will have to consider this will be during open enrollment which can add complexity.
 - *Next Steps:*
 - **CMS to:** Provide written responses to NC questions on FFM.
 - **CMS to:** Send FFM resource guide to NC.
- **FMAP SPA Attachment E**
 - *Status:*
 - CMS flagged that any individual who is facing a reduction in benefits due to transitioning to a different Medicaid eligibility group must have at least 10 days' notice for due process right; CMS anticipates the population this will apply to are individuals aged 20-21 who are aging out of EPSDT following the end of continuous coverage.
 - NC confirmed that individuals transitioning to the adult expansion group at their next redetermination date will receive notice at least 10 days before their change in coverage is effective. NC will revise Attachment E to clarify this process/timeline.
 - *Next Steps:*
 - **NC to:** Update FMAP SPA Attachment E.
 - **NC to:** Upload conversion plan with next submission of the FMAP SPA.
- **ABP SPA**
 - *Status*
 - CMS acknowledged it will respond to NC's open question on therapy service limits.

CMS/NC DHHS Medicaid Expansion Weekly Check-In: Agenda

September 7, 2023, 11:00-12:00 pm ET

- **ABP SPA**
 - Discuss CMS feedback on options to update therapy service limits (see below table)
- **FFM Outstanding Issues**

Options to Update Therapy Limits	CMS: Is this option permissible under federal regulation/CMS guidance?
Option 1: <ul style="list-style-type: none"> • PT/OT Service Limit 	○

<ul style="list-style-type: none"> ○ PT/OT share a combined visit limit across <i>both rehab and habilitative services</i> with a 30 visit <i>soft limit</i>; exceptions to the service limit can be authorized by the State when medically necessary. • ST Service Limit <ul style="list-style-type: none"> ○ ST has a visit limit across <i>both rehab and habilitative services</i> with a 30 visit <i>soft limit</i>; exceptions to the service limit can be authorized by the State when medically necessary. 	
Option 2: <ul style="list-style-type: none"> • PT/OT Service Limit <ul style="list-style-type: none"> ○ PT/OT have a combined 30 visit <i>hard limit</i> for <i>rehabilitative services</i> ○ PT/OT have a combined 30 visit <i>hard limit</i> for <i>habilitative services</i>. • ST Service Limit <ul style="list-style-type: none"> ○ ST has a 30 visit <i>hard limit</i> for <i>rehabilitative services</i> ○ ST has a 30 visit <i>hard limit</i> for <i>habilitative services</i>. 	○
Option 3: <ul style="list-style-type: none"> • PT Service Limit <ul style="list-style-type: none"> ○ PT has a hard limit of 30 visits combined across <i>both rehabilitative and habilitative services</i>. • OT Service Limit <ul style="list-style-type: none"> ○ OT has a hard limit of 30 visits combined across <i>both rehabilitative and habilitative services</i>. • ST Service Limit <ul style="list-style-type: none"> ○ ST has a hard limit of 30 visits combined across <i>both rehabilitative and habilitative services</i>. 	○

Emma Sandoe, PhD

Deputy Director, Medicaid Policy
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From: Sandoe, Emma

Sent: Thursday, August 31, 2023 8:33 AM

To: Smith, Falecia (CMS/CMCS) <Falecia.Smith@cms.hhs.gov>; Lerche, Julia K <julia.lerche@dhhs.nc.gov>; Staton, Betty J <Betty.J.Staton@dhhs.nc.gov>; Bush, Melanie E <melanie.bush@dhhs.nc.gov>

Cc: Lannaman, Morlan (CMS/CMCS) <Morlan.Lannaman@cms.hhs.gov>; Burian, Martin (CMS/CMCS) <Martin.Burian@cms.hhs.gov>; McChesney, Melissa (CMS/CMCS) <Melissa.McChesney@cms.hhs.gov>; Harris, Debra (CMS/CMCS) <Debra.Harris@cms.hhs.gov>

Subject: RE: [External] 8/31 Agenda Topics

Thank you, looking forward to the discussion this morning.

Emma Sandoe, PhD

Deputy Director, Medicaid Policy
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From: Smith, Falecia (CMS/CMCS) <Falecia.Smith@cms.hhs.gov>

Sent: Wednesday, August 30, 2023 5:27 PM

To: Sandoe, Emma <Emma.Sandoe@dhhs.nc.gov>; Lerche, Julia K <julia.lerche@dhhs.nc.gov>; Staton, Betty J <Betty.J.Staton@dhhs.nc.gov>; Bush, Melanie E <melanie.bush@dhhs.nc.gov>

Cc: Lannaman, Morlan (CMS/CMCS) <Morlan.Lannaman@cms.hhs.gov>; Burian, Martin (CMS/CMCS) <Martin.Burian@cms.hhs.gov>; McChesney, Melissa (CMS/CMCS) <Melissa.McChesney@cms.hhs.gov>; Harris, Debra (CMS/CMCS) <Debra.Harris@cms.hhs.gov>

Subject: [External] 8/31 Agenda Topics

Importance: High

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Hi Emma and Team

Our colleagues our Children and Adult Health Program Group would like to discuss NC's draft Transition Plan (Attachment E to the FMAP SPA):

- *Because of the tight timelines for implementation and the necessary IT systems changes, the State will transition individuals into the new adult group and then send a notice informing individuals of their coverage effective date, change in benefits, reporting obligations and where to go to have questions answered.*

In addition, we would like to provide technical assistance regarding notices in cases of reductions or terminations of benefits.

Please let me know if you have any questions.

Thank you,

Falecia Smith

South Branch Manager, Division of Program Operations

Medicaid & CHIP Operations Group

Centers for Medicare & Medicaid Services

Phone: 410 786 4113

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Message

From: Lannaman, Morlan (CMS/CMCS) , (b)(6)
Sent: 10/24/2023 2:18:10 PM , (b)(6)
To: Smith, Falecia (CMS/CMCS) , (b)(6)

Swisher, Loan
Kostesich, Jennifer
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; Gibson, Alexis
Rodriguez, Matthew
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Harvin, Carshena
Higgins, Shelby
; Trieger, Michael
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Brooks, Bill (CMS/CMCS)
Roberts (she/her), Trina
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nkersley, Michael
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el, Samantha
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dstein, Stuart
Arnold, Charlie
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Hines, Charles
omas, Stephanie
pector, Sarah
Coffey, Gene
Burian, Martin
olligan, Ricardo
aves, Donald
aminsky, Stephanie
antwell, Kenya
Smith, Brandon
Tankersley, Michael
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accarroll, Amber
turner, Alexa
ore (she/her), Z.
Seng, Suzette
Moua, Pader
Douglas, Jessika

, (b)(6)

Subject: CMS/NC DHHS Medicaid Expansion Weekly Meeting Agenda October 26

Good Morning All,

Below are call notes/meeting summary and a draft agenda for October 26th Thursday's meeting.

Julia Lerche will be covering for Emma Sandoe

CMS/NC DHHS Medicaid Expansion Weekly Check-In: Agenda

October 26, 2023, 11:00-12:00 pm ET

- Discuss CMS review and approval status for:
 - ABP SPA
- FFM Determination
 - Marketplace use case scenarios
- FFM Data Request

CMS/NC DHHS Medicaid Expansion Weekly Check-In (10/19): Meeting Summary

- **Status on Legal Authorities**
 - Eligibility SPA:
 - Eligibility SPA has been approved by CMS.
 - FMAP SPA:
 - FMAP SPA has been approved by CMS.
 - **Next Steps:**
 - CMS to confirm whether NC will receive the 5% ARPA FMAP bonus now that FMAP and Eligibility SPA have been approved.
 - ABP SPA:
 - NC confirmed it received round 3 of CMS' feedback on the ABP 5.
 - CMS flagged NC must also respond to request to identify self-referral services from the 1915(b) waiver in the ABP.
 - NC confirmed it submitted a draft of the updated State Plan with revised therapy services limits (aligning with the ABP SPA) to CMS for initial review.
 - **Next Steps:**
 - CMS to review draft State Plan updates to therapy services limits (aligning with the ABP SPA)
 - NC to respond to CMS feedback on ABP SPA, including request to identify self-referral services from the 1915(b) waiver in the ABP.
- **FFM Determination**
 - NC confirmed it received CMS' response on beneficiary marketplace use case scenarios.
 - NC requested clarification on CMS' expected timeline to conduct outreach/communication to individuals in the marketplace (e.g., send beneficiary letters).
 - CMS confirmed it has currently not set a date for beneficiary letters to be sent out.
 - NC flagged it sent additional written questions to CMS re: appeals process for denials and determination for emergency Medicaid and refugee assistance.
 - **Next Steps**
 - CMS to follow-up with response to NC written questions.

Thanks,

Morlan

From: Lannaman, Morlan (CMS/CMCS)

Sent: Wednesday, October 11, 2023 2:15 PM

To: Smith, Falecia (CMS/CMCS) <Falecia.Smith@cms.hhs.gov>; Swisher, Loan (CMS/CMCS)

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Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Miller, Courtney (CMS/CMCS) <Courtney.Miller@cms.hhs.gov>; Gibson, Alexis (CMS/CMCS) <alexis.gibson@cms.hhs.gov>; Rodriguez, Matthew (CMS/CMCS) <Matthew.Rodriguez@cms.hhs.gov>; Abbott, Sarah (CMS/CMCS) <Sarah.Abbott@cms.hhs.gov>; Harvin, Carshena (CMS/CMCS) <Carshena.Harvin@cms.hhs.gov>; Higgins, Shelby (CMS/CMCS) <Shelby.Higgins@cms.hhs.gov>; Trieger, Michael (CMS/CMCS) <Michael.Trieger1@cms.hhs.gov>; Phelps, Sandra (CMS/CMCS) <Sandra.Phelps@cms.hhs.gov>; Dolly, Ed (CMS/CMCS) <Edward.Dolly@cms.hhs.gov>; Banton, Kia (CMS/CMCS) <Kia.Banton@cms.hhs.gov>; Hoang, Dzung (CMS/CMCS) <Dzung.Hoang@cms.hhs.gov>; Allison, John (CMS/CCIIO) <John.Allison@cms.hhs.gov>; Huvane, Nora (CMS/CMCS) <nora.huvane@cms.hhs.gov>; Hill, Elizabeth (CMS/CMCS) <Elizabeth.Hill@cms.hhs.gov>; Arowojolu, Tinu (CMS/CMCS) <Tinu.Arowojolu1@cms.hhs.gov>; Brooks, Bill (CMS/CMCS) <Bill.Brooks@cms.hhs.gov>; Roberts (she/her), Trina (CMS/CMCS) <Shantrina.Roberts@cms.hhs.gov>; Jensen, Kirsten (CMS/CMCS) <Kirsten.Jensen@cms.hhs.gov>; Tankersley, Michael (CMS/CMCS) <Michael.Tankersley@cms.hhs.gov>; Delvecchio, Lynn (CMS/CMCS) <Lynn.DelVecchio@cms.hhs.gov>; Mathurin, Dominique (CMS/CMCS) <Dominique.Mathurin@cms.hhs.gov>; Weaver, Brent (CMS/CMCS) <Brent.Weaver@cms.hhs.gov>; Schickner, Loretta (CMS/CMCS) <Loretta.Schickner@cms.hhs.gov>; Lorsbach (she/her), Anna (CMS/CCIIO) <anna.lorsbach@cms.hhs.gov>; Boehm (she/her), Sarah (CMS/CCIIO) <Sarah.Boehm@cms.hhs.gov>; Brill Ortiz (she/her), Jessica (CMS/CCIIO) <Jessica.BrillOrtiz@cms.hhs.gov>; Porzel, Samantha (CMS/CCIIO) <samantha.porzel@cms.hhs.gov>; Muhammad (she/her), Kaleema (CMS/CCIIO) <Kaleema.Muhammad@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Cuno, Richard (CMS/CMCS) <Richard.Cuno@cms.hhs.gov>; Hines, Charles (CMS/CMCS) <Charles.Hines@cms.hhs.gov>; Thomas, Stephanie (CMS/CMCS) <Stephanie.Thomas@cms.hhs.gov>; Spector, Sarah (CMS/CMCS) <Sarah.Spector@cms.hhs.gov>; Coffey, Gene (CMS/CMCS) <Gene.Coffey@cms.hhs.gov>; Burian, Martin (CMS/CMCS) <Martin.Burian@cms.hhs.gov>; Holligan, Ricardo (CMS/CMCS) <Ricardo.Holligan@cms.hhs.gov>; Graves, Donald (CMS/CMCS) <Donald.Graves@cms.hhs.gov>; Kaminsky, Stephanie (CMS/CMCS) <Stephanie.Kaminsky@cms.hhs.gov>; Cantwell, Kenya (CMS/CMCS) <Kenya.Cantwell@cms.hhs.gov>; Smith, Brandon (CMS/CMCS) <Brandon.Smith@cms.hhs.gov>; Tankersley, Michael (CMS/CMCS) <Michael.Tankersley@cms.hhs.gov>; Glaze, Jackie (CMS/CMCS) <Jackie.Glaze@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Turner, Alexa (CMS/CMCS) <Alexandra.Turner@cms.hhs.gov>; Moore (she/her), Z. Yvette (CMS/CMCS) <yvette.moore@cms.hhs.gov>
Cc: Seng, Suzette (CMS/CMCS) <Suzette.Seng@cms.hhs.gov>; Moua, Pader (CMS/CMCS) <pader.moua@cms.hhs.gov>; Douglas, Jessika (CMS/CMCS) <Jessika.Douglas@cms.hhs.gov>

Subject: CMS/NC DHHS Medicaid Expansion Weekly Meeting Agenda

CMS Team,

Please note agenda for Thursday CMS/NC DHHS Medicaid Expansion Weekly meeting and notes from last week

CMS/NC DHHS Medicaid Expansion Weekly Check-In: Agenda

October 12, 2023, 11:00-12:00 pm ET

- Discuss CMS review and approval status for:
 - FMAP SPA
 - Eligibility SPA
 - ABP SPA
 - Follow-up on therapy service limits feedback
- HPE SPA
- FFM questions
- Marketplace use case scenarios

CMS/NC DHHS Medicaid Expansion Weekly Check-In (10/5): Meeting Summary

- **Timeline for Legal Authorities Approval**
 - NC requested CMS approval of the FMAP and Eligibility SPA by 10/12 to ensure the State is able to draw down federal funds for Medicaid expansion.
 - **Next Steps:**

- NC and CMS to check-in on Tuesday 10/10 on the status for approval of the FMAP and Eligibility SPA.
- **Status on Legal Authorities**
 - FMAP SPA:
 - CMS requested that NC transmit an email compiling all finalized attachments for the FMAP SPA (e.g., Attachment A, Attachment E, CMS-179 form) for CMS to conduct final review and approval.
 - NC will confirm the SPA effective date was updated to 12/1/23.
 - **Next Steps:**
 - NC to finalize FMAP SPA and send final version to CMS for approval.
 - CMS to finalize review and approval of the FMAP SPA.
 - Eligibility SPA:
 - NC confirmed it transmitted the eligibility training materials to transmit to CMS.
 - **Next Steps:**
 - CMS to finalize review and approval of the Eligibility SPA.
 - ABP SPA:
 - NC confirmed it received CMS' comments on the ABP 9 and will provide an updated version.
 - NC and CMS discussed feedback on the ABP 5 re: therapy service limits. NC clarified that current therapy service limits are set in the Clinical Coverage Policies outside of the State Plan, since they are optional services.
 - The proposed updated limits for therapy services in the ABP are a significant increase in coverage and therefore are not an ARP 9817 MOE violation. CMS will follow-up with the 9817 CMS team to flag this clarification and inform NC if additional documentation is needed.
 - NC clarified that therapy services are provided through the health home benefit, as described in the State Plan. Additionally, therapy services are provided through hospital outpatient clinics and private physician offices and the State intends on updating the State Plan to reflect this.
 - **Next Steps:**
 - CMS to flag clarification for 9817 CMS team that NC's proposed therapy service limits in ABP SPA are greater than existing service limits as stated in Clinical Coverage Policies.
 - NC to address remaining CMS feedback on ABP 5.
- **FFM Determination**
 - CMS flagged that it plans to discuss outstanding FFM question on the forthcoming check-in scheduled for 10/12. CMS will flag the technical resource guide NC should reference for this topic.
 - NC informed it is tentatively planning to become an FFM determination state effective 1/1/24. NC will confirm the date with CMS once finalized.
 - CMS confirmed it is reviewing NC's document with beneficiary marketplace use case scenarios and will provide responses.

From: Lannaman, Morlan (CMS/CMCS)

Sent: Thursday, October 5, 2023 9:38 AM

To: Smith, Falecia (CMS/CMCS) <Falecia.Smith@cms.hhs.gov>; Swisher, Loan (CMS/CMCS) <Loan.Swisher@cms.hhs.gov>; Kotesich, Jennifer (CMS/CMCS) <Jennifer.Kotesich@cms.hhs.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Miller, Courtney (CMS/CMCS) <Courtney.Miller@cms.hhs.gov>; Gibson, Alexis (CMS/CMCS) <alexis.gibson@cms.hhs.gov>; Rodriguez, Matthew (CMS/CMCS) <Matthew.Rodriguez@cms.hhs.gov>; Abbott, Sarah (CMS/CMCS) <Sarah.Abbott@cms.hhs.gov>; Harvin, Carshena (CMS/CMCS) <Carshena.Harvin@cms.hhs.gov>; Higgins, Shelby (CMS/CMCS) <Shelby.Higgins@cms.hhs.gov>; Trieger, Michael (CMS/CMCS) <Michael.Trieger1@cms.hhs.gov>; Phelps, Sandra (CMS/CMCS) <Sandra.Phelps@cms.hhs.gov>; Dolly, Ed (CMS/CMCS) <Edward.Dolly@cms.hhs.gov>; Banton, Kia (CMS/CMCS) <Kia.Banton@cms.hhs.gov>; Hoang, Dzung (CMS/CMCS) <Dzung.Hoang@cms.hhs.gov>; Allison, John (CMS/CMCS) <John.Allison@cms.hhs.gov>; Huvane, Nora (CMS/CMCS) <nora.huvane@cms.hhs.gov>; Hill, Elizabeth (CMS/CMCS) <Elizabeth.Hill@cms.hhs.gov>; Arowojolu, Tinu (CMS/CMCS) <Tinu.Arowojolu1@cms.hhs.gov>; Brooks, Bill (CMS/CMCS) <Bill.Brooks@cms.hhs.gov>; Roberts (she/her), Trina (CMS/CMCS) <Shantrina.Roberts@cms.hhs.gov>; Jensen, Kirsten (CMS/CMCS) <Kirsten.Jensen@cms.hhs.gov>; Tankersley, Michael (CMS/CMCS) <Michael.Tankersley@cms.hhs.gov>; Delvecchio, Lynn (CMS/CMCS) <Lynn.DelVecchio@cms.hhs.gov>; Mathurin, Dominique (CMS/CMCS)

<Dominique.Mathurin@cms.hhs.gov>; Weaver, Brent (CMS/CMCS) <Brent.Weaver@cms.hhs.gov>; Schickner, Loretta (CMS/CMCS) <Loretta.Schickner@cms.hhs.gov>; Lorsbach (she/her), Anna (CMS/CCIIO) <anna.lorsbach@cms.hhs.gov>; Boehm (she/her), Sarah (CMS/CCIIO) <Sarah.Boehm@cms.hhs.gov>; Brill Ortiz (she/her), Jessica (CMS/CCIIO) <Jessica.BrillOrtiz@cms.hhs.gov>; Porzel, Samantha (CMS/CCIIO) <samantha.porzel@cms.hhs.gov>; Muhammad (she/her), Kaleema (CMS/CCIIO) <Kaleema.Muhammad@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Cuno, Richard (CMS/CMCS) <Richard.Cuno@cms.hhs.gov>; Hines, Charles (CMS/CMCS) <Charles.Hines@cms.hhs.gov>; Thomas, Stephanie (CMS/CMCS) <Stephanie.Thomas@cms.hhs.gov>; Spector, Sarah (CMS/CMCS) <Sarah.Spector@cms.hhs.gov>; Coffey, Gene (CMS/CMCS) <Gene.Coffey@cms.hhs.gov>; Burian, Martin (CMS/CMCS) <Martin.Burian@cms.hhs.gov>; Holligan, Ricardo (CMS/CMCS) <Ricardo.Holligan@cms.hhs.gov>; Graves, Donald (CMS/CMCS) <Donald.Graves@cms.hhs.gov>; Kaminsky, Stephanie (CMS/CMCS) <Stephanie.Kaminsky@cms.hhs.gov>; Cantwell, Kenya (CMS/CMCS) <Kenya.Cantwell@cms.hhs.gov>; Smith, Brandon (CMS/CMCS) <Brandon.Smith@cms.hhs.gov>; Tankersley, Michael (CMS/CMCS) <Michael.Tankersley@cms.hhs.gov>; Glaze, Jackie (CMS/CMCS) <Jackie.Glaze@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Turner, Alexa (CMS/CMCS) <Alexandra.Turner@cms.hhs.gov>

Subject: CMS/NC DHHS Medicaid Expansion Weekly Meeting Agenda

Good morning all,

Please review last week meeting Summary and today's meeting Agenda

CMS/NC DHHS Medicaid Expansion Weekly Check-In (9/28): Meeting Summary

- **Medicaid Expansion Launch Date**
 - NC confirmed December 1, 2023 is the confirmed launch date for Medicaid Expansion now that the General Assembly has enacted a budget.
- **Status on Legal Authorities**
 - ABP:
 - CMS confirmed it has received the latest ABP 5 from NC transmitted the week of 9/25 reflecting updates to the therapy service limits.
 - NC confirmed the State will submit an update to the state plan to align with the therapy service limits in the ABP.
 - **Next Steps:**
 - CMS to finalize review of all ABP SPA templates and provide feedback to NC.
 - FMAP SPA:
 - NC confirmed the State has responded to all CMS feedback on the FMAP SPA, including Attachment E, and transmitted the approved conversion plan to CMS.
 - **Next Steps:**
 - CMS to finalize review of the FMAP SPA and provide any remaining feedback to NC.
 - Eligibility SPA:
 - CMS confirmed it is reviewing the latest Eligibility SPA in MACPro.
 - NC confirmed it is finalizing the eligibility training materials to transmit to CMS.
 - NC confirmed it has transmitted additional documentation to address the question about the fiscal note in the Eligibility SPA.
 - **Next Steps:**
 - CMS to finalize review of the Eligibility SPA and provide any remaining feedback to NC.
- **Timeline for Legal Authorities Approval**
 - NC confirmed it is developing a timeline of target dates by which to obtain approval of legal authority SPAs to ensure no impact on drawing down federal funds for Medicaid expansion.

