

From: Pelletier, Cat (DMAS) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EFBA3B75A708427BAB70D5F063250EBC-PELLETIER C>
Sent: Monday, July 15, 2024 3:03 PM
To:
Subject: Re: Agenda for Tribal Update Tomorrow
Attach: Outlook-mfsoiqam.png

Note: It is only the same rate if the tribal facility is an FQHC.

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From: Richardson, Hope (DMAS) <Hope.Richardson@dmass.virginia.gov>
Sent: Wednesday, July 10, 2024 12:30 PM
To: Nixon, Sevda (DMAS) <Sevda.Nixon@dmass.virginia.gov>; Lunardi, Jeff (DMAS) <Jeff.Lunardi@dmass.virginia.gov>; Campbell, Brian (DMAS) <Brian.Campbell@dmass.virginia.gov>
Cc: Pelletier, Cat (DMAS) <Caitlin.Pelletier@dmass.virginia.gov>; Martin, Nichole (DMAS) <Nichole.Martin@dmass.virginia.gov>
Subject: Re: Agenda for Tribal Update Tomorrow

Hi Sevda,

Thank you for the research into the MCO bypass edit!

My understanding is that we wanted to know the implications (as you've laid out here) and what would be needed to effect the change (EWO) but would not proceed with an EWO without first discussing with the tribes and MCOs and making adequate preparations.

See a couple of clarifications below (highlighted) that relate to the managed care protections for tribal providers and tribal members. (These considerations will help us define the steps that we need to take before putting an MCO bypass edit in motion.)

Looking forward to discussing further in the meeting this afternoon. Also, look out for an email from me soon about next steps for the workgroup to develop a proposed plan by Cheryl's Monday deadline.

Hope

From: Nixon, Sevda (DMAS) <Sevda.Nixon@dmass.virginia.gov>
Sent: Wednesday, July 10, 2024 11:13 AM
To: Lunardi, Jeff (DMAS) <Jeff.Lunardi@dmass.virginia.gov>; Richardson, Hope (DMAS) <Hope.Richardson@dmass.virginia.gov>; Campbell, Brian (DMAS) <Brian.Campbell@dmass.virginia.gov>
Cc: Pelletier, Cat (DMAS) <Caitlin.Pelletier@dmass.virginia.gov>; Martin, Nichole (DMAS) <Nichole.Martin@dmass.virginia.gov>
Subject: Re: Agenda for Tribal Update Tomorrow

Hi Jeff,

Following our workgroup meeting, I consulted with my team members regarding the impacts of the MCO bypass edit. I'm sharing this update with the group for clarity and understanding.

Regarding the MCO Bypass Edit:

- **Issue:** ELT proposes removing the bypass edit for tribes. Activating this change via an EWO will result in claims being denied with edit 451 "the MCO".
- **Impact of the Edit:**
 - Providers will experience a decrease in their payment.
- **Service Access:**
 - Tribal members under MCOs may not receive services directly through tribes due to the tribes non-INN (In-Network) participation status. It's a federal requirement that Medicaid MCOs reimburse the tribal providers for services to AI/AN members in managed care even if the tribal FQHC is out of network w/the plan. (This is a requirement that we will have to take steps to address.) There are also MCO network adequacy requirements applicable to tribal providers serving tribal members that we'll need to address. We'll need factor those requirements into our decision whether to simply require the MCOs to pay the tribal FQHCs OON or to work with the MCOs to enroll the

providers in their networks. We can't require the tribal providers to enroll with the MCOs, but there may be advantages to doing so that we can explain to the tribal providers. In addition, Tribal members can choose a tribal FQHC as their PCP even if the FQHC is out of network with their plan. We do not think this same protection applies to non-Tribal members, which we think would impact non-Tribal members' ability to receive the "outside the four walls services" billed by and directed by the tribal PCP - the big ones being the personal care and home health.

- **System Limitation:**

- The current system does not drill down to ethnicity or demographic details. For the above reasons, and for federal reporting/proper FMAP claiming, we will need to have a process for getting the list of tribal members from CMS or the tribes, and we'll need to add the modifier as described below to identify tribal members in our system and in the MCOs' systems. Our AI/AN ethnicity/race data or any data in our application files is not complete enough to serve this purpose.

- **Recommended Solution:**

- Recommended adding a modifier to identify tribal members for rate differential, tribes to bill services for a tribal citizen. We and the MCOs have to pay the same rate to the tribal provider whether the service is for a tribal member or a non-tribal member. We need to add the modifier and track which beneficiaries are tribal members because the FMAP that DMAS can claim is different, and AI/AN members have unique managed care protections that we and the MCOs must ensure are applied.
- Add indicator on eligibility file.

Sevda Nixon, MSHA

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From: Lunardi, Jeff (DMAS) <Jeff.Lunardi@dmass.virginia.gov>

Sent: Wednesday, July 10, 2024 8:51 AM

To: Richardson, Hope (DMAS) <Hope.Richardson@dmass.virginia.gov>; Campbell, Brian (DMAS) <Brian.Campbell@dmass.virginia.gov>; Nixon, Sevda (DMAS) <Sevda.Nixon@dmass.virginia.gov>

Cc: Pelletier, Cat (DMAS) <Caitlin.Pelletier@dmass.virginia.gov>; Martin, Nichole (DMAS) <Nichole.Martin@dmass.virginia.gov>

Subject: Agenda for Tribal Update Tomorrow

Team:

Thank you so much for a productive discussion yesterday. I know we're still wrestling with some of this, but we are getting there. After thinking through this in some more detail, here's what I'd like to do with our meeting later today. I think it's important that we keep everyone in the loop on the many moving pieces, and also start to surface the options being discussed and have people weigh in on them.

1. Update on communication with CMS and OAG (Jeff)
 1. CMS meeting schedule
 2. CMS program integrity question
 3. OAG meeting
2. Timeline for developing and implementing a plan (Jeff)
 1. Proposed plan by 7/15
 2. Implementation goal of 9/1
3. Current understanding of how to address this through MCO inclusion (Brian – this is essentially the plan based on the SHO letter)
4. Next steps to develop a proposal by Monday, 7/15 (Hope)

Please let me know if you have any additions/feedback on this.

Hope – once Sevda and Brian have weighed in, please distribute an agenda to the meeting group for this afternoon.

Thank you!

Jeff Lunardi

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