CMS/NC DHHS Medicaid Expansion Weekly Check-In: Agenda

October 5, 2023, 11:00-12:00 pm ET

- Discuss CMS review and any questions on:
 - ABP SPA
 - FMAP SPA

- Eligibility SPA
- FFM-D Follow Up

Thanks,

Morlan

From: Lannaman, Morlan (CMS/CMCS)

Sent: Wednesday, September 27, 2023 11:55 AM

To: Smith, Falecia (CMS/CMCS) <Falecia.Smith@cms.hhs.gov>; Swisher, Loan (CMS/CMCS) <Loan.Swisher@cms.hhs.gov>; Kotesich, Jennifer (CMS/CMCS) <Jennifer.Kotesich@cms.hhs.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Miller, Courtney (CMS/CMCS) <Courtney.Miller@cms.hhs.gov>; Gibson, Alexis (CMS/CMCS) <alexis.gibson@cms.hhs.gov>; Rodriguez, Matthew (CMS/CMCS) <Matthew.Rodriguez@cms.hhs.gov>; Abbott, Sarah (CMS/CMCS) <Sarah.Abbott@cms.hhs.gov>; Harvin, Carshena (CMS/CMCS) <Carshena.Harvin@cms.hhs.gov>; Higgins, Shelby (CMS/CMCS) <Shelby.Higgins@cms.hhs.gov>; Trieger, Michael (CMS/CMCS) <Michael.Trieger1@cms.hhs.gov>; Phelps, Sandra (CMS/CMCS) <Sandra.Phelps@cms.hhs.gov>; Arowojolu, Tinu (CMS/CMCS) <Tinu.Arowojolu1@cms.hhs.gov>; Dolly, Ed (CMS/CMCS) <Edward.Dolly@cms.hhs.gov>; Banton, Kia (CMS/CMCS) <Kia.Banton@cms.hhs.gov>; Hoang, Dzung (CMS/CMCS) <Dzung.Hoang@cms.hhs.gov>; Allison, John (CMS/CCIIO) <John.Allison@cms.hhs.gov>; Huvane, Nora (CMS/CMCS) <nora.huvane@cms.hhs.gov>; Hill, Elizabeth (CMS/CMCS) <Elizabeth.Hill@cms.hhs.gov>; Brooks, Bill (CMS/CMCS) <Bill.Brooks@cms.hhs.gov>; Roberts (she/her), Trina (CMS/CMCS) <Shantrina.Roberts@cms.hhs.gov>; Jensen, Kirsten (CMS/CMCS) <Kirsten.Jensen@cms.hhs.gov>; Tankersley, Michael (CMS/CMCS) <Michael.Tankersley@cms.hhs.gov>; Delvecchio, Lynn (CMS/CMCS) <Lynn.DelVecchio@cms.hhs.gov>; Mathurin, Dominique (CMS/CMCS) <Dominique.Mathurin@cms.hhs.gov>; Weaver, Brent (CMS/CMCS) <Brent.Weaver@cms.hhs.gov>; Schickner, Loretta (CMS/CMCS) <Loretta.Schickner@cms.hhs.gov>; Lorschach (she/her), Anna (CMS/CCIIO) <anna.lorschach@cms.hhs.gov>; Boehm (she/her), Sarah (CMS/CCIIO) <Sarah.Boehm@cms.hhs.gov>; Brill Ortiz (she/her), Jessica (CMS/CCIIO) <Jessica.BrillOrtiz@cms.hhs.gov>; Porzel, Samantha (CMS/CCIIO) <samantha.porzel@cms.hhs.gov>; Muhammad (she/her), Kaleema (CMS/CCIIO) <Kaleema.Muhammad@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Cuno, Richard (CMS/CMCS) <Richard.Cuno@cms.hhs.gov>; Hines, Charles (CMS/CMCS) <Charles.Hines@cms.hhs.gov>; Thomas, Stephanie (CMS/CMCS) <Stephanie.Thomas@cms.hhs.gov>; Spector, Sarah (CMS/CMCS) <Sarah.Spector@cms.hhs.gov>; Coffey, Gene (CMS/CMCS) <Gene.Coffey@cms.hhs.gov>; Burian, Martin (CMS/CMCS) <Martin.Burian@cms.hhs.gov>; Holligan, Ricardo (CMS/CMCS) <Ricardo.Holligan@cms.hhs.gov>; Graves, Donald (CMS/CMCS) <Donald.Graves@cms.hhs.gov>; Kaminsky, Stephanie (CMS/CMCS) <Stephanie.Kaminsky@cms.hhs.gov>; Cantwell, Kenya (CMS/CMCS) <Kenya.Cantwell@cms.hhs.gov>; Smith, Brandon (CMS/CMCS) <Brandon.Smith@cms.hhs.gov>; Tankersley, Michael (CMS/CMCS) <Michael.Tankersley@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Turner, Alexa (CMS/CMCS) <Alexandra.Turner@cms.hhs.gov>

Subject: CMS/NC DHHS Medicaid Expansion Weekly Check-In (9/28) Meeting Summary /Agenda

Good afternoon,

Please note the Agenda and meeting Summary from NC

CMS/NC DHHS Medicaid Expansion Weekly Check-In Agenda

September 28, 2023, 11:00-12:00 pm ET

- Expansion timeline
- Supplemental 37 Financing
- Discuss CMS review and any questions on:
 - ABP SPA
 - FMAP SPA
 - Eligibility SPA

- Fiscal note
- Hold Harmless Attestation

Below is the question on the shutdown that our team had and meeting notes and agenda for next week.

If CMS approves the appropriate pre-prints and SPAs related to HASP and Medicaid Expansion, and there is a Federal shutdown, should we plan for extra time in having a supplement grant award approved and issued if needed during the 10/1/23 through 12/31/23 quarter?

CMS/NC DHHS Medicaid Expansion Weekly Check-In (9/21): Meeting Summary and Next Steps

- Government Shutdown
 - NC asked CMS what the implications were, if any, related to FMAP financing in light of a potential government shutdown.
 - CMS said that more information will be known next week and they can address any questions that DHHS may have when there is more clarity on a government shutdown.
 - **Next Steps:**
 - NC to add question on Supplemental-37 funding for next week's agenda and will share in advance so that CMS is prepared to discuss.
- Expansion Related SPAs
 - ABP:
 - NC provided an update to CMS that the State intends to send to CMS, imminently, a revised ABP 5 SPA that now addresses the therapy services issue.
 - Upon receipt of the revised ABP 5, CMS will have a full submission for its review; CMS will continue to review the other templates.
 - For now, ABP SPA templates can continue to be exchanged via email; when DHHS/CMS get closer to near final drafts, DHHS will submit the templates via the MMDL.
 - **Next Steps:**
 - NC to send to CMS revised ABP 5.
 - CMS to finalize review of all ABP SPA templates and provide feedback to NC.
 - FMAP SPA:
 - NC sent a revised FMAP SPA to CMS on 9/9/23 and is awaiting CMS feedback.
 - **Next Steps:**
 - CMS to finalize review of the FMAP SPA and provide any remaining feedback to NC.
 - Eligibility SPA:
 - NC received Martin's questions and will address his questions.
 - NC received questions on fiscal impact and would like to better understand the intent and context of the question.
 - **Next Steps:**
 - During next week's meeting, discuss the fiscal impact question related to the Eligibility SPA.
- General launch update
 - State Legislature released a budget that allows NC To expand Medicaid, upon budget approval.
 - There continues to be an open question on Medicaid expansion effective date.
 - **Next Steps:**
 - NC to update CMS on an effective date, once known.
- Hold Harmless Attestation
 - DHHS wants to check in on the hold harmless attestation language related to HASP Program.
 - CMS is currently reviewing the hold harmless attestation language with senior leadership.
 - NC is looking for guidance form CMS on this by the end of September.
 - **Next Steps:**
 - CMS to provide guidance on the hold harmless attestation once finalized.
- FFM Scenarios
 - NC sent to CMS a number of beneficiary scenarios related to the FFM, which CMS will review.

○ **Next Steps:**

- CMS to continue to review and provide answers to NC's questions related to: (1) FFM Determination transition; and (2) FFM beneficiary scenarios.

Morlan Lannaman
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Centers for Medicare & Medicaid Services
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From: Lannaman, Morlan (CMS/CMCS)

Sent: Wednesday, September 20, 2023 11:58 AM

To: Smith, Falecia (CMS/CMCS) <Falecia.Smith@cms.hhs.gov>; Swisher, Loan (CMS/CMCS) <Loan.Swisher@cms.hhs.gov>; Kotesich, Jennifer (CMS/CMCS) <Jennifer.Kotesich@cms.hhs.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Miller, Courtney (CMS/CMCS) <Courtney.Miller@cms.hhs.gov>; Gibson, Alexis (CMS/CMCS) <alexis.gibson@cms.hhs.gov>; Rodriguez, Matthew (CMS/CMCS) <Matthew.Rodriguez@cms.hhs.gov>; Abbott, Sarah (CMS/CMCS) <Sarah.Abbott@cms.hhs.gov>; Harvin, Carshena (CMS/CMCS) <Carshena.Harvin@cms.hhs.gov>; Higgins, Shelby (CMS/CMCS) <Shelby.Higgins@cms.hhs.gov>; Trieger, Michael (CMS/CMCS) <Michael.Trieger1@cms.hhs.gov>; Phelps, Sandra (CMS/CMCS) <Sandra.Phelps@cms.hhs.gov>; Arowojolu, Tinu (CMS/CMCS) <Tinu.Arowojolu1@cms.hhs.gov>; Dolly, Ed (CMS/CMCS) <Edward.Dolly@cms.hhs.gov>; Banton, Kia (CMS/CMCS) <Kia.Banton@cms.hhs.gov>; Hoang, Dzung (CMS/CMCS) <Dzung.Hoang@cms.hhs.gov>; Allison, John (CMS/CCIIO) <John.Allison@cms.hhs.gov>; Huvane, Nora (CMS/CMCS) <nora.huvane@cms.hhs.gov>; Hill, Elizabeth (CMS/CMCS) <Elizabeth.Hill@cms.hhs.gov>; Brooks, Bill (CMS/CMCS) <Bill.Brooks@cms.hhs.gov>; Roberts, Shantrina (CMS/CMCS) <Shantrina.Roberts@cms.hhs.gov>; Jensen, Kirsten (CMS/CMCS) <Kirsten.Jensen@cms.hhs.gov>; Tankersley, Michael (CMS/CMCS) <Michael.Tankersley@cms.hhs.gov>; Delvecchio, Lynn (CMS/CMCS) <Lynn.DelVecchio@cms.hhs.gov>; Mathurin, Dominique (CMS/CMCS) <Dominique.Mathurin@cms.hhs.gov>; Weaver, Brent (CMS/CMCS) <Brent.Weaver@cms.hhs.gov>; Schickner, Loretta (CMS/CMCS) <Loretta.Schickner@cms.hhs.gov>; Lorschach (she/her), Anna (CMS/CCIIO) <anna.lorschach@cms.hhs.gov>; Boehm (she/her), Sarah (CMS/CCIIO) <Sarah.Boehm@cms.hhs.gov>; Brill Ortiz (she/her), Jessica (CMS/CCIIO) <Jessica.BrillOrtiz@cms.hhs.gov>; Porzel, Samantha (CMS/CCIIO) <samantha.porzel@cms.hhs.gov>; Muhammad (she/her), Kaleema (CMS/CCIIO) <Kaleema.Muhammad@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Cuno, Richard (CMS/CMCS) <Richard.Cuno@cms.hhs.gov>; Hines, Charles (CMS/CMCS) <Charles.Hines@cms.hhs.gov>; Thomas, Stephanie (CMS/CMCS) <Stephanie.Thomas@cms.hhs.gov>; Spector, Sarah (CMS/CMCS) <Sarah.Spector@cms.hhs.gov>; Coffey, Gene (CMS/CMCS) <Gene.Coffey@cms.hhs.gov>; Burian, Martin (CMS/CMCS) <Martin.Burian@cms.hhs.gov>; Holligan, Ricardo (CMS/CMCS) <Ricardo.Holligan@cms.hhs.gov>; Graves, Donald (CMS/CMCS) <Donald.Graves@cms.hhs.gov>; Kaminsky, Stephanie (CMS/CMCS) <Stephanie.Kaminsky@cms.hhs.gov>; Cantwell, Kenya (CMS/CMCS) <Kenya.Cantwell@cms.hhs.gov>; Smith, Brandon (CMS/CMCS) <Brandon.Smith@cms.hhs.gov>; Tankersley, Michael (CMS/CMCS) <Michael.Tankersley@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Turner, Alexa (CMS/CMCS) <Alexandra.Turner@cms.hhs.gov>

Subject: CMS/NC DHHS Medicaid Expansion Weekly Check-In (9/21): Meeting Summary /Agenda

Good afternoon,

Please note the Agenda and meeting Summary from NC

CMS/NC DHHS Medicaid Expansion Weekly Check-In (9/14): Meeting Summary

- **Medicaid Expansion Launch Date**
 - *Status:*
- NC is still awaiting action from the General Assembly and will keep CMS informed of an updated expansion launch date.
- **Status on Legal Authorities**
 - *Status:*
- **ABP SPA:**
 - NC confirmed it sent over a revised version of the SPA to CMS that addresses round 2 feedback, except for updated therapy service limits.
 - NC will submit a revised SPA after finalizing the updated therapy service limits.
- **FMAP SPA:**
 - NC confirmed it submitted a revised version of Attachment E and the MAGI Conversion Plan to CMS on 9/13.
- **Eligibility SPA:**
 - NC confirmed it has responded to all of CMS' questions on the SPA.
 - NC is working on training materials and will submit those to CMS once finalized.
- **FFM Questions**
 - *Status:*
- NC flagged that CMS responses to FFM-D questions are still outstanding and the timing of CMS' response is impacting the state's timeline.
- The group discussed that any new questions from NC should continue to be submitted in writing in order for CMS to consult technical SMEs and develop a response. Once NC receives responses, the State can request a call to discuss any follow-up questions.
- *Next Steps:*
- **CMS to:** Provide responses to outstanding FFM-D questions from NC.
- **Beneficiary Marketplace Scenarios:**
 - *Status:*
- NC flagged that it is looking to understand what the experience will be for individuals who are in the Marketplace and will become Medicaid eligible following expansion.
 - NC has developed a document with use case scenarios and follow-up questions for CMS to review and provide responses.
 - NC intends to use this document and use case scenario for stakeholder engagement, including engagement with navigators.
- *Next Steps:*
- **CMS to:** review use case scenario document and provide a response to questions.
 - In terms of priority, responses to FFM questions should be prioritized above response to use case scenarios/questions.
- **FFM Data Request**
 - *Status:*
- CMS flagged that it will send NC a list of what data is available the week of 9/18.
- NC will need to confirm the preferred timing to obtain data (e.g., pulling data closer to launch date will pull data from broader period of time).

CMS/NC DHHS Medicaid Expansion Weekly Check-In: Agenda

September 21, 2023, 11:00-12:00 pm ET

- **Medicaid Expansion Launch Date**
 - **Eligibility SPA fiscal impact**
- **Hold Harmless Attestation**
- **Follow-Up on Beneficiary Marketplace Scenarios (Attached)**

From: Lannaman, Morlan (CMS/CMCS)

Sent: Wednesday, September 13, 2023 9:19 AM

To: Smith, Falecia (CMS/CMCS) <Falecia.Smith@cms.hhs.gov>; Swisher, Loan (CMS/CMCS) <Loan.Swisher@cms.hhs.gov>; Kotesich, Jennifer (CMS/CMCS) <Jennifer.Kotesich@cms.hhs.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Miller, Courtney (CMS/CMCS) <Courtney.Miller@cms.hhs.gov>; Gibson, Alexis (CMS/CMCS) <alexis.gibson@cms.hhs.gov>; Rodriguez, Matthew (CMS/CMCS) <Matthew.Rodriguez@cms.hhs.gov>; Abbott, Sarah (CMS/CMCS) <Sarah.Abbott@cms.hhs.gov>; Harvin, Carshena (CMS/CMCS) <Carshena.Harvin@cms.hhs.gov>; Higgins, Shelby (CMS/CMCS) <Shelby.Higgins@cms.hhs.gov>; Trieger, Michael (CMS/CMCS) <Michael.Trieger1@cms.hhs.gov>; Phelps, Sandra (CMS/CMCS) <Sandra.Phelps@cms.hhs.gov>; Arowojolu, Tinu (CMS/CMCS) <Tinu.Arowojolu1@cms.hhs.gov>; Dolly, Ed (CMS/CMCS) <Edward.Dolly@cms.hhs.gov>; Banton, Kia (CMS/CMCS) <Kia.Banton@cms.hhs.gov>; Hoang, Dzung (CMS/CMCS) <Dzung.Hoang@cms.hhs.gov>; Allison, John (CMS/CCIIO) <John.Allison@cms.hhs.gov>; Huvane, Nora (CMS/CMCS) <nora.huvane@cms.hhs.gov>; Hill, Elizabeth (CMS/CMCS) <Elizabeth.Hill@cms.hhs.gov>; Brooks, Bill (CMS/CMCS) <Bill.Brooks@cms.hhs.gov>; Roberts, Shantrina (CMS/CMCS) <Shantrina.Roberts@cms.hhs.gov>; Jensen, Kirsten (CMS/CMCS) <Kirsten.Jensen@cms.hhs.gov>; Tankersley, Michael (CMS/CMCS) <Michael.Tankersley@cms.hhs.gov>; Delvecchio, Lynn (CMS/CMCS) <Lynn.DelVecchio@cms.hhs.gov>; Mathurin, Dominique (CMS/CMCS) <Dominique.Mathurin@cms.hhs.gov>; Weaver, Brent (CMS/CMCS) <Brent.Weaver@cms.hhs.gov>; Schickner, Loretta (CMS/CMCS) <Loretta.Schickner@cms.hhs.gov>; Lorsbach (she/her), Anna (CMS/CCIIO) <anna.lorsbach@cms.hhs.gov>; Boehm (she/her), Sarah (CMS/CCIIO) <Sarah.Boehm@cms.hhs.gov>; Brill Ortiz (she/her), Jessica (CMS/CCIIO) <Jessica.BrillOrtiz@cms.hhs.gov>; Porzel, Samantha (CMS/CCIIO) <samantha.porzel@cms.hhs.gov>; Muhammad (she/her), Kaleema (CMS/CCIIO) <Kaleema.Muhammad@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Cuno, Richard (CMS/CMCS) <Richard.Cuno@cms.hhs.gov>; Hines, Charles (CMS/CMCS) <Charles.Hines@cms.hhs.gov>; Thomas, Stephanie (CMS/CMCS) <Stephanie.Thomas@cms.hhs.gov>; Spector, Sarah (CMS/CMCS) <Sarah.Spector@cms.hhs.gov>; Coffey, Gene (CMS/CMCS) <Gene.Coffey@cms.hhs.gov>; Burian, Martin (CMS/CMCS) <Martin.Burian@cms.hhs.gov>; Holligan, Ricardo (CMS/CMCS) <Ricardo.Holligan@cms.hhs.gov>; Graves, Donald (CMS/CMCS) <Donald.Graves@cms.hhs.gov>; Kaminsky, Stephanie (CMS/CMCS) <Stephanie.Kaminsky@cms.hhs.gov>; Cantwell, Kenya (CMS/CMCS) <Kenya.Cantwell@cms.hhs.gov>; Smith, Brandon (CMS/CMCS) <Brandon.Smith@cms.hhs.gov>; Tankersley, Michael (CMS/CMCS) <Michael.Tankersley@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Turner, Alexa (CMS/CMCS) <Alexandra.Turner@cms.hhs.gov>

Subject: CMS/NC DHHS Medicaid Expansion Weekly Check-In (9/8): Meeting Summary /Agenda

Morning all,

Per NC- CMS/NC DHHS Medicaid Expansion Weekly Check-In (9/8): Meeting Summary

The state will be sending along some FMAP documents and clarifications shortly.

CMS/NC DHHS Medicaid Expansion Weekly Check-In (9/8): Meeting Summary

- **Medicaid Expansion Launch Date**
 - *Status:*
 - NC is evaluating other potential launch dates and will keep CMS informed of an updated expansion launch date.
- **ABP Therapy Service Limits**
 - *Status:*
 - CMS discussed NC's proposed options for updating the PT/OT/ST service limits and provided written feedback on the options that are permissible. In summary:
 - Option 1 is permissible and would be a quicker administrative review, as it would not be subject to sufficiency requirements.

- Option 2 is permissible but would be subject to sufficiency requirements, which would require the state to provide supporting information to confirm the services are “sufficient in amount, duration, and scope to reasonably achieve its purpose” (§ 440.230)
- Option 3 is not permissible, as the State cannot impose combined hard limits on habilitative and rehabilitative services (§ 156.115).
- NC will review CMS’ feedback and determine the preferred approach to update PT/OT/ST service limits.
- NC flagged it will also be updating its traditional SPA to align with the ABP SPA.
 - NC flagged that since the State allows for a long period of public comment (10 day public comment and 60-day Tribal consultation), the State requests flexibility to allow the ABP SPA’s approval to occur prior to the benefit SPA’s approval.
- *Next steps:*
 - **NC to:** Submit updated ABP SPA to CMS.
- **Status on Legal Authorities**
- *Status:*
- **FMAP SPA:**
 - NC confirmed it will submit an updated FMAP SPA by Monday 9/11.
- **Eligibility SPA:**
 - NC confirmed it submitted an updated Eligibility SPA on Thursday 9/7.
 - NC confirmed it is finalizing eligibility worker training materials and will send those to CMS in the coming weeks.
- **FFM Timeline**
- *Status:*
 - CMS shared the table of FFM tool submission deadlines based on FFM go-live date (see below).
 - NC requested that CMS clarify if the State can pull back submission of the FFM tool if a budget is not passed by an anticipated date.
 - CMS confirmed the State is not required to conduct testing to transition to an FFM determination state.
- *Next Steps:*
 - **CMS to:** Clarify if the State can pull back submission of the FFM tool if a budget is not passed by an anticipated date.
 - **CMS and NC to:** Set up an ad hoc call to discuss FFM questions.

State and FFE go-live date	Updated tool due from state to CMS
Between 11/1-11/4	9/22
Between 11/5-11/18	9/28
Between 11/19-12/1	10/12
1/1/2024	10/23

CMS/NC DHHS Medicaid Expansion Weekly Check-In: Agenda

September 14, 2023, 11:00-12:00 pm ET

- **Medicaid Expansion Launch Date**
- FFM Questions**

Morlan Lannaman
 Health Insurance Specialist
 Medicaid & CHIP Operations Group
 Centers for Medicare & Medicaid Services
 Mobile , (b)(6)
 Email: morlan.lannaman@cms.hhs.gov

Emma Sandoe, PhD

Deputy Director, Medicaid Policy
Division of Health Benefits
NC Department of Health and Human Services
Office: (919) 527-7043
Cell: , (b)(6)
Pronouns: She/her

From: Sandoe, Emma

Sent: Friday, September 8, 2023 12:19 PM

To: Smith, Falecia (CMS/CMCS) <Falecia.Smith@cms.hhs.gov>; Lerche, Julia K <julia.lerche@dhhs.nc.gov>; Staton, Betty J <Betty.J.Staton@dhhs.nc.gov>; Bush, Melanie E <melanie.bush@dhhs.nc.gov>

Cc: Lannaman, Morlan (CMS/CMCS) <Morlan.Lannaman@cms.hhs.gov>

Subject: RE: 9/7 Agenda Topics

One quick edit to the below in red sorry for the confusion. I know when we speak about CMS 37 vs 64 it creates some confusion.

Emma Sandoe, PhD

Deputy Director, Medicaid Policy
Division of Health Benefits
NC Department of Health and Human Services
Office: (919) 527-7043
Cell: , (b)(6)
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From: Sandoe, Emma

Sent: Wednesday, September 6, 2023 5:25 PM

To: Smith, Falecia (CMS/CMCS) <Falecia.Smith@cms.hhs.gov>; Lerche, Julia K <julia.lerche@dhhs.nc.gov>; Staton, Betty J <Betty.J.Staton@dhhs.nc.gov>; Bush, Melanie E <melanie.bush@dhhs.nc.gov>

Cc: Lannaman, Morlan (CMS/CMCS) <Morlan.Lannaman@cms.hhs.gov>

Subject: 9/7 Agenda Topics

Falecia,

Below are the minutes from last week and the agenda for tomorrow.

CMS/NC DHHS Medicaid Expansion Weekly Check-In (8/31): Meeting Summary

• **Medicaid Expansion Launch Date**

○ *Status:*

- NC will not proceed with Medicaid expansion launch on 10/1 as the General Assembly did not take needed legislative action by 9/1. NC is evaluating other potential launch dates and will keep CMS informed of an updated expansion launch date.
- NC flagged it will hold on updating the effective date on the SPAs until a new expansion launch date is confirmed.
- CMS confirmed that if the only significant change NC is making to a SPA is the effective date, no additional Tribal consultation or public notice is required.

• **Requirements for Federal Funds**

○ *Status:*

- CMS-37

- CMS confirmed that the CMS-37 can be submitted after approval of the Eligibility SPA and HASP pre-print.
- CMS confirmed that after submission of the CMS-37, it will take CMS approximately 10 days to process and make funding available to NC for Medicaid expansion launch.
- CMS-64:
 - CMS confirmed that the CMS-64 can be submitted after approval of the Eligibility SPA, ABP SPA, and FMAP SPA.
- 5% FMAP Bump:
 - CMS confirmed that the State is able to draw down funds on the CMS 37 from the 5% FMAP bump following approval of Eligibility SPA, ~~ABP SPA, and FMAP SPA~~ (i.e., State can draw down funds prior to enrolling the first person in the Medicaid expansion adult group).
- **FFM Timeline**
 - *Status:*
 - CMS confirmed that if NC plans for an 11/1/23 go-live for the FFM, the data collection tool will be due 9/22/23.
 - CMS confirmed that the State may be able to pursue an FFM go-live date after 11/1/23 but will have to consider this will be during open enrollment which can add complexity.
 - *Next Steps:*
 - **CMS to:** Provide written responses to NC questions on FFM.
 - **CMS to:** Send FFM resource guide to NC.
- **FMAP SPA Attachment E**
 - *Status:*
 - CMS flagged that any individual who is facing a reduction in benefits due to transitioning to a different Medicaid eligibility group must have at least 10 days' notice for due process right; CMS anticipates the population this will apply to are individuals aged 20-21 who are aging out of EPSDT following the end of continuous coverage.
 - NC confirmed that individuals transitioning to the adult expansion group at their next redetermination date will receive notice at least 10 days before their change in coverage is effective. NC will revise Attachment E to clarify this process/timeline.
 - *Next Steps:*
 - **NC to:** Update FMAP SPA Attachment E.
 - **NC to:** Upload conversion plan with next submission of the FMAP SPA.
- **ABP SPA**
 - *Status*
 - CMS acknowledged it will respond to NC's open question on therapy service limits.

CMS/NC DHHS Medicaid Expansion Weekly Check-In: Agenda

September 7, 2023, 11:00-12:00 pm ET

- **ABP SPA**
 - Discuss CMS feedback on options to update therapy service limits (*see below table*)
- **FFM Outstanding Issues**

Options to Update Therapy Limits	CMS: Is this option permissible under federal regulation/CMS guidance?
Option 1: <ul style="list-style-type: none"> • PT/OT Service Limit <ul style="list-style-type: none"> ◦ PT/OT share a combined visit limit across <i>both rehab and habilitative services</i> with a 30 visit <i>soft limit</i>; exceptions to the service limit can be authorized by the State when medically necessary. • ST Service Limit <ul style="list-style-type: none"> ◦ ST has a visit limit across <i>both rehab and habilitative services</i> with a 30 visit <i>soft limit</i>; exceptions to the service limit can be authorized by the State when medically necessary. 	<ul style="list-style-type: none"> ◦

Option 2: <ul style="list-style-type: none"> PT/OT Service Limit <ul style="list-style-type: none"> PT/OT have a combined 30 visit <i>hard limit</i> for <i>rehabilitative</i> services PT/OT have a combined 30 visit <i>hard limit</i> for <i>habilitative</i> services. ST Service Limit <ul style="list-style-type: none"> ST has a 30 visit <i>hard limit</i> for <i>rehabilitative</i> services ST has a 30 visit <i>hard limit</i> for <i>habilitative</i> services. 	○
Option 3: <ul style="list-style-type: none"> PT Service Limit <ul style="list-style-type: none"> PT has a hard limit of 30 visits combined across <i>both rehabilitative and habilitative</i> services. OT Service Limit <ul style="list-style-type: none"> OT has a hard limit of 30 visits combined across <i>both rehabilitative and habilitative</i> services. ST Service Limit <ul style="list-style-type: none"> ST has a hard limit of 30 visits combined across <i>both rehabilitative and habilitative</i> services. 	○

Emma Sandoe, PhD

Deputy Director, Medicaid Policy
Division of Health Benefits
NC Department of Health and Human Services
Office: (919) 527-7043
Cell , (b)(6)
Pronouns: She/her

From: Sandoe, Emma

Sent: Thursday, August 31, 2023 8:33 AM

To: Smith, Falecia (CMS/CMCS) <Falecia.Smith@cms.hhs.gov>; Lerche, Julia K <julia.lerche@dhhs.nc.gov>; Staton, Betty J <Betty.J.Staton@dhhs.nc.gov>; Bush, Melanie E <melanie.bush@dhhs.nc.gov>

Cc: Lannaman, Morlan (CMS/CMCS) <Morlan.Lannaman@cms.hhs.gov>; Burian, Martin (CMS/CMCS) <Martin.Burian@cms.hhs.gov>; McChesney, Melissa (CMS/CMCS) <Melissa.McChesney@cms.hhs.gov>; Harris, Debra (CMS/CMCS) <Debra.Harris@cms.hhs.gov>

Subject: RE: [External] 8/31 Agenda Topics

Thank you, looking forward to the discussion this morning.

Emma Sandoe, PhD

Deputy Director, Medicaid Policy
Division of Health Benefits
NC Department of Health and Human Services
Office: (919) 527-7043
Cell , (b)(6)
Pronouns: She/her

From: Smith, Falecia (CMS/CMCS) <Falecia.Smith@cms.hhs.gov>

Sent: Wednesday, August 30, 2023 5:27 PM

To: Sandoe, Emma <Emma.Sandoe@dhhs.nc.gov>; Lerche, Julia K <julia.lerche@dhhs.nc.gov>; Staton, Betty J <Betty.J.Staton@dhhs.nc.gov>; Bush, Melanie E <melanie.bush@dhhs.nc.gov>

Cc: Lannaman, Morlan (CMS/CMCS) <Morlan.Lannaman@cms.hhs.gov>; Burian, Martin (CMS/CMCS) <Martin.Burian@cms.hhs.gov>; McChesney, Melissa (CMS/CMCS) <Melissa.McChesney@cms.hhs.gov>; Harris, Debra (CMS/CMCS) <Debra.Harris@cms.hhs.gov>

Subject: [External] 8/31 Agenda Topics

Importance: High

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Hi Emma and Team

Our colleagues our Children and Adult Health Program Group would like to discuss NC's draft Transition Plan (Attachment E to the FMAP SPA):

- *Because of the tight timelines for implementation and the necessary IT systems changes, the State will transition individuals into the new adult group and then send a notice informing individuals of their coverage effective date, change in benefits, reporting obligations and where to go to have questions answered.*

In addition, we would like to provide technical assistance regarding notices in cases of reductions or terminations of benefits.

Please let me know if you have any questions.

Thank you,

Falecia Smith
South Branch Manager, Division of Program Operations
Medicaid & CHIP Operations Group
Centers for Medicare & Medicaid Services
Phone: 410 786 4113
Mobile , (b)(6)
Email: falecia.smith@cms.hhs.gov

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Message

From: Howe, Rory (CMS/CMCS) , (b)(6)
Sent: 1/3/2024 8:43:58 PM , (b)(6)
To: Arroyo, Anna R. EOP/OMB [Anna_R._Arroyo@omb.eop.gov]; Wolgast, Henry K. EOP/OMB [Henry.K.Wolgast@omb.eop.gov]
CC: Maccarroll, Amber (CMS/CMCS) , (b)(6) Silanskis, Jeremy
, (b)(6)
Subject: RE: RE: January financing call

We are okay with pulling it down. Thanks and Happy New Year!

From: Arroyo, Anna R. EOP/OMB <Anna_R._Arroyo@omb.eop.gov>
Sent: Wednesday, January 3, 2024 3:38 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Wolgast, Henry K. EOP/OMB <Henry.K.Wolgast@omb.eop.gov>
Cc: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>
Subject: January financing call

Hi Rory—We'd like to pull down January's monthly financing call scheduled for tomorrow. Let us know if you'd like to keep or if it is OK to pull down. Thanks!

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Wednesday, December 6, 2023 3:43 PM
To: Arroyo, Anna R. EOP/OMB <Anna_R._Arroyo@omb.eop.gov>; Wolgast, Henry K. EOP/OMB <Henry.K.Wolgast@omb.eop.gov>
Cc: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>
Subject: RE: December financing call

Hi Anna and Henry,

Thanks for sharing the questions in advance. We will be prepared to discuss tomorrow morning. FYI, I invited John Giles to join in case he is interested in participating. Please also see attached an informal draft of the updated options paper. The changes are highlighted in yellow. Please note the attached has not yet been reviewed by our leadership in CMCS or OA or colleagues/leadership in HHS.

Rory

From: Arroyo, Anna R. EOP/OMB <Anna_R._Arroyo@omb.eop.gov>
Sent: Wednesday, December 6, 2023 1:05 PM
To: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Wolgast, Henry K. EOP/OMB <Henry.K.Wolgast@omb.eop.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Subject: December financing call

Hi Rory and Amber—As we flagged for Rory yesterday, we'd like to walk through a few questions on the managed care rule during our monthly call tomorrow. Below are some questions we pulled together. We are still thinking through the issues so may have additional questions tomorrow, but wanted to send along so you have a chance to consider. Thanks!

-

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-

, (b)(5)

-

-

-

-

From: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>

Sent: Thursday, November 2, 2023 9:36 AM

To: Arroyo, Anna R. EOP/OMB <Anna_R._Arroyo@omb.eop.gov>; Wolgast, Henry K. EOP/OMB <Henry.K.Wolgast@omb.eop.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>

Subject: RE: November financing call

Hi Anna – yes, we are available and the time still works on our end.

Talk soon, Amber

From: Arroyo, Anna R. EOP/OMB <Anna_R._Arroyo@omb.eop.gov>

Sent: Thursday, November 2, 2023 9:34 AM

To: Wolgast, Henry K. EOP/OMB <Henry.K.Wolgast@omb.eop.gov>; Maccarroll, Amber (CMS/CMCS)

<Amber.MacCarroll@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>

Subject: November financing call

Hi Amber and Rory—Are you guys available for the financing call today? We are available, just let us know if it still works on your end. Thanks!

From: Wolgast, Henry K. EOP/OMB <Henry.K.Wolgast@omb.eop.gov>

Sent: Tuesday, September 5, 2023 9:23 AM

To: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>

Cc: Arroyo, Anna R. EOP/OMB <Anna_R._Arroyo@omb.eop.gov>

Subject: RE: September financing call

Terrific, thanks Amber. Yes, if you wouldn't mind sending a zoom link that would be great.

From: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>

Sent: Tuesday, September 5, 2023 9:17 AM

To: Wolgast, Henry K. EOP/OMB <Henry.K.Wolgast@omb.eop.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>

Cc: Arroyo, Anna R. EOP/OMB <Anna_R._Arroyo@omb.eop.gov>

Subject: RE: September financing call

Hi Henry –

Yes, we are still available to meet on Thursday. With Anna out, would you like me to send a zoom link?

Thanks, Amber

From: Wolgast, Henry K. EOP/OMB <Henry.K.Wolgast@omb.eop.gov>

Sent: Tuesday, September 5, 2023 9:12 AM

To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>

Cc: Arroyo, Anna R. EOP/OMB <Anna_R._Arroyo@omb.eop.gov>

Subject: September financing call

Hi Rory and Amber—Are you still available for our monthly call on Thursday? Anna is out this week but we were thinking it would still make sense to do a general check-in. I'm available during the scheduled time, but let me know if you have a conflict. Thanks!

Message

From: Howe, Rory (CMS/CMCS) , (b)(6)
, (b)(6)
Sent: 1/29/2024 3:12:48 PM
To: Bonelli, Anna (CMS/CMCS) , (b)(6)
, (b)(6)
CC: Fan, Kristin (CMS/CMCS) , (b)(6)
Endelman (he/him),
]; Fan, Kristin
, (b)(6) Maccarroll, Amber
; Silanskis, Jeremy

Subject: RE: RE: Follow ups on MC Rule; for discussion

Thanks, Anna. Please see some suggested edits below. If you are okay, please send forward. Let me know if you have questions or concerns. Please also send an informal copy of our section to our OGC colleagues so they receive the draft as early as possible.

From: Bonelli, Anna (CMS/CMCS) <Anna.Bonelli@cms.hhs.gov>
Sent: Monday, January 29, 2024 9:16 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>
Cc: Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>
Subject: RE: Follow ups on MC Rule; for discussion

Hi Rory, Just a friendly reminder on this. DMCP would really like our sign-off by noon today so they can get the draft back to OSORA.

From: Bonelli, Anna (CMS/CMCS)
Sent: Friday, January 26, 2024 1:59 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>
Cc: Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>
Subject: RE: Follow ups on MC Rule; for discussion

Sorry, Working too fast. Here's the text again. We added a mention of beneficiaries.

, (b)(5)

From: Bonelli, Anna (CMS/CMCS)
Sent: Friday, January 26, 2024 1:56 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>
Cc: Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>
Subject: FW: Follow ups on MC Rule; for discussion

Rory, Amber, and Jeremy,
We edited the draft as we discussed. It's on page 24 of the draft.

, (b)(5)

Thanks!
anna

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Friday, January 26, 2024 1:21 PM
To: Bonelli, Anna (CMS/CMCS) <Anna.Bonelli@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Walker, Abigail (CMS/CMCS) <Abigail.Walker@cms.hhs.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>
Subject: RE: Follow ups on MC Rule; for discussion

Taking off Abby Kahn and adding Abby Walker

From: Bonelli, Anna (CMS/CMCS) <Anna.Bonelli@cms.hhs.gov>
Sent: Friday, January 26, 2024 1:04 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Kahn, Abby (CMS/CMCS) <Abigail.Kahn@cms.hhs.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>
Subject: Follow ups on MC Rule; for discussion

Key to dos:

, (b)(5)

Anna Bonelli | Senior Policy Advisor | CMS/CMCS |

, (b)(6)

anna.bonelli@cms.hhs.gov

Message

From: Howe, Rory (CMS/CMCS) , (b)(6)
, (b)(6)
Sent: 1/29/2024 3:19:54 PM
To: Bonelli, Anna (CMS/CMCS) (b)(6)
CC: |
Endelman (he/him),
]; Fan, Kristin
(b)(6)
Maccarroll, Amber
; Silanskis, Jeremy

Subject: RE: RE: Follow ups on MC Rule; for discussion

Great! Thanks so much.

From: Bonelli, Anna (CMS/CMCS) <Anna.Bonelli@cms.hhs.gov>
Sent: Monday, January 29, 2024 10:19 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>
Subject: RE: Follow ups on MC Rule; for discussion

Rory, I'm OK with this change (thank you for the de-cluttering). I'll put this into clearance and send to OGC, as you said.

We also will send you the one-pager for Dan soon.

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Monday, January 29, 2024 10:13 AM
To: Bonelli, Anna (CMS/CMCS) <Anna.Bonelli@cms.hhs.gov>
Cc: Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>
Subject: RE: Follow ups on MC Rule; for discussion

Thanks, Anna. Please see some suggested edits below. If you are okay, please send forward. Let me know if you have questions or concerns. Please also send an informal copy of our section to our OGC colleagues so they receive the draft as early as possible.

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Sent: Monday, January 29, 2024 9:16 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>
Cc: Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>
Subject: RE: Follow ups on MC Rule; for discussion

Hi Rory, Just a friendly reminder on this. DMCP would really like our sign-off by noon today so they can get the draft back to OSORA.

From: Bonelli, Anna (CMS/CMCS)

Sent: Friday, January 26, 2024 1:59 PM

To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>

Cc: Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>

Subject: RE: Follow ups on MC Rule; for discussion

Sorry, Working too fast. Here's the text again. We added a mention of beneficiaries.

, (b)(5)

From: Bonelli, Anna (CMS/CMCS)

Sent: Friday, January 26, 2024 1:56 PM

To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>

Cc: Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>

Subject: FW: Follow ups on MC Rule; for discussion

Rory, Amber, and Jeremy,

We edited the draft as we discussed. It's on page 24 of the draft.

, (b)(5)

Thanks!

anna

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>

Sent: Friday, January 26, 2024 1:21 PM

To: Bonelli, Anna (CMS/CMCS) <Anna.Bonelli@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Walker, Abigail (CMS/CMCS) <Abigail.Walker@cms.hhs.gov>; Endelman (he/him), Jonathan (CMS/CMCS)

<Jonathan.Endelman@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>

Subject: RE: Follow ups on MC Rule; for discussion

Taking off Abby Kahn and adding Abby Walker

From: Bonelli, Anna (CMS/CMCS) <Anna.Bonelli@cms.hhs.gov>

Sent: Friday, January 26, 2024 1:04 PM

To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Kahn, Abby (CMS/CMCS) <Abigail.Kahn@cms.hhs.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>

Subject: Follow ups on MC Rule; for discussion

Key to dos:

, (b)(5)

Anna Bonelli | Senior Policy Advisor | CMS/CMCS | , (b)(6) anna.bonelli@cms.hhs.gov

Message

From: Howe, Rory (CMS/CMCS) (b)(6)
(b)(5)
Sent: 1/29/2024 3:46:45 PM
To: Bonelli, Anna (CMS/CMCS) , (b)(6)
(b)(6)
CC: Fan, Kristin (CMS/CMCS) (b)(6)
rdelman (he/him),
Fan, Kristin
(b)(6) laccarroll, Amber
Silanskis, Jeremy

Subject: RE: RE: Follow ups on MC Rule; for discussion

Thank you!

From: Bonelli, Anna (CMS/CMCS) <Anna.Bonelli@cms.hhs.gov>
Sent: Monday, January 29, 2024 10:46 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>
Subject: RE: Follow ups on MC Rule; for discussion

Rory, here is a short paper we drafted for Dan. Please let me know if you have any concerns.

anna

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Monday, January 29, 2024 10:13 AM
To: Bonelli, Anna (CMS/CMCS) <Anna.Bonelli@cms.hhs.gov>
Cc: Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>
Subject: RE: Follow ups on MC Rule; for discussion

Thanks, Anna. Please see some suggested edits below. If you are okay, please send forward. Let me know if you have questions or concerns. Please also send an informal copy of our section to our OGC colleagues so they receive the draft as early as possible.

From: Bonelli, Anna (CMS/CMCS) <Anna.Bonelli@cms.hhs.gov>
Sent: Monday, January 29, 2024 9:16 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>
Cc: Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>
Subject: RE: Follow ups on MC Rule; for discussion

Hi Rory, Just a friendly reminder on this. DMCP would really like our sign-off by noon today so they can get the draft back to OSORA.

From: Bonelli, Anna (CMS/CMCS)

Sent: Friday, January 26, 2024 1:59 PM

To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>

Cc: Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>

Subject: RE: Follow ups on MC Rule; for discussion

Sorry, Working too fast. Here's the text again. We added a mention of beneficiaries.

, (b)(5)

From: Bonelli, Anna (CMS/CMCS)

Sent: Friday, January 26, 2024 1:56 PM

To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>

Cc: Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>

Subject: FW: Follow ups on MC Rule; for discussion

Rory, Amber, and Jeremy,

We edited the draft as we discussed. It's on page 24 of the draft.

, (b)(5)

Thanks!

anna

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>

Sent: Friday, January 26, 2024 1:21 PM

To: Bonelli, Anna (CMS/CMCS) <Anna.Bonelli@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Walker, Abigail (CMS/CMCS) <Abigail.Walker@cms.hhs.gov>; Endelman (he/him), Jonathan (CMS/CMCS)

<Jonathan.Endelman@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>

Subject: RE: Follow ups on MC Rule; for discussion

Taking off Abby Kahn and adding Abby Walker

From: Bonelli, Anna (CMS/CMCS) <Anna.Bonelli@cms.hhs.gov>

Sent: Friday, January 26, 2024 1:04 PM

To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Kahn, Abby (CMS/CMCS) <Abigail.Kahn@cms.hhs.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>

Subject: Follow ups on MC Rule; for discussion

Key to dos:

, (b)(5)

Anna Bonelli | Senior Policy Advisor | CMS/CMCS

, (b)(6)

anna.bonelli@cms.hhs.gov

Message

From: Howe, Rory (CMS/CMCS) , (b)(6)
Sent: 2/1/2024 9:18:19 PM , (b)(6)
To: Bonelli, Anna (CMS/CMCS) , (b)(6)
CC:

Walker, Abigail
Endelman (he/him),
Maccarroll, Amber
Silanskis, Jeremy

Subject: RE: RE: Secretary's Signature Memo for the rule- Quick Turnarond

Hi, Anna. Please see an edit to the last sentence below. I'm not aware we firmly landed that we will not disapprove any SDP proposals as part of non-enforcement. Because the details are still under discussion, I would keep it more general. Please let me know if you have questions.

Thanks,
Rory

From: Bonelli, Anna (CMS/CMCS) <Anna.Bonelli@cms.hhs.gov>
Sent: Thursday, February 1, 2024 4:12 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>
Cc: Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Walker, Abigail (CMS/CMCS) <Abigail.Walker@cms.hhs.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Subject: RE: Secretary's Signature Memo for the rule- Quick Turnarond

Hi Rory, Just ping on this. Did you have a chance to look?

From: Bonelli, Anna (CMS/CMCS)
Sent: Thursday, February 1, 2024 9:20 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>
Cc: Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Walker, Abigail (CMS/CMCS) <Abigail.Walker@cms.hhs.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Subject: FW: Secretary's Signature Memo for the rule- Quick Turnarond

Hi Rory, Amber, and Jeremy,

, (b)(5)

, (b)(5)

CMS recognizes the importance of ensuring that SDPs are implemented with appropriate fiscal integrity goals. Specifically, we are finalizing the following:

, (b)(5)

From: Gentile, Amy (CMS/CMCS) <Amy.Gentile@cms.hhs.gov>
Sent: Wednesday, January 31, 2024 3:55 PM
To: Bonelli, Anna (CMS/CMCS) <Anna.Bonelli@cms.hhs.gov>; Burns, Amanda Paige (CMS/CMCS) <AmandaPaige.Burns@cms.hhs.gov>
Subject: Secretary's Signature Memo for the rule- Quick Turnarond

, (b)(5)

Anna- I know you likely have to make edits in your section.
Amanda Paige- not sure if anything has changed with QRS since November.

We have to submit by Friday and I'm off most of this Friday. Is it possible for you to complete your review of your section by COB tomorrow?

Really appreciate your help!

Amy Gentile
Managed Care Group
Center for Medicaid and CHIP Services
410-786-3499
Amy.gentile@cms.hhs.gov

Message

From: Howe, Rory (CMS/CMCS) [REDACTED], (b)(6)
[REDACTED], (b)(6)
Sent: 4/10/2024 7:35:11 PM
To: Walker, Abigail (CMS/CMCS) [REDACTED], (b)(6)
CC: [REDACTED] (b)(6); Silanskis, Jeremy
Subject: RE: RE: For review/approval: MC slide language and Access slides

Hi, Abby. These look great. I just have one suggested edit on the MC Rule bullets if we have another pass. That is, we should add the effective dates on our provisions. Thanks!

From: Walker, Abigail (CMS/CMCS) <Abigail.Walker@cms.hhs.gov>
Sent: Tuesday, April 9, 2024 8:48 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>
Subject: For review/approval: MC slide language and Access slides

Hi Rory,

MC rule: since we just have one block in a much bigger deck I am copying the language here. Are you ok with these bullets? Please let me know sometime today.

[REDACTED], (b)(5)

[REDACTED], (b)(5)

~Abby

Abigail Walker, J.D. (she/her)

Policy Advisor

Financial Management Group, Office of the Group Director

Center for Medicaid and CHIP Services

410-786-1725

abigail.walker@cms.hhs.gov

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Message

From: Howe, Rory (CMS/CMCS) , (b)(6)
Sent: 4/10/2024 1:37:56 PM , (b)(6)
To: Walker, Abigail (CMS/CMCS) , (b)(6)
CC: Maccarroll, Amber (CMS/CMCS) , (b)(6); Silanskis, Jeremy , (b)(6)
Subject: RE: RE: For review/approval: MC slide language and Access slides

Awesome. Thanks again, Abby.

From: Walker, Abigail (CMS/CMCS) <Abigail.Walker@cms.hhs.gov>
Sent: Wednesday, April 10, 2024 3:41 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>
Subject: RE: For review/approval: MC slide language and Access slides

Ooh my bad, that is a column in the chart, I just copied the substantive bullets. So it sounds like we're good.

I'll merge over the FFS slides now.

Thanks!

~Abby

Abigail Walker, J.D. (she/her)

Policy Advisor
Financial Management Group, Office of the Group Director
Center for Medicaid and CHIP Services
410-786-1725
abigail.walker@cms.hhs.gov

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From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Wednesday, April 10, 2024 3:35 PM
To: Walker, Abigail (CMS/CMCS) <Abigail.Walker@cms.hhs.gov>
Cc: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>
Subject: RE: For review/approval: MC slide language and Access slides

Hi, Abby. These look great. I just have one suggested edit on the MC Rule bullets if we have another pass. That is, we should add the effective dates on our provisions. Thanks!

From: Walker, Abigail (CMS/CMCS) <Abigail.Walker@cms.hhs.gov>

Sent: Tuesday, April 9, 2024 8:48 AM

To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>

Cc: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>

Subject: For review/approval: MC slide language and Access slides

Hi Rory,

, (b)(5)

, (b)(5)

~Abby

Abigail Walker, J.D. (she/her)

Policy Advisor

Financial Management Group, Office of the Group Director

Center for Medicaid and CHIP Services

410-786-1725

abigail.walker@cms.hhs.gov

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Message

From: Howe, Rory (CMS/CMCS) , (b)(6)
, (b)(6)
Sent: 4/23/2024 12:57:04 PM
To: Giles, John (CMS/CMCS) , (b)(6)
, (b)(6)
Subject: Hold Harmless CIB TP for Hill Call

Hi, John. I pulled this talking point from the reactive on the CIB. I know timing is tight, so please let me know if you want more detail or have any questions. Thanks again.

Rory

-

-

, (b)(5)

Message

From: Howe, Rory (CMS/CMCS) , (b)(6)
Sent: 4/24/2024 8:38:50 PM , (b)(6)
To: Wolgast, Henry (CMS/CMCS) , (b)(6)
; Maccarroll, Amber
; Silanskis, Jeremy

CC: , (b)(6)
Boston, Beverly

Subject: RE: RE: DUE ASAP: Request for Briefing Materials - Health Equity in Transplantation Coalition (HEiTC) Due NLT 10am Monday, 4/22/24 (Expedited Request-Firm Deadline)

These look great. No edits. Thanks and sorry for the delay!

From: Wolgast, Henry (CMS/CMCS) <henry.wolgast@cms.hhs.gov>
Sent: Wednesday, April 24, 2024 10:59 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>
Cc: Walker, Abigail (CMS/CMCS) <Abigail.Walker@cms.hhs.gov>
Subject: RE: DUE ASAP: Request for Briefing Materials - Health Equity in Transplantation Coalition (HEiTC) Due NLT 10am Monday, 4/22/24 (Expedited Request-Firm Deadline)

Rory, Amber, and Jeremy-

Abby and I drafted hold harmless talking points below for the Administrator's 4/29 meeting with Reverend Al Sharpton's group, the Health Equity in Transplantation Coalition. Our deadline for submission is **COB today**. Please let us know if you have any questions or would like to discuss.

, (b)(5)

From: Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>
Sent: Wednesday, April 24, 2024 9:31 AM
To: Walker, Abigail (CMS/CMCS) <Abigail.Walker@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>;

Wolgast, Henry (CMS/CMCS) <henry.wolgast@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>

Cc: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>

Subject: DUE ASAP: Request for Briefing Materials - Health Equity in Transplantation Coalition (HEiTC) Due NLT 10am Monday, 4/22/24 (Expedited Request-Firm Deadline)

Importance: High

Good morning,

, (b)(5)

Thank you

Beverly

From: CMS CMCS_External Meeting Requests and Request for Briefing Materials <CMCS_ExternalMeetingRequestsandRequestforBriefingMaterials@cms.hhs.gov>

Sent: Wednesday, April 24, 2024 9:02 AM

To: Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>

Cc: CMS CMCS_External Meeting Requests and Request for Briefing Materials

<CMCS_ExternalMeetingRequestsandRequestforBriefingMaterials@cms.hhs.gov>; Mannix, Norma (CMS/CMCS) <norma.mannix@cms.hhs.gov>; Smith, Toya (CMS/CMCS) <Toya.Smith@cms.hhs.gov>; Randle, Ronetta (CMS/CMCS) <Ronetta.Randle@cms.hhs.gov>; Taylor, Kenneth (CMS/CMCS) <Kenneth.Taylor@cms.hhs.gov>

Subject: FW: Request for Briefing Materials - Health Equity in Transplantation Coalition (HEiTC) Due NLT 10am Monday, 4/22/24 (Expedited Request-Firm Deadline)

Importance: High

Good morning, Beverly,

, (b)(5)

Thanks,
Allen

From: Mcinnis, Nekeshia (CMS/OSORA) <Nekeshia.McInnis@cms.hhs.gov>

Sent: Tuesday, April 23, 2024 2:21 PM

To: CMS CMCS_External Meeting Requests and Request for Briefing Materials <CMCS_ExternalMeetingRequestsandRequestforBriefingMaterials@cms.hhs.gov>

Cc: Mannix, Norma (CMS/CMCS) <norma.mannix@cms.hhs.gov>; Smith, Toya (CMS/CMCS) <Toya.Smith@cms.hhs.gov>; Vuu, Allen (CMS/CMCS) <allen.vuu@cms.hhs.gov>; Taylor, Kenneth (CMS/CMCS) <Kenneth.Taylor@cms.hhs.gov>; Douglas, Latasha (CMS/OSORA) <Latasha.Douglas@cms.hhs.gov>

Subject: RE: Request for Briefing Materials - Health Equity in Transplantation Coalition (HEiTC) Due NLT 10am Monday, 4/22/24 (Expedited Request-Firm Deadline)

Importance: High

Good afternoon all!

, (b)(5)

Thank you for your help!
Nekeshia

From: Mcinnis, Nekeshia (CMS/OSORA) <Nekeshia.McInnis@cms.hhs.gov>

Sent: Thursday, April 18, 2024 1:29 PM

To: CMS CMCS_External Meeting Requests and Request for Briefing Materials

<CMCS_ExternalMeetingRequestsandRequestforBriefingMaterials@cms.hhs.gov>; Spangler, Carrie (CMS/CM) <Carie.Spangler@cms.hhs.gov>; Mays, Beth (CMS/CM) <Beth.Mays@cms.hhs.gov>; Bernstein, Catherine (CMS/CM) <Catherine.Bernstein@cms.hhs.gov>; Tilghman, Cornell (CMS/CM) <Cornell.Tilghman@cms.hhs.gov>; Reich, Aimee (CMS/CM) <aimee.reich@cms.hhs.gov>; Darden-Hill, Sabrina (CMS/CM) <sabrina.dardenhill@cms.hhs.gov>; Pequigney, Susan (CMS/CM) <Susan.Pequigney@cms.hhs.gov>; Farran, Patti (CMS/CM) <Patti.Farran@cms.hhs.gov>; Cole (she/her), Rebecca (CMS/CM) <Rebecca.Cole@cms.hhs.gov>; Lindstrom, Jennifer (CMS/CPI) <Jennifer.Lindstrom@cms.hhs.gov>; Petto, Marissa (CMS/CPI) <Marissa.Petto@cms.hhs.gov>; Spitalnic, Paul (CMS/OACT) <paul.spitalnic@cms.hhs.gov>; Waskiewicz, Beth (CMS/OAGM) <beth.waskiewicz@cms.hhs.gov>; Hendrix, Cassandra (CMS/OAGM) <Cassandra.Hendrix@cms.hhs.gov>; Little, Stacey (CMS/OAGM) <Stacey.Little@cms.hhs.gov>; Robinson, Jennifer (CMS/OBRHI) <Jennifer.Robinson@CMS.hhs.gov>; Highsmith, Natalie (CMS/OC) <natalie.highsmith@cms.hhs.gov>; Myers, Michele (CMS/OFM) <Michele.Myers@cms.hhs.gov>; Tierney, Janet (CMS/OFM) <Janet.Tierney@cms.hhs.gov>; Turner, Rachel (CMS/OIT) <rachel.turner@cms.hhs.gov>; Milburn, Tiera (CMS/OIT) <Tiera.Milburn@cms.hhs.gov>; Milburn, Tiera (CMS/OIT) <Tiera.Milburn@cms.hhs.gov>; Gange, Laura (CMS/OIT) <Laura.Gange@cms.hhs.gov>; Pleines, Jeannette (CMS/OIT) <Jeannette.Pleines@cms.hhs.gov>; Keene, Danyail (CMS/OL) <Danyail.Keene@cms.hhs.gov>; Dervan, Elizabeth (CMS/OL) <elizabeth.dervan@cms.hhs.gov>; Upchurch, Talaiya (CMS/OL) <Talaiya.Upchurch@cms.hhs.gov>; Perry, Nicole (CMS/FCHCO) <Nicole.Perry@cms.hhs.gov>; Blonar, Jonathan (CMS/OC) <Jonathan.Blonar@cms.hhs.gov>; Aldana, Karen (CMS/OC) <Karen.Aldana@cms.hhs.gov>; Wallace, Mary (CMS/OC) <Mary.Wallace@cms.hhs.gov>; Lance, Lataysheia (CMS/OFM) <Lataysheia.Lance@cms.hhs.gov>; Smith, Toya (CMS/CMCS) <Toya.Smith@cms.hhs.gov>; Taylor, Kenneth (CMS/CMCS) <Kenneth.Taylor@cms.hhs.gov>; Mannix, Norma (CMS/CMCS) <norma.mannix@cms.hhs.gov>; Cropper, Avareena (CMS/OMH) <Avareena.Cropper@cms.hhs.gov>; CMS Front Office - CCIIO Clearances <FrontOffice-CCIIOClearances@cms.hhs.gov>; Davis, Aria (CMS/CMMI) <Aria.Davis@cms.hhs.gov>; Shifflett, Kristin (CMS/CCSQ) <Kristin.Shifflett@cms.hhs.gov>; Robinson, Jennifer (CMS/OBRHI) <Jennifer.Robinson@CMS.hhs.gov>; Watkins, Damon (CMS/CMMI) <Damon.Watkins@cms.hhs.gov>; Sutton, Erin (CMS/OPOLE) <erin.sutton2@cms.hhs.gov>; Calloway, Rachel (CMS/CMMI) <rachel.calloway@cms.hhs.gov>; Hyde (she/her), Megan (CMS/CMMI) <Megan.Hyde@cms.hhs.gov>; Ifill, George (CMS/CM) <George.Ifill@cms.hhs.gov>; Russo, Ellen (CMS/CPI) <Ellen.Russo@cms.hhs.gov>; Kessler, Thomas (CMS/CPI) <Thomas.Kessler@cms.hhs.gov>; Spence, Ashley (CMS/CCSQ) <Ashley.Spence@cms.hhs.gov>; Jenkins, Courtney (CMS/CCSQ) <Courtney.Jenkins@cms.hhs.gov>; Appleton, Paige (CMS/CCSQ) <Paige.Appleton@cms.hhs.gov>; Syrek Jensen, Tamara (CMS/CCSQ) <tamara.syrekjensen@cms.hhs.gov>; Truong, Elizabeth (CMS/CCSQ) <Elizabeth.Truong@cms.hhs.gov>

Cc: Wilson, Lisa (CMS/CCIIO) <lisa.wilson@cms.hhs.gov>; Pedneau (she/her), Emily (CMS/CCIIO) <Emily.Pedneau@cms.hhs.gov>; Oakes, Meghan (CMS/OL) <Meghan.Oakes@cms.hhs.gov>; Oswald, Michelle (CMS/OMH) <Michelle.Oswald@cms.hhs.gov>; Davis, Aria (CMS/CMMI) <Aria.Davis@cms.hhs.gov>; Nordahl, Keara (CMS/OPOLE) <Keara.Nordahl@cms.hhs.gov>; Costello, Stefanie (CMS/OC) <Stefanie.Costello@cms.hhs.gov>; Williams, Tamika (CMS/OC) <Tamika.Williams@cms.hhs.gov>; Hitchcock, Katie (CMS/OEDA) <Katherine.Hitchcock@cms.hhs.gov>; Harper, Bernice (CMS/OEDA) <Bernice.Harper@cms.hhs.gov>; Young, Larry (CMS/OFM) <Larry.Young@cms.hhs.gov>; Worstell, Megan (CMS/OFM) <Megan.Worstell@cms.hhs.gov>; Harbison, Olivia (CMS/CCSQ) <olivia.harbison@cms.hhs.gov>; Douglas, Latasha (CMS/OSORA) <Latasha.Douglas@cms.hhs.gov>; McBurney, Cassandra (CMS/OSORA) <Cassandra.McBurney@cms.hhs.gov>; Mcinnis, Nekeshia (CMS/OSORA)

<Nekeshia.McInnis@cms.hhs.gov>; Vallecillo, Kris (CMS/OSORA) <kris.vallecillo@cms.hhs.gov>; Hounshell, Conner (CMS/OSORA) <conner.hounshell@cms.hhs.gov>; Jacobs, Hannah (CMS/OSORA) <hannah.jacobs@cms.hhs.gov>; Wilson, Lynette (CMS/OSORA) <Lynette.Wilson@cms.hhs.gov>; McInnis, Nekeshia (CMS/OSORA) <Nekeshia.McInnis@cms.hhs.gov>

Subject: Request for Briefing Materials - Health Equity in Transplantation Coalition (HEiTC) Due NLT 10am Monday, 4/22/24 (Expedited Request-Firm Deadline)

Importance: High

Good afternoon all!

The Administrator has accepted a meeting with the Health Equity in Transplantation Coalition (HEiTC) tentatively scheduled to occur on April 29th. Please review the discussion topic(s) mentioned below and send your responses to me, LaTasha Douglas, Casey McBurney, Lynette Wilson, Kris Vallecillo, Hannah Jacobs, and Conner Hounshell by **NLT 10am on Monday, 4/22/24**. Apologies for the quick turnaround request!

, (b)(5)

Attendees:

Reverend Al Sharpton, Founder & President, National Action Network (NAN) and Senior Advisor, Health Equity in Transplantation Coalition (HEiTC)

Albert Joseph Brown III, a.k.a. Al B. Sure!, Executive Chairman, Health Equity in Transplantation Coalition (HEiTC)

Dr. Steven Potter, Transplant Surgeon, MedStar Georgetown University Hospital

Rachel Noerdlinger, Co-founder, Health Equity in Transplantation Coalition (HEiTC) and Partner, Actum LLC

Please send your materials by **NLT 10AM on Monday, 4/22/24**, to me, LaTasha Douglas, Casey McBurney, Lynette Wilson, Kris Vallecillo, Hannah Jacobs, and Connor Hounshell. Also, please let us know by that date if these issues are not applicable to your component.

Thank you for your assistance!

Nekeshia McInnis

Division of Program Coordination & Correspondence A
Office of Strategic Operations & Regulatory Affairs (OSORA)
Centers for Medicare & Medicaid Services (CMS)
Department of Health and Human Services (HHS)
200 Independence Ave. SW
Washington, DC 20201

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Message

From: Howe, Rory (CMS/CMCS) , (b)(6)
Sent: 4/29/2024 1:15:11 PM , (b)(6)
To: Clark, Jennifer (CMS/CMCS) , (b)(6)
; Maccarroll, Amber
; Silanskis, Jeremy
, (b)(6)
CC:
Subject: RE: RE: Meeting Forward Notification: Washington's Safety Net Hospital Provider Tax and SDP Discussion

, (b)(5)

From: Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>
Sent: Monday, April 29, 2024 3:01 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>
Cc: Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>
Subject: FW: Meeting Forward Notification: Washington's Safety Net Hospital Provider Tax and SDP Discussion

, (b)(5)

Thanks,
Jen

From: Clark, Jennifer (CMS/CMCS)
Sent: Monday, April 29, 2024 2:57 PM
To: Snyder, Laura (CMS/CMCS) <Laura.Snyder1@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; CMS CMCS Tax Waiver <TaxWaiver@cms.hhs.gov>; Loizias, Alex (CMS/CMCS) <Alexandra.Loizias@cms.hhs.gov>; CMS State Directed Payment <StateDirectedPayment@cms.hhs.gov>
Cc: Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Mosley, Elle (CMS/CMCS) <larrica.mosley@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>
Subject: RE: Meeting Forward Notification: Washington's Safety Net Hospital Provider Tax and SDP Discussion

Hi Laura,

, (b)(5)

, (b)(5)

Please let us know ASAP if you have any concerns.

Thanks,
Jen

From: Snyder, Laura (CMS/CMCS) <Laura.Snyder1@cms.hhs.gov>
Sent: Monday, April 29, 2024 1:58 PM
To: Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; CMS CMCS Tax Waiver <TaxWaiver@cms.hhs.gov>; Loizias, Alex (CMS/CMCS) <Alexandra.Loizias@cms.hhs.gov>; CMS State Directed Payment <StateDirectedPayment@cms.hhs.gov>
Cc: Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Mosley, Elle (CMS/CMCS) <larrica.mosley@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>
Subject: RE: Meeting Forward Notification: Washington's Safety Net Hospital Provider Tax and SDP Discussion

Thanks, Charlie! We have the letter signed and ready to go at the end of the day today. Unless we hear otherwise, we will plan to send.

Thanks,
Laura

From: Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>
Sent: Monday, April 29, 2024 12:43 PM
To: Snyder, Laura (CMS/CMCS) <Laura.Snyder1@cms.hhs.gov>; CMS CMCS Tax Waiver <TaxWaiver@cms.hhs.gov>; Loizias, Alex (CMS/CMCS) <Alexandra.Loizias@cms.hhs.gov>; CMS State Directed Payment <StateDirectedPayment@cms.hhs.gov>
Cc: Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Mosley, Elle (CMS/CMCS) <larrica.mosley@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>
Subject: RE: Meeting Forward Notification: Washington's Safety Net Hospital Provider Tax and SDP Discussion

Laura,

I will run it by Rory and get you a response very soon.

Thanks,

Charlie Arnold
Director
CMCS/FMG/DFP

, (b)(6)

Any opinion expressed in this email communication does not represent the opinion of the agency and will not bind or obligate CMS. CMS has relied on the facts and information presented and if any material facts have not been disclosed, any opinion/advice is without force and effect. Any advice is limited to the facts presented and is part of informal discussions of the issues raised.

From: Snyder, Laura (CMS/CMCS) <Laura.Snyder1@cms.hhs.gov>

Sent: Monday, April 29, 2024 11:29 AM

To: CMS CMCS Tax Waiver <TaxWaiver@cms.hhs.gov>; Loizias, Alex (CMS/CMCS) <Alexandra.Loizias@cms.hhs.gov>; CMS State Directed Payment <StateDirectedPayment@cms.hhs.gov>

Cc: Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Mosley, Elle (CMS/CMCS) <larrica.mosley@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>

Subject: RE: Meeting Forward Notification: Washington's Safety Net Hospital Provider Tax and SDP Discussion

Thanks, Jonathan.

, (b)(5)

Thanks,

Laura

From: CMS CMCS Tax Waiver <TaxWaiver@cms.hhs.gov>

Sent: Monday, April 29, 2024 11:20 AM

To: Snyder, Laura (CMS/CMCS) <Laura.Snyder1@cms.hhs.gov>; Loizias, Alex (CMS/CMCS) <Alexandra.Loizias@cms.hhs.gov>; CMS State Directed Payment <StateDirectedPayment@cms.hhs.gov>; CMS CMCS Tax Waiver <TaxWaiver@cms.hhs.gov>

Cc: Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Mosley, Elle (CMS/CMCS) <larrica.mosley@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>

Subject: RE: Meeting Forward Notification: Washington's Safety Net Hospital Provider Tax and SDP Discussion

Laura,

, (b)(5)

Best,

Jonathan

From: Snyder, Laura (CMS/CMCS) <Laura.Snyder1@cms.hhs.gov>

Sent: Monday, April 29, 2024 10:02 AM

To: CMS CMCS Tax Waiver <TaxWaiver@cms.hhs.gov>; Loizias, Alex (CMS/CMCS) <Alexandra.Loizias@cms.hhs.gov>; CMS State Directed Payment <StateDirectedPayment@cms.hhs.gov>

Cc: Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Mosley, Elle (CMS/CMCS)

<larrica.mosley@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>

Subject: RE: Meeting Forward Notification: Washington's Safety Net Hospital Provider Tax and SDP Discussion

Hi Jonathan,

, (b)(5)

Thanks,

Laura

From: CMS CMCS Tax Waiver <TaxWaiver@cms.hhs.gov>

Sent: Friday, April 26, 2024 9:06 AM

To: Snyder, Laura (CMS/CMCS) <Laura.Snyder1@cms.hhs.gov>; Loizias, Alex (CMS/CMCS)

<Alexandra.Loizias@cms.hhs.gov>; CMS State Directed Payment <StateDirectedPayment@cms.hhs.gov>

Cc: Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Mosley, Elle (CMS/CMCS)

<larrica.mosley@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>

Subject: RE: Meeting Forward Notification: Washington's Safety Net Hospital Provider Tax and SDP Discussion

Laura,

I just wanted to check on the status of this SDP. Was it approved on 4/25?

Best,

Jonathan

From: CMS CMCS Tax Waiver

Sent: Tuesday, April 23, 2024 1:59 PM

To: Snyder, Laura (CMS/CMCS) <Laura.Snyder1@cms.hhs.gov>; Loizias, Alex (CMS/CMCS)

<Alexandra.Loizias@cms.hhs.gov>; CMS State Directed Payment <StateDirectedPayment@cms.hhs.gov>; CMS CMCS Tax Waiver <TaxWaiver@cms.hhs.gov>

Cc: Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Mosley, Elle (CMS/CMCS)

<larrica.mosley@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>

Subject: RE: Meeting Forward Notification: Washington's Safety Net Hospital Provider Tax and SDP Discussion

Laura,

, (b)(5)

Best,

Jonathan

From: Snyder, Laura (CMS/CMCS) <Laura.Snyder1@cms.hhs.gov>

Sent: Tuesday, April 23, 2024 1:53 PM

To: Loizias, Alex (CMS/CMCS) <Alexandra.Loizias@cms.hhs.gov>; CMS CMCS Tax Waiver <TaxWaiver@cms.hhs.gov>; CMS State Directed Payment <StateDirectedPayment@cms.hhs.gov>

Cc: Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Mosley, Elle (CMS/CMCS) <larrica.mosley@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>

Subject: RE: Meeting Forward Notification: Washington's Safety Net Hospital Provider Tax and SDP Discussion

Hi Jonathan and Stuart,

, (b)(5)

Thanks,
Laura

From: Snyder, Laura (CMS/CMCS)

Sent: Friday, April 19, 2024 1:33 PM

To: Loizias, Alex (CMS/CMCS) <Alexandra.Loizias@cms.hhs.gov>; CMS CMCS Tax Waiver <TaxWaiver@cms.hhs.gov>; CMS State Directed Payment <StateDirectedPayment@cms.hhs.gov>

Cc: Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Mosley, Elle (CMS/CMCS) <larrica.mosley@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>

Subject: RE: Meeting Forward Notification: Washington's Safety Net Hospital Provider Tax and SDP Discussion

Hi Jonathan,

, (b)(5)

Thanks,
Laura

From: Loizias, Alex (CMS/CMCS) <Alexandra.Loizias@cms.hhs.gov>

Sent: Friday, April 19, 2024 12:53 PM

To: CMS CMCS Tax Waiver <TaxWaiver@cms.hhs.gov>; CMS State Directed Payment <StateDirectedPayment@cms.hhs.gov>

Cc: Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Mosley, Elle (CMS/CMCS) <larrica.mosley@cms.hhs.gov>; Snyder, Laura (CMS/CMCS) <Laura.Snyder1@cms.hhs.gov>

Subject: RE: Meeting Forward Notification: Washington's Safety Net Hospital Provider Tax and SDP Discussion

Looping in Laura as well.

I know MCG leadership had a discussion with Rory earlier this week about next steps.

Thanks,
Alex

Alex Loizias (she/her)
Technical Director
Division of Managed Care Policy
Managed Care Group | Center for Medicaid & CHIP Services
☎ 410-786-2435 | ✉ alexandra.loizias@cms.hhs.gov

From: CMS CMCS Tax Waiver <TaxWaiver@cms.hhs.gov>
Sent: Friday, April 19, 2024 11:21 AM
To: Loizias, Alex (CMS/CMCS) <Alexandra.Loizias@cms.hhs.gov>; CMS State Directed Payment <StateDirectedPayment@cms.hhs.gov>
Cc: Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Mosley, Elle (CMS/CMCS) <larrica.mosley@cms.hhs.gov>
Subject: RE: Meeting Forward Notification: Washington's Safety Net Hospital Provider Tax and SDP Discussion

Alex,

, (b)(5)

Best,

Jonathan

-----Original Appointment-----

From: Microsoft Outlook < >, (b)(6)
On Behalf Of Loizias, Alex (CMS/CMCS)
Sent: Thursday, April 11, 2024 10:34 AM
To: CMS CMCS Tax Waiver
Subject: Meeting Forward Notification: Washington's Safety Net Hospital Provider Tax and SDP Discussion
When: Thursday, April 11, 2024 2:30 PM-3:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: <https://cms.zoomgov.com/j/>, (b)(5)

Your meeting was forwarded

Loizias, Alex (CMS/CMCS) has forwarded your meeting request to additional recipients.

Washington's Safety Net Hospital Provider Tax and SDP Discussion

Thursday, 11 April 2024 14:30-15:00.

Roberts (she/her), Trina (CMS/CMCS)

Message

From: Howe, Rory (CMS/CMCS) , (b)(6)
Sent: 5/1/2024 8:45:45 PM
To: Giles, John (CMS/CMCS) , (b)(6)
Kirchgraber, Kate
Silanskis, Jeremy
, (b)(6)
CC:
Subject: RE: RE: Senate briefing request on Access and Managed Care rules

Yes, I agree. Thanks.

From: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Sent: Wednesday, May 1, 2024 4:27 PM
To: Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>
Cc: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Subject: RE: Senate briefing request on Access and Managed Care rules

Hi Kate –

If the questions are about SDPs generally, including the payment policies, spending limits at ACR, or the cost of the overall SDP provisions... I will lead on those answers.

If the questions are about the non-federal share financing, the provider attestation provision for SDPs, or about the hold harmless CIB, I think Rory will lead on those answers.

Rory – do you agree with that assessment?

Kate – do you have any sense of the SDP provisions they might be most interested in?

Thank you!

John Giles, MPA
Director, Managed Care Group
Center for Medicaid and CHIP Services
Centers for Medicare & Medicaid Services
Phone: 410-786-5545
E-mail: John.Giles1@cms.hhs.gov

From: Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>
Sent: Wednesday, May 1, 2024 4:20 PM
To: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Cc: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>
Subject: RE: Senate briefing request on Access and Managed Care rules

Hi John and Rory –

I expect that we'll get questions on the SDP provisions of the managed care rule. Can you please let me know which of you will handle those?

Thanks.

From: Kirchgraber, Kate (CMS/OL)

Sent: Tuesday, April 30, 2024 2:27 PM

To: Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>

Cc: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>

Subject: RE: Senate briefing request on Access and Managed Care rules

May 7 at 1 pm works for the Finance Committee LAs. Unless others feel differently, I think we can stick with the same format we used for the briefing call last week, but let me know if you would prefer to do prep call.

Introduction – Kate Kirchgraber (2 min)

Access rule overview (15 min)

MACs – Karen Llanos

HCBS – Jen Bowdoin

FFS – Jeremy Silanskis

Managed Care Rule overview (15 min) – John Giles

Q/A (15 min)

The briefing will be over zoom, with the Hill staff phoning in. I'll send an appointment.

Thank you!

From: Kirchgraber, Kate (CMS/OL)

Sent: Tuesday, April 30, 2024 9:18 AM

To: Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>

Cc: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>

Subject: RE: Senate briefing request on Access and Managed Care rules

Thanks so much! Hopefully we won't need the full 60 minutes, but with 2 rules to get through, I wanted to make sure we have enough time. I'll circle back as soon as I can.

From: Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>

Sent: Tuesday, April 30, 2024 9:14 AM

To: Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>

Cc: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS)

<AnneMarie.Costello@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>

Subject: RE: Senate briefing request on Access and Managed Care rules

Hi Kate –

Getting 60 minutes was challenging, but here are some options that could work for next week:

- 5/6, 1:00-3:00
- 5/7, 1:00-2:00
- 5/9, 1:45-2:30, not 60 mins but we can offer 45 mins.

Karen

From: Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>

Sent: Monday, April 29, 2024 5:44 PM

To: Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>

Cc: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS)

<AnneMarie.Costello@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>

Subject: RE: Senate briefing request on Access and Managed Care rules

Thank you!

From: Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>

Sent: Monday, April 29, 2024 5:11 PM

To: Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>

Cc: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS)

<AnneMarie.Costello@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>

Subject: RE: Senate briefing request on Access and Managed Care rules

Hi Kate – we're working to find some options.

Karen

From: Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>

Sent: Monday, April 29, 2024 4:05 PM

To: Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>

Cc: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS)

<AnneMarie.Costello@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>

Subject: Senate briefing request on Access and Managed Care rules

Hello John, Karen, Jen and Jeremy –

Bipartisan Senate Finance Committee staff have asked for a briefing on the Access and Managed Care final rules for committee LAs. Can you please give me some 60 minute windows that you're available next week?

Thanks,
Kate

Kate Kirchgraber | Director | Low Income Programs Analysis Group | Office of Legislation | Centers for Medicare & Medicaid Services | kate.kirchgraber@cms.hhs.gov | 202.680.2481

Message

From: Howe, Rory (CMS/CMCS) , (b)(6)
Sent: 6/28/2023 6:22:16 PM , (b)(6)
To: Giles, John (CMS/CMCS) , (b)(6)
Subject: FW: FW: QUICK Question on SDP Projections , (b)(6)

, (b)(5)

From: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>
Sent: Wednesday, June 28, 2023 2:09 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Subject: RE: Quick Question on SDP Projections

	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2024-2033
Spending - low end under proposed rule	37	46	44	47	51	56	59	62	67	72	77	82	617
Spending - high end under proposed rule	37	46	47	53	60	66	70	74	79	86	92	97	724
Spending - assume all states go to ACR	37	46	54	67	82	98	103	110	117	127	135	144	1038

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Wednesday, June 28, 2023 1:06 PM
To: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>
Subject: RE: Quick Question on SDP Projections

Hi, Chris. Thanks again for the work on this. I think the 10-year impact is most important for us to have. If it is not more work to also provide the 2027 impact, that would be helpful as a secondary number, but it is not critical at all.

From: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>
Sent: Wednesday, June 28, 2023 12:55 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Subject: RE: Quick Question on SDP Projections

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Tuesday, June 27, 2023 1:45 PM
To: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>
Subject: RE: Quick Question on SDP Projections

Just sent the appointment. Thanks, Chris!

From: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>
Sent: Tuesday, June 27, 2023 12:32 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Subject: RE: Quick Question on SDP Projections

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Tuesday, June 27, 2023 11:42 AM
To: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>
Subject: Quick Question on SDP Projections

Hi, Chris. I hope all is well. Would you have a few minutes either today or tomorrow for a quick call (hopefully less than 15 min) on SDPs ?

Thanks,
Rory

Message

From: Howe, Rory (CMS/CMCS) , (b)(6)
Sent: 6/29/2023 6:23:45 PM
To: CMS OCD Director Book , (b)(6)
Teal, Lela (CMS/CMCS)
:hanski, Joseph
; Hebert, Krista
t]
CC: , (b)(6)
; Boston, Beverly
Giles, John (CMS/CMCS)
dams, lia (CMS/CMCS)

Subject: FMG and MCG - Managed Care/Financing Impact Overview for Dan/OGC - 6/29/23

FMG and MCG would like to add the following to Dan and Anne Marie's books. Please let me know if you need anything else from FMG or MCG.

i. **Link:**

ii. , (b)(5)

iii.

iv.

Message

From: Burch Mack, Rebecca (CMS/CMCS) , (b)(6)
Sent: 10/31/2023 7:49:27 PM , (b)(6)
To: Howe, Rory (CMS/CMCS) , (b)(6)
Subject: Automatic reply: Automatic reply: [External] RE: Revised NC Hold Harmless Attestation , (b)(6)

I am currently out of the office this afternoon and will return on Wednesday, November 1, 2023. I will respond to your email upon my return. If you need immediate assistance, please contact John Giles at john.giles1@cms.hhs.gov.

Thank you,

Rebecca

Message

From: Snyder, Laura (CMS/CMCS) , (b)(6)
Sent: 10/31/2023 7:49:27 PM , (b)(6)
To: Howe, Rory (CMS/CMCS) , (b)(6)
Subject: Automatic reply: Automatic reply: [External] RE: Revised NC Hold Harmless Attestation , (b)(6)

I am not checking email working on a high priority item. I will respond as soon as I can. However, if you need immediate assistance, please contact Alexis Gibson alexis.gibson@cms.hhs.gov. If you have a question on a state directed payment, please reach out to statedirectedpayment@cms.hhs.gov.

Thanks,
Laura

Message

From: Lannaman, Morlan (CMS/CMCS) ... , (b)(6)
Sent: 10/31/2023 1:31:02 PM , (b)(5)
To: Smith, Falecia (CMS/CMCS) , (b)(6)

Swisher, Loan
Kostesich, Jennifer
Endelman (he/him),
]; Miller, Courtney
]; Gibson, Alexis
Rodriguez, Matthew
l]; Abbott, Sarah
]; Harvin, Carshena
; Higgins, Shelby
]; Trieger, Michael
Phelps, Sandra
: Dolly, Ed (CMS/CMCS)
l]; Banton, Kia
; Hoang, Dzung
g]; Allison, John
uvane, Nora (CMS/CMCS)
Elizabeth (CMS/CMCS)
; Arowojolu, Tinu
; Brooks, Bill (CMS/CMCS)
Roberts (she/her), Trina
Jensen, Kirsten
ankersley, Michael
Delvecchio, Lynn
: Mathurin, Dominique
]; Weaver, Brent
; Schickner, Loretta

, (b)(6)

orsbach (she/her),
ehm (she/her), Sarah
Brill Ortiz (she/her),
el, Samantha
Muhammad (she/her),
; Howe, Rory
dstein, Stuart
rnold, Charlie
ark, Jennifer
uno, Richard
Hines, Charles
omas, Stephanie
ector, Sarah
Coffey, Gene
Burian, Martin
olligan, Ricardo
aves, Donald
aminsky, Stephanie
antwell, Kenya
Smith, Brandon
Tankersley, Michael
aze, Jackie
accarroll, Amber
Moore (she/her), Z.
Seng, Suzette
Moua, Pader
Douglas, Jessika

, (b)(6)

Subject: CIVIS/NC DHHS Medicaid Expansion Weekly Meeting Agenda: Thursday November 2nd

Morning All,

Below are last week call notes/meeting summary and a draft agenda for November 2nd Thursday's meeting.

CMS/NC DHHS Medicaid Expansion Weekly Check-In: Agenda

November 2, 2023, 11:00-12:00 pm ET

- ABP SPA/Therapy Service State Plan Updates
- FFM Letter to Consumers – confirm timing and content
- FFM Determination
- FFM Data Request

CMS/NC DHHS Medicaid Expansion Weekly Check-In (10/26): Meeting Summary

- **FMAP SPA**
 - CMS confirmed that NC can receive the 5% ARPA FMAP bonus on claims made since the beginning of the quarter (i.e., the State does not need to wait until 12/1 to draw down 5% bonus).
 - NC confirmed it is in the process of sending the draft FMAP SPA attachment reflecting the postpartum proxy methodology to the Tribe for review.
- **ABP SPA**
 - NC confirmed it is working to address CMS' feedback on the ABP 5.
 - CMS flagged that once NC/CMS finalize the ABP 5, NC must submit the full ABP SPA package through the MMDL portal for CMS approval.
- **State Plan/Therapy Services**
 - NC/CMS discussed the draft State Plan submission reflecting updated therapy service limits.
 - NC clarified the state currently provides therapy services for adults through three settings: home health agencies, hospital outpatient departments, and physician offices that employ therapists.
 - The State's intent is to have updated therapy service limits in the state plan apply regardless of what setting the service is delivered in.
 - CMS flagged federal regulations do not allow service limits to apply across benefits. CMS will follow-up to confirm the State can take either of the following options to update the State Plan:
 1. Set up a standalone therapy service benefit in the State Plan, including moving current home health authority for therapy services to the standalone benefit (*note: this is the State's preferred approach*)
 2. Revise therapy service limits from hard limits to soft limits
 - CMS requested clarification on how the State claims for therapy services (speech, occupational, physical therapy) on the CMS-64.
 - NC will follow-up with a response; NC flagged that the majority of spend on these services currently falls under managed care.
 - **Next Steps:**
 - **CMS to:** Confirm the options available to the State to update the therapy service limits in the State Plan.
 - **NC to:** Follow-up on how the State claims for therapy services on the CMS-64.
- **FFM Determination**
 - NC requested clarification on CMS' expected timeline to conduct outreach/communication to individuals in the marketplace (e.g., send beneficiary letters); CMS confirmed it has currently not set a date for beneficiary letters to be sent out, but it is expected to be after the close of Open Enrollment (January 15).
 - CMS flagged two resources the State can refer individuals who looking to end their Marketplace plan to (if these individuals are found eligible for Medicaid):
 - Online CMS instructions available at: <https://www.healthcare.gov/medicaid-chip/cancelling-marketplace-plan/>
 - Marketplace Call Center at: 1-800-318-2596

- **FFM Data Request**

- CMS confirmed it will send to IEA to NC; CMS is in contact with the data analysis unit to finalize the data request and transmit to NC once the IEA is finalized.
- CMS requested NC share any communications/materials developed on eligibility for Medicaid Expansion.

Morlan Lannaman
Health Insurance Specialist
Medicaid & CHIP Operations Group
Centers for Medicare & Medicaid Services
Mobile , (b)(6)
Email: morlan.lannaman@cms.hhs.gov

From: Lannaman, Morlan (CMS/CMCS)

Sent: Tuesday, October 24, 2023 10:18 AM

To: Smith, Falecia (CMS/CMCS) <Falecia.Smith@cms.hhs.gov>; Swisher, Loan (CMS/CMCS) <Loan.Swisher@cms.hhs.gov>; Kotesich, Jennifer (CMS/CMCS) <Jennifer.Kotesich@cms.hhs.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Miller, Courtney (CMS/CMCS) <Courtney.Miller@cms.hhs.gov>; Gibson, Alexis (CMS/CMCS) <alexis.gibson@cms.hhs.gov>; Rodriguez, Matthew (CMS/CMCS) <Matthew.Rodriguez@cms.hhs.gov>; Abbott, Sarah (CMS/CMCS) <Sarah.Abbott@cms.hhs.gov>; Harvin, Carshena (CMS/CMCS) <Carshena.Harvin@cms.hhs.gov>; Higgins, Shelby (CMS/CMCS) <Shelby.Higgins@cms.hhs.gov>; Trieger, Michael (CMS/CMCS) <Michael.Trieger1@cms.hhs.gov>; Phelps, Sandra (CMS/CMCS) <Sandra.Phelps@cms.hhs.gov>; Dolly, Ed (CMS/CMCS) <Edward.Dolly@cms.hhs.gov>; Banton, Kia (CMS/CMCS) <Kia.Banton@cms.hhs.gov>; Hoang, Dzung (CMS/CMCS) <Dzung.Hoang@cms.hhs.gov>; Allison, John (CMS/CCIIO) <John.Allison@cms.hhs.gov>; Huvane, Nora (CMS/CMCS) <nora.huvane@cms.hhs.gov>; Hill, Elizabeth (CMS/CMCS) <Elizabeth.Hill@cms.hhs.gov>; Arowojolu, Tinu (CMS/CMCS) <Tinu.Arowojolu1@cms.hhs.gov>; Brooks, Bill (CMS/CMCS) <Bill.Brooks@cms.hhs.gov>; Roberts (she/her), Trina (CMS/CMCS) <Shantrina.Roberts@cms.hhs.gov>; Jensen, Kirsten (CMS/CMCS) <Kirsten.Jensen@cms.hhs.gov>; Tankersley, Michael (CMS/CMCS) <Michael.Tankersley@cms.hhs.gov>; Delvecchio, Lynn (CMS/CMCS) <Lynn.DelVecchio@cms.hhs.gov>; Mathurin, Dominique (CMS/CMCS) <Dominique.Mathurin@cms.hhs.gov>; Weaver, Brent (CMS/CMCS) <Brent.Weaver@cms.hhs.gov>; Schickner, Loretta (CMS/CMCS) <Loretta.Schickner@cms.hhs.gov>; Lorschach (she/her), Anna (CMS/CCIIO) <anna.lorschach@cms.hhs.gov>; Boehm (she/her), Sarah (CMS/CCIIO) <Sarah.Boehm@cms.hhs.gov>; Brill Ortiz (she/her), Jessica (CMS/CCIIO) <Jessica.BrillOrtiz@cms.hhs.gov>; Porzel, Samantha (CMS/CCIIO) <samantha.porzel@cms.hhs.gov>; Muhammad (she/her), Kaleema (CMS/CCIIO) <Kaleema.Muhammad@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Cuno, Richard (CMS/CMCS) <Richard.Cuno@cms.hhs.gov>; Hines, Charles (CMS/CMCS) <Charles.Hines@cms.hhs.gov>; Thomas, Stephanie (CMS/CMCS) <Stephanie.Thomas@cms.hhs.gov>; Spector, Sarah (CMS/CMCS) <Sarah.Spector@cms.hhs.gov>; Coffey, Gene (CMS/CMCS) <Gene.Coffey@cms.hhs.gov>; Burian, Martin (CMS/CMCS) <Martin.Burian@cms.hhs.gov>; Holligan, Ricardo (CMS/CMCS) <Ricardo.Holligan@cms.hhs.gov>; Graves, Donald (CMS/CMCS) <Donald.Graves@cms.hhs.gov>; Kaminsky, Stephanie (CMS/CMCS) <Stephanie.Kaminsky@cms.hhs.gov>; Cantwell, Kenya (CMS/CMCS) <Kenya.Cantwell@cms.hhs.gov>; Smith, Brandon (CMS/CMCS) <Brandon.Smith@cms.hhs.gov>; Tankersley, Michael (CMS/CMCS) <Michael.Tankersley@cms.hhs.gov>; Glaze, Jackie (CMS/CMCS) <Jackie.Glaze@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Turner, Alexa (CMS/CMCS) <Alexandra.Turner@cms.hhs.gov>; Moore (she/her), Z. Yvette (CMS/CMCS) <yvette.moore@cms.hhs.gov>; Seng, Suzette (CMS/CMCS) <Suzette.Seng@cms.hhs.gov>; Moua, Pader (CMS/CMCS) <pader.moua@cms.hhs.gov>; Douglas, Jessika (CMS/CMCS) <Jessika.Douglas@cms.hhs.gov>

Subject: CMS/NC DHHS Medicaid Expansion Weekly Meeting Agenda October 26

Good Morning All,

Below are call notes/meeting summary and a draft agenda for October 26th Thursday's meeting.

Julia Lerche will be covering for Emma Sandoe

CMS/NC DHHS Medicaid Expansion Weekly Check-In: Agenda

October 26, 2023, 11:00-12:00 pm ET

- Discuss CMS review and approval status for:
 - ABP SPA
- FFM Determination
 - Marketplace use case scenarios
- FFM Data Request

CMS/NC DHHS Medicaid Expansion Weekly Check-In (10/19): Meeting Summary

- **Status on Legal Authorities**
 - Eligibility SPA:
 - Eligibility SPA has been approved by CMS.
 - FMAP SPA:
 - FMAP SPA has been approved by CMS.
 - **Next Steps:**
 - CMS to confirm whether NC will receive the 5% ARPA FMAP bonus now that FMAP and Eligibility SPA have been approved.
 - ABP SPA:
 - NC confirmed it received round 3 of CMS' feedback on the ABP 5.
 - CMS flagged NC must also respond to request to identify self-referral services from the 1915(b) waiver in the ABP.
 - NC confirmed it submitted a draft of the updated State Plan with revised therapy services limits (aligning with the ABP SPA) to CMS for initial review.
 - **Next Steps:**
 - CMS to review draft State Plan updates to therapy services limits (aligning with the ABP SPA)
 - NC to respond to CMS feedback on ABP SPA, including request to identify self-referral services from the 1915(b) waiver in the ABP.
- **FFM Determination**
 - NC confirmed it received CMS' response on beneficiary marketplace use case scenarios.
 - NC requested clarification on CMS' expected timeline to conduct outreach/communication to individuals in the marketplace (e.g., send beneficiary letters).
 - CMS confirmed it has currently not set a date for beneficiary letters to be sent out.
 - NC flagged it sent additional written questions to CMS re: appeals process for denials and determination for emergency Medicaid and refugee assistance.
 - **Next Steps**
 - CMS to follow-up with response to NC written questions.

Thanks,

Morlan

From: Lannaman, Morlan (CMS/CMCS)

Sent: Wednesday, October 11, 2023 2:15 PM

To: Smith, Falecia (CMS/CMCS) <Falecia.Smith@cms.hhs.gov>; Swisher, Loan (CMS/CMCS) <Loan.Swisher@cms.hhs.gov>; Kotesich, Jennifer (CMS/CMCS) <Jennifer.Kotesich@cms.hhs.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Miller, Courtney (CMS/CMCS) <Courtney.Miller@cms.hhs.gov>; Gibson, Alexis (CMS/CMCS) <alexis.gibson@cms.hhs.gov>; Rodriguez, Matthew (CMS/CMCS) <Matthew.Rodriguez@cms.hhs.gov>; Abbott, Sarah (CMS/CMCS) <Sarah.Abbott@cms.hhs.gov>; Harvin,

Carshena (CMS/CMCS) <Carshena.Harvin@cms.hhs.gov>; Higgins, Shelby (CMS/CMCS) <Shelby.Higgins@cms.hhs.gov>;
 Trieger, Michael (CMS/CMCS) <Michael.Trieger1@cms.hhs.gov>; Phelps, Sandra (CMS/CMCS)
 <Sandra.Phelps@cms.hhs.gov>; Dolly, Ed (CMS/CMCS) <Edward.Dolly@cms.hhs.gov>; Banton, Kia (CMS/CMCS)
 <Kia.Banton@cms.hhs.gov>; Hoang, Dzung (CMS/CMCS) <Dzung.Hoang@cms.hhs.gov>; Allison, John (CMS/CCIIO)
 <John.Allison@cms.hhs.gov>; Huvane, Nora (CMS/CMCS) <nora.huvane@cms.hhs.gov>; Hill, Elizabeth (CMS/CMCS)
 <Elizabeth.Hill@cms.hhs.gov>; Arowojolu, Tinu (CMS/CMCS) <Tinu.Arowojolu1@cms.hhs.gov>; Brooks, Bill (CMS/CMCS)
 <Bill.Brooks@cms.hhs.gov>; Roberts (she/her), Trina (CMS/CMCS) <Shantrina.Roberts@cms.hhs.gov>; Jensen, Kirsten
 (CMS/CMCS) <Kirsten.Jensen@cms.hhs.gov>; Tankersley, Michael (CMS/CMCS) <Michael.Tankersley@cms.hhs.gov>;
 Delvecchio, Lynn (CMS/CMCS) <Lynn.DeVecchio@cms.hhs.gov>; Mathurin, Dominique (CMS/CMCS)
 <Dominique.Mathurin@cms.hhs.gov>; Weaver, Brent (CMS/CMCS) <Brent.Weaver@cms.hhs.gov>; Schickner, Loretta
 (CMS/CMCS) <Loretta.Schickner@cms.hhs.gov>; Lorsbach (she/her), Anna (CMS/CCIIO) <anna.lorsbach@cms.hhs.gov>;
 Boehm (she/her), Sarah (CMS/CCIIO) <Sarah.Boehm@cms.hhs.gov>; Brill Ortiz (she/her), Jessica (CMS/CCIIO)
 <Jessica.BrillOrtiz@cms.hhs.gov>; Porzel, Samantha (CMS/CCIIO) <samantha.porzel@cms.hhs.gov>; Muhammad
 (she/her), Kaleema (CMS/CCIIO) <Kaleema.Muhammad@cms.hhs.gov>; Howe, Rory (CMS/CMCS)
 <Rory.Howe@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Arnold, Charlie
 (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Cuno, Richard
 (CMS/CMCS) <Richard.Cuno@cms.hhs.gov>; Hines, Charles (CMS/CMCS) <Charles.Hines@cms.hhs.gov>; Thomas,
 Stephanie (CMS/CMCS) <Stephanie.Thomas@cms.hhs.gov>; Spector, Sarah (CMS/CMCS) <Sarah.Spector@cms.hhs.gov>;
 Coffey, Gene (CMS/CMCS) <Gene.Coffey@cms.hhs.gov>; Burian, Martin (CMS/CMCS) <Martin.Burian@cms.hhs.gov>;
 Holligan, Ricardo (CMS/CMCS) <Ricardo.Holligan@cms.hhs.gov>; Graves, Donald (CMS/CMCS)
 <Donald.Graves@cms.hhs.gov>; Kaminsky, Stephanie (CMS/CMCS) <Stephanie.Kaminsky@cms.hhs.gov>; Cantwell,
 Kenya (CMS/CMCS) <Kenya.Cantwell@cms.hhs.gov>; Smith, Brandon (CMS/CMCS) <Brandon.Smith@cms.hhs.gov>;
 Tankersley, Michael (CMS/CMCS) <Michael.Tankersley@cms.hhs.gov>; Glaze, Jackie (CMS/CMCS)
 <Jackie.Glaze@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Turner, Alexa
 (CMS/CMCS) <Alexandra.Turner@cms.hhs.gov>; Moore (she/her), Z. Yvette (CMS/CMCS) <yvette.moore@cms.hhs.gov>
Cc: Seng, Suzette (CMS/CMCS) <Suzette.Seng@cms.hhs.gov>; Moua, Pader (CMS/CMCS) <pader.moua@cms.hhs.gov>;
 Douglas, Jessika (CMS/CMCS) <Jessika.Douglas@cms.hhs.gov>

Subject: CMS/NC DHHS Medicaid Expansion Weekly Meeting Agenda

CMS Team,

Please note agenda for Thursday CMS/NC DHHS Medicaid Expansion Weekly meeting and notes from last week

CMS/NC DHHS Medicaid Expansion Weekly Check-In: Agenda

October 12, 2023, 11:00-12:00 pm ET

- Discuss CMS review and approval status for:
 - FMAP SPA
 - Eligibility SPA
 - ABP SPA
 - Follow-up on therapy service limits feedback
- HPE SPA
- FFM questions
- Marketplace use case scenarios

CMS/NC DHHS Medicaid Expansion Weekly Check-In (10/5): Meeting Summary

- **Timeline for Legal Authorities Approval**
 - NC requested CMS approval of the FMAP and Eligibility SPA by 10/12 to ensure the State is able to draw down federal funds for Medicaid expansion.
 - **Next Steps:**
 - NC and CMS to check-in on Tuesday 10/10 on the status for approval of the FMAP and Eligibility SPA.
- **Status on Legal Authorities**
 - FMAP SPA:

- CMS requested that NC transmit an email compiling all finalized attachments for the FMAP SPA (e.g., Attachment A, Attachment E, CMS-179 form) for CMS to conduct final review and approval.
- NC will confirm the SPA effective date was updated to 12/1/23.
- **Next Steps:**
 - NC to finalize FMAP SPA and send final version to CMS for approval.
 - CMS to finalize review and approval of the FMAP SPA.
- Eligibility SPA:
 - NC confirmed it transmitted the eligibility training materials to transmit to CMS.
 - **Next Steps:**
 - CMS to finalize review and approval of the Eligibility SPA.
- ABP SPA:
 - NC confirmed it received CMS' comments on the ABP 9 and will provide an updated version.
 - NC and CMS discussed feedback on the ABP 5 re: therapy service limits. NC clarified that current therapy service limits are set in the Clinical Coverage Policies outside of the State Plan, since they are optional services.
 - The proposed updated limits for therapy services in the ABP are a significant increase in coverage and therefore are not an ARP 9817 MOE violation. CMS will follow-up with the 9817 CMS team to flag this clarification and inform NC if additional documentation is needed.
 - NC clarified that therapy services are provided through the health home benefit, as described in the State Plan. Additionally, therapy services are provided through hospital outpatient clinics and private physician offices and the State intends on updating the State Plan to reflect this.
 - **Next Steps:**
 - CMS to flag clarification for 9817 CMS team that NC's proposed therapy service limits in ABP SPA are greater than existing service limits as stated in Clinical Coverage Policies.
 - NC to address remaining CMS feedback on ABP 5.
- **FFM Determination**
 - CMS flagged that it plans to discuss outstanding FFM question on the forthcoming check-in scheduled for 10/12. CMS will flag the technical resource guide NC should reference for this topic.
 - NC informed it is tentatively planning to become an FFM determination state effective 1/1/24. NC will confirm the date with CMS once finalized.
 - CMS confirmed it is reviewing NC's document with beneficiary marketplace use case scenarios and will provide responses.

From: Lannaman, Morlan (CMS/CMCS)

Sent: Thursday, October 5, 2023 9:38 AM

To: Smith, Falecia (CMS/CMCS) <Falecia.Smith@cms.hhs.gov>; Swisher, Loan (CMS/CMCS) <Loan.Swisher@cms.hhs.gov>; Kotesich, Jennifer (CMS/CMCS) <Jennifer.Kotesich@cms.hhs.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Miller, Courtney (CMS/CMCS) <Courtney.Miller@cms.hhs.gov>; Gibson, Alexis (CMS/CMCS) <alexis.gibson@cms.hhs.gov>; Rodriguez, Matthew (CMS/CMCS) <Matthew.Rodriguez@cms.hhs.gov>; Abbott, Sarah (CMS/CMCS) <Sarah.Abbott@cms.hhs.gov>; Harvin, Carshena (CMS/CMCS) <Carshena.Harvin@cms.hhs.gov>; Higgins, Shelby (CMS/CMCS) <Shelby.Higgins@cms.hhs.gov>; Trieger, Michael (CMS/CMCS) <Michael.Trieger1@cms.hhs.gov>; Phelps, Sandra (CMS/CMCS) <Sandra.Phelps@cms.hhs.gov>; Dolly, Ed (CMS/CMCS) <Edward.Dolly@cms.hhs.gov>; Banton, Kia (CMS/CMCS) <Kia.Banton@cms.hhs.gov>; Hoang, Dzung (CMS/CMCS) <Dzung.Hoang@cms.hhs.gov>; Allison, John (CMS/CCIIO) <John.Allison@cms.hhs.gov>; Huvane, Nora (CMS/CMCS) <nora.huvane@cms.hhs.gov>; Hill, Elizabeth (CMS/CMCS) <Elizabeth.Hill@cms.hhs.gov>; Arowojolu, Tinu (CMS/CMCS) <Tinu.Arowojolu1@cms.hhs.gov>; Brooks, Bill (CMS/CMCS) <Bill.Brooks@cms.hhs.gov>; Roberts (she/her), Trina (CMS/CMCS) <Shantrina.Roberts@cms.hhs.gov>; Jensen, Kirsten (CMS/CMCS) <Kirsten.Jensen@cms.hhs.gov>; Tankersley, Michael (CMS/CMCS) <Michael.Tankersley@cms.hhs.gov>; Delvecchio, Lynn (CMS/CMCS) <Lynn.DelVecchio@cms.hhs.gov>; Mathurin, Dominique (CMS/CMCS) <Dominique.Mathurin@cms.hhs.gov>; Weaver, Brent (CMS/CMCS) <Brent.Weaver@cms.hhs.gov>; Schickner, Loretta (CMS/CMCS) <Loretta.Schickner@cms.hhs.gov>; Lorsbach (she/her), Anna (CMS/CCIIO) <anna.lorsbach@cms.hhs.gov>; Boehm (she/her), Sarah (CMS/CCIIO) <Sarah.Boehm@cms.hhs.gov>; Brill Ortiz (she/her), Jessica (CMS/CCIIO) <Jessica.BrillOrtiz@cms.hhs.gov>; Porzel, Samantha (CMS/CCIIO) <samantha.porzel@cms.hhs.gov>; Muhammad

(she/her), Kaleema (CMS/CCIIO) <Kaleema.Muhammad@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Cuno, Richard (CMS/CMCS) <Richard.Cuno@cms.hhs.gov>; Hines, Charles (CMS/CMCS) <Charles.Hines@cms.hhs.gov>; Thomas, Stephanie (CMS/CMCS) <Stephanie.Thomas@cms.hhs.gov>; Spector, Sarah (CMS/CMCS) <Sarah.Spector@cms.hhs.gov>; Coffey, Gene (CMS/CMCS) <Gene.Coffey@cms.hhs.gov>; Burian, Martin (CMS/CMCS) <Martin.Burian@cms.hhs.gov>; Holligan, Ricardo (CMS/CMCS) <Ricardo.Holligan@cms.hhs.gov>; Graves, Donald (CMS/CMCS) <Donald.Graves@cms.hhs.gov>; Kaminsky, Stephanie (CMS/CMCS) <Stephanie.Kaminsky@cms.hhs.gov>; Cantwell, Kenya (CMS/CMCS) <Kenya.Cantwell@cms.hhs.gov>; Smith, Brandon (CMS/CMCS) <Brandon.Smith@cms.hhs.gov>; Tankersley, Michael (CMS/CMCS) <Michael.Tankersley@cms.hhs.gov>; Glaze, Jackie (CMS/CMCS) <Jackie.Glaze@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Turner, Alexa (CMS/CMCS) <Alexandra.Turner@cms.hhs.gov>

Subject: CMS/NC DHHS Medicaid Expansion Weekly Meeting Agenda

Good morning all,

Please review last week meeting Summary and today's meeting Agenda

CMS/NC DHHS Medicaid Expansion Weekly Check-In (9/28): Meeting Summary

- **Medicaid Expansion Launch Date**
 - NC confirmed December 1, 2023 is the confirmed launch date for Medicaid Expansion now that the General Assembly has enacted a budget.
- **Status on Legal Authorities**
 - ABP:
 - CMS confirmed it has received the latest ABP 5 from NC transmitted the week of 9/25 reflecting updates to the therapy service limits.
 - NC confirmed the State will submit an update to the state plan to align with the therapy service limits in the ABP.
 - **Next Steps:**
 - CMS to finalize review of all ABP SPA templates and provide feedback to NC.
 - FMAP SPA:
 - NC confirmed the State has responded to all CMS feedback on the FMAP SPA, including Attachment E, and transmitted the approved conversion plan to CMS.
 - **Next Steps:**
 - CMS to finalize review of the FMAP SPA and provide any remaining feedback to NC.
 - Eligibility SPA:
 - CMS confirmed it is reviewing the latest Eligibility SPA in MACPro.
 - NC confirmed it is finalizing the eligibility training materials to transmit to CMS.
 - NC confirmed it has transmitted additional documentation to address the question about the fiscal note in the Eligibility SPA.
 - **Next Steps:**
 - CMS to finalize review of the Eligibility SPA and provide any remaining feedback to NC.
- **Timeline for Legal Authorities Approval**
 - NC confirmed it is developing a timeline of target dates by which to obtain approval of legal authority SPAs to ensure no impact on drawing down federal funds for Medicaid expansion.

CMS/NC DHHS Medicaid Expansion Weekly Check-In: Agenda

October 5, 2023, 11:00-12:00 pm ET

- Discuss CMS review and any questions on:
 - ABP SPA
 - FMAP SPA
 - Eligibility SPA
- FFM-D Follow Up

Thanks,

Morlan

From: Lannaman, Morlan (CMS/CMCS)

Sent: Wednesday, September 27, 2023 11:55 AM

To: Smith, Falecia (CMS/CMCS) <Falecia.Smith@cms.hhs.gov>; Swisher, Loan (CMS/CMCS)

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Subject: CMS/NC DHHS Medicaid Expansion Weekly Check-In (9/28) Meeting Summary /Agenda

Good afternoon,

Please note the Agenda and meeting Summary from NC

CMS/NC DHHS Medicaid Expansion Weekly Check-In Agenda

September 28, 2023, 11:00-12:00 pm ET

- Expansion timeline
- Supplemental 37 Financing
- Discuss CMS review and any questions on:
 - ABP SPA
 - FMAP SPA
 - Eligibility SPA
 - Fiscal note
- Hold Harmless Attestation

Below is the question on the shutdown that our team had and meeting notes and agenda for next week.

If CMS approves the appropriate pre-prints and SPAs related to HASP and Medicaid Expansion, and there is a Federal shutdown, should we plan for extra time in having a supplement grant award approved and issued if needed during the 10/1/23 through 12/31/23 quarter?

CMS/NC DHHS Medicaid Expansion Weekly Check-In (9/21): Meeting Summary and Next Steps

- Government Shutdown
 - NC asked CMS what the implications were, if any, related to FMAP financing in light of a potential government shutdown.
 - CMS said that more information will be known next week and they can address any questions that DHHS may have when there is more clarity on a government shutdown.
 - **Next Steps:**
 - NC to add question on Supplemental-37 funding for next week's agenda and will share in advance so that CMS is prepared to discuss.
- Expansion Related SPAs
 - ABP:
 - NC provided an update to CMS that the State intends to send to CMS, imminently, a revised ABP 5 SPA that now addresses the therapy services issue.
 - Upon receipt of the revised ABP 5, CMS will have a full submission for its review; CMS will continue to review the other templates.
 - For now, ABP SPA templates can continue to be exchanged via email; when DHHS/CMS get closer to near final drafts, DHHS will submit the templates via the MMDL.
 - **Next Steps:**
 - NC to send to CMS revised ABP 5.
 - CMS to finalize review of all ABP SPA templates and provide feedback to NC.
 - FMAP SPA:
 - NC sent a revised FMAP SPA to CMS on 9/9/23 and is awaiting CMS feedback.
 - **Next Steps:**
 - CMS to finalize review of the FMAP SPA and provide any remaining feedback to NC.
 - Eligibility SPA:
 - NC received Martin's questions and will address his questions.
 - NC received questions on fiscal impact and would like to better understand the intent and context of the question.
 - **Next Steps:**
 - During next week's meeting, discuss the fiscal impact question related to the Eligibility SPA.
- General launch update
 - State Legislature released a budget that allows NC To expand Medicaid, upon budget approval.
 - There continues to be an open question on Medicaid expansion effective date.
 - **Next Steps:**
 - NC to update CMS on an effective date, once known.
- Hold Harmless Attestation
 - DHHS wants to check in on the hold harmless attestation language related to HASP Program.
 - CMS is currently reviewing the hold harmless attestation language with senior leadership.
 - NC is looking for guidance from CMS on this by the end of September.
 - **Next Steps:**
 - CMS to provide guidance on the hold harmless attestation once finalized.
- FFM Scenarios
 - NC sent to CMS a number of beneficiary scenarios related to the FFM, which CMS will review.
 - **Next Steps:**
 - CMS to continue to review and provide answers to NC's questions related to: (1) FFM Determination transition; and (2) FFM beneficiary scenarios.

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Sent: Wednesday, September 20, 2023 11:58 AM

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Subject: CMS/NC DHHS Medicaid Expansion Weekly Check-In (9/21): Meeting Summary /Agenda

Good afternoon,

Please note the Agenda and meeting Summary from NC

CMS/NC DHHS Medicaid Expansion Weekly Check-In (9/14): Meeting Summary

- **Medicaid Expansion Launch Date**

- *Status:*

- NC is still awaiting action from the General Assembly and will keep CMS informed of an updated expansion launch date.

- **Status on Legal Authorities**

- *Status:*

- **ABP SPA:**

- NC confirmed it sent over a revised version of the SPA to CMS that addresses round 2 feedback, except for updated therapy service limits.
 - NC will submit a revised SPA after finalizing the updated therapy service limits.

- **FMAP SPA:**

- NC confirmed it submitted a revised version of Attachment E and the MAGI Conversion Plan to CMS on 9/13.

- **Eligibility SPA:**

- NC confirmed it has responded to all of CMS' questions on the SPA.
- NC is working on training materials and will submit those to CMS once finalized.

- **FFM Questions**

- *Status:*

- NC flagged that CMS responses to FFM-D questions are still outstanding and the timing of CMS' response is impacting the state's timeline.
- The group discussed that any new questions from NC should continue to be submitted in writing in order for CMS to consult technical SMEs and develop a response. Once NC receives responses, the State can request a call to discuss any follow-up questions.

- *Next Steps:*

- **CMS to:** Provide responses to outstanding FFM-D questions from NC.

- **Beneficiary Marketplace Scenarios:**

- *Status:*

- NC flagged that it is looking to understand what the experience will be for individuals who are in the Marketplace and will become Medicaid eligible following expansion.
 - NC has developed a document with use case scenarios and follow-up questions for CMS to review and provide responses.
 - NC intends to use this document and use case scenario for stakeholder engagement, including engagement with navigators.

- *Next Steps:*

- **CMS to:** review use case scenario document and provide a response to questions.
 - In terms of priority, responses to FFM questions should be prioritized above response to use case scenarios/questions.

- **FFM Data Request**

- *Status:*

- CMS flagged that it will send NC a list of what data is available the week of 9/18.
- NC will need to confirm the preferred timing to obtain data (e.g., pulling data closer to launch date will pull data from broader period of time).

CMS/NC DHHS Medicaid Expansion Weekly Check-In: Agenda

September 21, 2023, 11:00-12:00 pm ET

- **Medicaid Expansion Launch Date**
 - **Eligibility SPA fiscal impact**
- **Hold Harmless Attestation**
- **Follow-Up on Beneficiary Marketplace Scenarios (Attached)**

From: Lannaman, Morlan (CMS/CMCS)

Sent: Wednesday, September 13, 2023 9:19 AM

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Subject: CMS/NC DHHS Medicaid Expansion Weekly Check-In (9/8): Meeting Summary / Agenda

Morning all,

Per NC- CMS/NC DHHS Medicaid Expansion Weekly Check-In (9/8): Meeting Summary

The state will be sending along some FMAP documents and clarifications shortly.

CMS/NC DHHS Medicaid Expansion Weekly Check-In (9/8): Meeting Summary

- **Medicaid Expansion Launch Date**

- *Status:*

- NC is evaluating other potential launch dates and will keep CMS informed of an updated expansion launch date.

- **ABP Therapy Service Limits**

- *Status:*

- CMS discussed NC's proposed options for updating the PT/OT/ST service limits and provided written feedback on the options that are permissible. In summary:
 - Option 1 is permissible and would be a quicker administrative review, as it would not be subject to sufficiency requirements.
 - Option 2 is permissible but would be subject to sufficiency requirements, which would require the state to provide supporting information to confirm the services are "sufficient in amount, duration, and scope to reasonably achieve its purpose" (§ 440.230)
 - Option 3 is not permissible, as the State cannot impose combined hard limits on habilitative and rehabilitative services (§ 156.115).
- NC will review CMS' feedback and determine the preferred approach to update PT/OT/ST service limits.

- NC flagged it will also be updating its traditional SPA to align with the ABP SPA.
 - NC flagged that since the State allows for a long period of public comment (10 day public comment and 60-day Tribal consultation), the State requests flexibility to allow the ABP SPA's approval to occur prior to the benefit SPA's approval.
- *Next steps:*
- **NC to:** Submit updated ABP SPA to CMS.
- **Status on Legal Authorities**
- *Status:*
- **FMAP SPA:**
 - NC confirmed it will submit an updated FMAP SPA by Monday 9/11.
- **Eligibility SPA:**
 - NC confirmed it submitted an updated Eligibility SPA on Thursday 9/7.
 - NC confirmed it is finalizing eligibility worker training materials and will send those to CMS in the coming weeks.
- **FFM Timeline**
- *Status:*
- CMS shared the table of FFM tool submission deadlines based on FFM go-live date (see below).
- NC requested that CMS clarify if the State can pull back submission of the FFM tool if a budget is not passed by an anticipated date.
- CMS confirmed the State is not required to conduct testing to transition to an FFM determination state.
- *Next Steps:*
- **CMS to:** Clarify if the State can pull back submission of the FFM tool if a budget is not passed by an anticipated date.
- **CMS and NC to:** Set up an ad hoc call to discuss FFM questions.

State and FFE go-live date	Updated tool due from state to CMS
Between 11/1-11/4	9/22
Between 11/5-11/18	9/28
Between 11/19-12/1	10/12
1/1/2024	10/23

CMS/NC DHHS Medicaid Expansion Weekly Check-In: Agenda

September 14, 2023, 11:00-12:00 pm ET

- **Medicaid Expansion Launch Date**

FFM Questions

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Emma Sandoe, PhD

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From: Sandoe, Emma

Sent: Friday, September 8, 2023 12:19 PM

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Cc: Lannaman, Morlan (CMS/CMCS) <Morlan.Lannaman@cms.hhs.gov>

Subject: RE: 9/7 Agenda Topics

One quick edit to the below in red sorry for the confusion. I know when we speak about CMS 37 vs 64 it creates some confusion.

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Cc: Lannaman, Morlan (CMS/CMCS) <Morlan.Lannaman@cms.hhs.gov>

Subject: 9/7 Agenda Topics

Falecia,

Below are the minutes from last week and the agenda for tomorrow.

CMS/NC DHHS Medicaid Expansion Weekly Check-In (8/31): Meeting Summary

- **Medicaid Expansion Launch Date**

- *Status:*

- NC will not proceed with Medicaid expansion launch on 10/1 as the General Assembly did not take needed legislative action by 9/1. NC is evaluating other potential launch dates and will keep CMS informed of an updated expansion launch date.
- NC flagged it will hold on updating the effective date on the SPAs until a new expansion launch date is confirmed.
- CMS confirmed that if the only significant change NC is making to a SPA is the effective date, no additional Tribal consultation or public notice is required.

- **Requirements for Federal Funds**

- *Status:*

- CMS-37

- CMS confirmed that the CMS-37 can be submitted after approval of the Eligibility SPA and HASP pre-print.
- CMS confirmed that after submission of the CMS-37, it will take CMS approximately 10 days to process and make funding available to NC for Medicaid expansion launch.

- CMS-64:

- CMS confirmed that the CMS-64 can be submitted after approval of the Eligibility SPA, ABP SPA, and FMAP SPA.

- 5% FMAP Bump:
 - CMS confirmed that the State is able to draw down funds on the CMS 37 from the 5% FMAP bump following approval of Eligibility SPA, ~~ABP SPA~~, and ~~FMAP SPA~~ (i.e., State can draw down funds prior to enrolling the first person in the Medicaid expansion adult group).
- **FFM Timeline**
 - *Status:*
 - CMS confirmed that if NC plans for an 11/1/23 go-live for the FFM, the data collection tool will be due 9/22/23.
 - CMS confirmed that the State may be able to pursue an FFM go-live date after 11/1/23 but will have to consider this will be during open enrollment which can add complexity.
 - *Next Steps:*
 - **CMS to:** Provide written responses to NC questions on FFM.
 - **CMS to:** Send FFM resource guide to NC.
- **FMAP SPA Attachment E**
 - *Status:*
 - CMS flagged that any individual who is facing a reduction in benefits due to transitioning to a different Medicaid eligibility group must have at least 10 days' notice for due process right; CMS anticipates the population this will apply to are individuals aged 20-21 who are aging out of EPSDT following the end of continuous coverage.
 - NC confirmed that individuals transitioning to the adult expansion group at their next redetermination date will receive notice at least 10 days before their change in coverage is effective. NC will revise Attachment E to clarify this process/timeline.
 - *Next Steps:*
 - **NC to:** Update FMAP SPA Attachment E.
 - **NC to:** Upload conversion plan with next submission of the FMAP SPA.
- **ABP SPA**
 - *Status*
 - CMS acknowledged it will respond to NC's open question on therapy service limits.

CMS/NC DHHS Medicaid Expansion Weekly Check-In: Agenda

September 7, 2023, 11:00-12:00 pm ET

- **ABP SPA**
 - Discuss CMS feedback on options to update therapy service limits (*see below table*)
- **FFM Outstanding Issues**

Options to Update Therapy Limits	CMS: Is this option permissible under federal regulation/CMS guidance?
Option 1: <ul style="list-style-type: none"> • PT/OT Service Limit <ul style="list-style-type: none"> ◦ PT/OT share a combined visit limit across <i>both rehab and habilitative services</i> with a 30 visit <i>soft limit</i>; exceptions to the service limit can be authorized by the State when medically necessary. • ST Service Limit <ul style="list-style-type: none"> ◦ ST has a visit limit across <i>both rehab and habilitative services</i> with a 30 visit <i>soft limit</i>; exceptions to the service limit can be authorized by the State when medically necessary. 	◦
Option 2: <ul style="list-style-type: none"> • PT/OT Service Limit <ul style="list-style-type: none"> ◦ PT/OT have a combined 30 visit <i>hard limit</i> for <i>rehabilitative services</i> ◦ PT/OT have a combined 30 visit <i>hard limit</i> for <i>habilitative services</i>. 	◦

<ul style="list-style-type: none"> ST Service Limit <ul style="list-style-type: none"> ST has a 30 visit <i>hard limit</i> for <i>rehabilitative</i> services ST has a 30 visit <i>hard limit</i> for <i>habilitative</i> services. 	
Option 3: <ul style="list-style-type: none"> PT Service Limit <ul style="list-style-type: none"> PT has a hard limit of 30 visits combined across <i>both rehabilitative and habilitative</i> services. OT Service Limit <ul style="list-style-type: none"> OT has a hard limit of 30 visits combined across <i>both rehabilitative and habilitative</i> services. ST Service Limit <ul style="list-style-type: none"> ST has a hard limit of 30 visits combined across <i>both rehabilitative and habilitative</i> services. 	○

Emma Sandoe, PhD

Deputy Director, Medicaid Policy

Division of Health Benefits

NC Department of Health and Human Services

Office: (919) 527-7043

Cell: , (b)(6)

Pronouns: She/her

From: Sandoe, Emma

Sent: Thursday, August 31, 2023 8:33 AM

To: Smith, Falecia (CMS/CMCS) <Falecia.Smith@cms.hhs.gov>; Lerche, Julia K <julia.lerche@dhhs.nc.gov>; Staton, Betty J <Betty.J.Staton@dhhs.nc.gov>; Bush, Melanie E <melanie.bush@dhhs.nc.gov>

Cc: Lannaman, Morlan (CMS/CMCS) <Morlan.Lannaman@cms.hhs.gov>; Burian, Martin (CMS/CMCS) <Martin.Burian@cms.hhs.gov>; McChesney, Melissa (CMS/CMCS) <Melissa.McChesney@cms.hhs.gov>; Harris, Debra (CMS/CMCS) <Debra.Harris@cms.hhs.gov>

Subject: RE: [External] 8/31 Agenda Topics

Thank you, looking forward to the discussion this morning.

Emma Sandoe, PhD

Deputy Director, Medicaid Policy

Division of Health Benefits

NC Department of Health and Human Services

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From: Smith, Falecia (CMS/CMCS) <Falecia.Smith@cms.hhs.gov>

Sent: Wednesday, August 30, 2023 5:27 PM

To: Sandoe, Emma <Emma.Sandoe@dhhs.nc.gov>; Lerche, Julia K <julia.lerche@dhhs.nc.gov>; Staton, Betty J <Betty.J.Staton@dhhs.nc.gov>; Bush, Melanie E <melanie.bush@dhhs.nc.gov>

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Subject: [External] 8/31 Agenda Topics

Importance: High

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Hi Emma and Team

Our colleagues our Children and Adult Health Program Group would like to discuss NC's draft Transition Plan (Attachment E to the FMAP SPA):

- *Because of the tight timelines for implementation and the necessary IT systems changes, the State will transition individuals into the new adult group and then send a notice informing individuals of their coverage effective date, change in benefits, reporting obligations and where to go to have questions answered.*

In addition, we would like to provide technical assistance regarding notices in cases of reductions or terminations of benefits.

Please let me know if you have any questions.

Thank you,

Falecia Smith
South Branch Manager, Division of Program Operations
Medicaid & CHIP Operations Group
Centers for Medicare & Medicaid Services
Phone: 410 786 4113
Mobile , (b)(6)
Email: falecia.smith@cms.hhs.gov

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Message

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Let us know if you have questions or it would be helpful to touch base.

Thank you for your help,

Rebecca

Rebecca M. Burch Mack, M.P.P.

Senior Policy Advisor

Managed Care Group | Center for Medicaid and CHIP Services | Centers for Medicare & Medicaid Services

Mailstop S2-14-26, 7500 Security Blvd., Baltimore, MD 21244

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; Howe, Rory (CMS/CMCS)
, (b)(6)
Cope, Tristan (CMS/OACT)
; Smith, Jessica

Subject: RE: RE: SDP/Financing Estimates

Thanks Chris! We will definitely follow-up if we hear any changes in the decision from OS. Thank you for all your efforts on this!

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Thank you so much!

John Giles, MPA
Acting Director, Managed Care Group
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Rebecca

Rebecca M. Burch Mack, M.P.P.

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, (b)(6) ✉: rebecca.burchmack@cms.hhs.gov

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Message

From: Giles, John (CMS/CMCS) , (b)(6)
Sent: 11/2/2023 5:17:06 PM
To: Howe, Rory (CMS/CMCS) , (b)(6)
Truffer, Christopher
]; Giles, John (CMS/CMCS)
, (b)(6)
Subject: RE: RE: SDP/Financing Estimates

Yes, 2pm works for me too. I will send us a meeting invite now. Thanks again!

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Thursday, November 2, 2023 1:16 PM
To: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Subject: RE: SDP/Financing Estimates

Thanks, Chris. 2 PM would work for me. John?

From: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>
Sent: Thursday, November 2, 2023 1:15 PM
To: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Cc: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Subject: RE: SDP/Financing Estimates

From: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Sent: Thursday, November 2, 2023 1:09 PM
To: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>
Cc: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Subject: RE: SDP/Financing Estimates

, (b)(5)

Thank you so much!

John Giles, MPA
Acting Director, Managed Care Group
Center for Medicaid and CHIP Services
Centers for Medicare & Medicaid Services
Phone: 410-786-5545
E-mail: John.Giles1@cms.hhs.gov

From: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>
Sent: Wednesday, November 1, 2023 4:02 PM
To: Burch Mack, Rebecca (CMS/CMCS) <Rebecca.BurchMack@cms.hhs.gov>
Cc: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Roberts (she/her), Trina (CMS/CMCS) <Shantrina.Roberts@cms.hhs.gov>; Gentile, Amy (CMS/CMCS) <Amy.Gentile@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Cope, Tristan (CMS/OACT) <Tristan.Cope@cms.hhs.gov>; Smith, Jessica (CMS/OACT) <Jessica.Smith@cms.hhs.gov>
Subject: RE: SDP/Financing Estimates

From: Burch Mack, Rebecca (CMS/CMCS) <Rebecca.BurchMack@cms.hhs.gov>
Sent: Wednesday, November 1, 2023 11:20 AM
To: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>
Cc: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Roberts (she/her), Trina (CMS/CMCS) <Shantrina.Roberts@cms.hhs.gov>; Gentile, Amy (CMS/CMCS) <Amy.Gentile@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Cope, Tristan (CMS/OACT) <Tristan.Cope@cms.hhs.gov>; Smith, Jessica (CMS/OACT) <Jessica.Smith@cms.hhs.gov>
Subject: RE: SDP/Financing Estimates

Good Morning Chris,

, (b)(5)

Thank you,

Rebecca

From: Burch Mack, Rebecca (CMS/CMCS) <Rebecca.BurchMack@cms.hhs.gov>
Sent: Tuesday, October 31, 2023 1:27 PM
To: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>
Cc: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Roberts (she/her), Trina (CMS/CMCS) <Shantrina.Roberts@cms.hhs.gov>; Gentile, Amy (CMS/CMCS) <Amy.Gentile@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Cope, Tristan (CMS/OACT) <Tristan.Cope@cms.hhs.gov>; Smith, Jessica (CMS/OACT)

<Jessica.Smith@cms.hhs.gov>

Subject: RE: SDP/Financing Estimates

Chris,

Please find an excerpt on the comments received on the RIA. There were only 8 and they were all focused on the RIA for SDPs. I attached an Excel document with excerpts as well as the actual comments for ease of your review and efforts on the RIA. Thanks so much for your assistance on this section. We greatly appreciate it.

Rebecca

From: Burch Mack, Rebecca (CMS/CMCS) <Rebecca.BurchMack@cms.hhs.gov>

Sent: Monday, October 30, 2023 10:32 AM

To: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>

Cc: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Roberts (she/her), Trina (CMS/CMCS)

<Shantrina.Roberts@cms.hhs.gov>; Gentile, Amy (CMS/CMCS) <Amy.Gentile@cms.hhs.gov>; Howe, Rory (CMS/CMCS)

<Rory.Howe@cms.hhs.gov>; Cope, Tristan (CMS/OACT) <Tristan.Cope@cms.hhs.gov>; Smith, Jessica (CMS/OACT)

<Jessica.Smith@cms.hhs.gov>

Subject: RE: SDP/Financing Estimates

Good Morning Chris,

Yes, we will work on compiling the comments specific to the RIA to share with you. Stay tuned.

Rebecca

From: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>

Sent: Monday, October 30, 2023 8:23 AM

To: Burch Mack, Rebecca (CMS/CMCS) <Rebecca.BurchMack@cms.hhs.gov>

Cc: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Roberts (she/her), Trina (CMS/CMCS)

<Shantrina.Roberts@cms.hhs.gov>; Gentile, Amy (CMS/CMCS) <Amy.Gentile@cms.hhs.gov>; Howe, Rory (CMS/CMCS)

<Rory.Howe@cms.hhs.gov>; Cope, Tristan (CMS/OACT) <Tristan.Cope@cms.hhs.gov>; Smith, Jessica (CMS/OACT)

<Jessica.Smith@cms.hhs.gov>

Subject: RE: SDP/Financing Estimates

From: Burch Mack, Rebecca (CMS/CMCS) <Rebecca.BurchMack@cms.hhs.gov>

Sent: Tuesday, October 24, 2023 3:01 PM

To: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>

Cc: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Roberts (she/her), Trina (CMS/CMCS)

<Shantrina.Roberts@cms.hhs.gov>; Gentile, Amy (CMS/CMCS) <Amy.Gentile@cms.hhs.gov>; Howe, Rory (CMS/CMCS)

<Rory.Howe@cms.hhs.gov>; Cope, Tristan (CMS/OACT) <Tristan.Cope@cms.hhs.gov>; Smith, Jessica (CMS/OACT)

<Jessica.Smith@cms.hhs.gov>

Subject: RE: SDP/Financing Estimates

Thanks Chris for this update. This is very helpful!

, (b)(5)

Rebecca

From: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>
Sent: Tuesday, October 24, 2023 12:52 PM
To: Burch Mack, Rebecca (CMS/CMCS) <Rebecca.BurchMack@cms.hhs.gov>
Cc: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Roberts (she/her), Trina (CMS/CMCS) <Shantrina.Roberts@cms.hhs.gov>; Gentile, Amy (CMS/CMCS) <Amy.Gentile@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Cope, Tristan (CMS/OACT) <Tristan.Cope@cms.hhs.gov>; Smith, Jessica (CMS/OACT) <Jessica.Smith@cms.hhs.gov>
Subject: RE: SDP/Financing Estimates

From: Burch Mack, Rebecca (CMS/CMCS) <Rebecca.BurchMack@cms.hhs.gov>
Sent: Tuesday, October 24, 2023 10:54 AM
To: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>
Cc: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Roberts (she/her), Trina (CMS/CMCS) <Shantrina.Roberts@cms.hhs.gov>; Gentile, Amy (CMS/CMCS) <Amy.Gentile@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Cope, Tristan (CMS/OACT) <Tristan.Cope@cms.hhs.gov>; Smith, Jessica (CMS/OACT) <Jessica.Smith@cms.hhs.gov>
Subject: SDP/Financing Estimates

Good Morning Chris,

, (b)(5)

, (b)(5)

Let us know if you have questions or it would be helpful to touch base.

Thank you for your help,

Rebecca

Rebecca M. Burch Mack, M.P.P.

Senior Policy Advisor

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Mailstop S2-14-26, 7500 Security Blvd., Baltimore, MD 21244

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Appointment

From: CMS Administrator, (b)(6)
, (b)(6)
Sent: 9/6/2023 6:41:49 PM
To: CBL (she/her), Administrator (CMS/OA) |, (b)(6)
, (b)(6) Blum, Jonathan (CMS/OA)
Voronoff, Arielle
Dervan, Elizabeth
Tsai, Daniel
Costello, Anne Marie
Vito, Sara
Howe, Rory (CMS/CMCS)
, (b)(5) Silanskis, Jeremy
Giles, John (CMS/CMCS)
Hoffman, Janice
Rodriguez, Paul (HHS/OGC)
Briskin, Perrie

CC:

Subject: OA/CMCS Small Group Meeting
Attachments: TX_Financing_090523.pptx
Location: <https://cms.zoomgov.com/>, (b)(5)
Start: 9/8/2023 5:00:00 PM
End: 9/8/2023 6:00:00 PM
Show Time As: Tentative

Required Attendees: CBL (she/her), Administrator (CMS/OA); Blum, Jonathan (CMS/OA); Woronoff, Arielle (CMS/OL); Dervan, Elizabeth (CMS/OL); Tsai, Daniel (CMS/CMCS); Costello, Anne Marie (CMS/CMCS); Vito, Sara (CMS/CMCS); Howe, Rory (CMS/CMCS); Silanskis, Jeremy (CMS/CMCS); Giles, John (CMS/CMCS); Hoffman, Janice (HHS/OGC); Rodriguez, Paul (HHS/OGC); Briskin, Perrie (CMS/CMCS)
Optional Attendees: Bagenstos, Samuel (HHS/OGC)

Purpose: to discuss next steps on Medicaid financing.

CMS Administrator is inviting you to a scheduled ZoomGov meeting.

Join ZoomGov Meeting

<https://cms.zoomgov.com/j/>

, (b)(5)

Meeting ID: , (b)(5)

Password: , (b)(5)

One tap mobile

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+16468287666 , (b)(5) US (New York)

Dial by your location

+1 669 254 5252 US (San Jose)

+1 646 828 7666 US (New York)

833 568 8864 US Toll-free

Meeting ID: 161 679 7707

Find your local number: <https://cms.zoomgov.com/j/1616797707>

Join by SIP

Password: , (b)(5)

[sip](mailto:sip@cms.zoomgov.com) , (b)(5) [@sip.zoomgov.com](mailto:sip@cms.zoomgov.com)

This meeting may be recorded. The host is responsible for maintaining any official recordings/transcripts of this meeting. If recorded, this meeting becomes an official record and shall be retained by the host in their files for 3 years or if longer needed for agency business. If a recording intends be fully transcribed or is being captured for the purpose of creating meeting minutes, the host shall retain the record in their files for 3 years or if no longer needed for agency business, whichever is later.

Texas Medicaid Financing

September 2023

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Texas State Directed Payments

By statute, states are permitted to use provider taxes to support their financing (42 CFR § 433.68). However, provider taxes **are not permissible** when:

- Providers are not taxed uniformly (same rate) or broad-based (all providers are taxed)
- Providers are "held harmless" directly or indirectly
- The tax is not imposed on permissible items or services

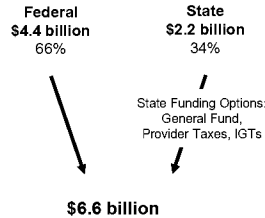
\$7 billion in SDPs

Comprehensive Hospital Increase Reimbursement Program (CHIRP)	\$4.7 B
Quality Incentive Payment Program (QIPP)	\$1.1 B*
Texas Incentives for Physicians and Professional Services (TIPPS)	\$0.6 B
Behavioral Health Services Directed Payment Program (BHS)	\$0.2 B*
Rural Access to Primary and Preventative Services (RAPPS)	\$0.01 B

Total Dollars (Annual) \$6.6 B**

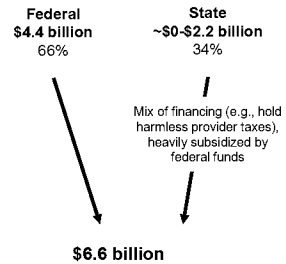
SDPs Funded with Permissible State Funds

Hypothetical



SDPs Funded with Impermissible State Funds

Current State



*On November 15, 2021, CMS approved two of Texas's five SDPs: QIPP (\$1.1B) and BHS (\$0.2B). These SDPs were approved because they are not funded through LPPF arrangements.

**There are billions of other federal payment streams, in addition to these \$6.6B in SDPs (e.g., uncompensated care pool).

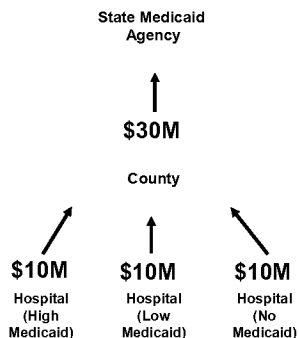


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Texas's Impermissible Financing Arrangement – LPPFs*

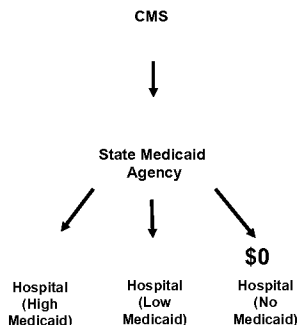
Step 1

- Texas counties collect a tax from all hospitals (*each hospital pays a uniform % of all payer revenue*)
- The county transfers the tax revenue (\$30M) to the state to fund the state share of Medicaid payments



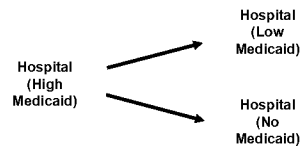
Step 2

- Texas uses the \$30M in taxes to draw down \$45M in federal matching funds
- Texas makes \$75M in Medicaid payments
- High Medicaid volume hospitals are "winners" because they receive more Medicaid payments than they paid in tax.
- Low/no Medicaid volume hospitals lose.



Step 3

- High Medicaid volume hospitals (i.e., the "winners") re-direct some of their Medicaid payment to the losing hospitals.
- This Medicaid payment redirection holds all taxpaying hospitals harmless for their total tax cost, **which is prohibited by statute.**
- Texas argues, unconvincingly, that it is not a hold harmless because it is voluntary.



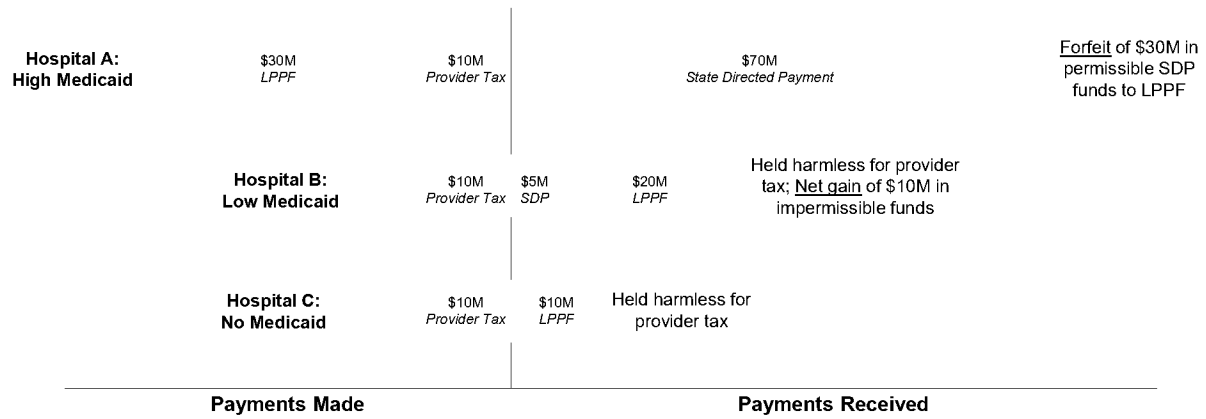
- **Step 1 and step 2** are consistent with the statutory requirements for provider taxes.
- **Step 3** is a prohibited hold harmless.

*Arrangement simplified for illustrative purposes



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Fund Distribution Across Hospitals*



*Arrangement simplified for illustrative purposes.



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Statute and Regs Clearly Define Hold-Harmless

Sec. 1903(w) of the Social Security Act

(w)(1)(A) ...the total amount expended during such fiscal year as medical assistance under the State plan...shall be reduced by the sum of any revenues received by the State (or by a unit of local government in the State) during the fiscal year—

(iii) from a broad-based health care related tax, if there is in effect a hold harmless provision

Definition of Hold Harmless:

(C) The State or other unit of government imposing the tax provides (directly or indirectly) for any payment, offset, or waiver that guarantees to hold taxpayers harmless for any portion of the costs of the tax.

42 CFR § 433.68 - Permissible health care-related taxes

(f) *Hold harmless.* A taxpayer will be considered to be held harmless under a tax program if:

(3) The State imposing the tax provides for any direct or indirect payment, offset, or waiver such that the provision of that payment, offset, or waiver directly or indirectly guarantees to hold taxpayers harmless for all or any portion of the tax amount.



Local Provider Participation Fund

CMS identified that the Texas LPPF arrangements include an agreement for high Medicaid-volume hospitals to use a pooling mechanism to redirect Medicaid payments to hospitals with low (or no) Medicaid volume.

Texas Hospital Presentation – August 17, 2017

17

Community Benefit Payments

- Net benefit hospitals ensure that net loss hospitals benefit through a **community benefit payment** directly from one of a number of the benefiting hospitals
 - This arrangement does not violate the hold **harmless prohibition** because the prohibition only applies to units of government; it does not prohibit hospitals that benefit from the tax from agreeing to make payments to net loss hospitals
 - The community benefit payment **fosters political support** for the LPPF among the local hospitals by ensuring that all hospitals benefit from the program
- In existing regions, the community benefit payment is generally equal to **105 percent** of the amount the Mandatory Payment, and is paid to the net loss hospital within 30 days after the net loss hospital makes its mandatory payment
- In exchange, the net loss hospital's agrees:
 - to use that money to **enhance the provision of high-quality health care** services to patients in the County;
 - to **support implementation** of Mandatory Payments by the County; and
 - to **timely pay** the Mandatory Payments as required by the county
- The LPPF only works if everyone that is subject to the fee ends up with a benefit
- It's important to note that the **government entity is not a party to the grant agreement**

Hospitals receive 105% of the amount they paid in taxes within 30 days of tax payment.



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