



# Department of Public Health and Human Services

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

Steve Bullock, Governor

Sheila Hogan, Director

September 2, 2017

Megan Lepore, Project Officer, CMS  
Centers for Medicare & Medicaid Services  
Center for Medicaid & CHIP Services  
Mail Stop: S2-01-16, 7500 Security Boulevard  
Baltimore, MD 21244-1850

Richard Allen, Associate Regional Administrator, CMS  
Centers for Medicare & Medicaid Services  
1961 Stout Street  
Denver, CO 80294

Subject: Section 1115 Montana Health and Economic Livelihood Partnership (HELP) Demonstration Waiver and Operations Protocol Amendment

Dear Ms. Lepore and Mr. Allen:

Montana formally requests Centers for Medicare and Medicaid Services (CMS) approval to amend the 1115 HELP Demonstration Waiver and Operations Protocol. The proposed amendments are enclosed.

Effective January 1, 2018, Montana will no longer contract with the Third Party Administrator (TPA) to administer the HELP Plan. Participants who previously received coverage through the TPA will transition to the fee-for-services Medicaid State Plan. Montana is also proposing changes to the copayment cap structure for members with premiums; a member with a premium will now be subject to 2% of his/her income in premium and 3% of his/her income in copayment, per quarter, with no premium credit.

Montana held two public notice meetings regarding the proposed changes, in Helena, MT on August 9, 2017 and in Billings, MT on August 10, 2017. No public comment was received regarding the proposed changes.

Montana received authorization to contract with a TPA to administer the HELP Plan through the 1915(b)(4) Fee-for-Services Contracting Waiver, Montana previously sent CMS notification of our intent to allow this waiver to expire naturally on December 31, 2017. The appropriate State Plan Amendment requests to transition from the TPA to fee-for-services Medicaid State Plan will be submitted to CMS under a separate cover letter.

Sincerely,

Marie Matthews, State Medicaid Director

CC: Jen Rieden, Bureau Chief, DPHHS HRD  
Duane Preshinger, Administrator HRD  
Meghan Peel, TPA Supervisor HRD  
Mary Eve Kulawik, Medicaid and CHIP State Plan Amendment and Waiver Coordinator, DPHHS

ENC: Redlined 1115 HELP Demonstration Waiver and Operations Protocol

**For publication August 2, 2017 (Wednesday)**

The Montana Department of Public Health and Human Services (DPHHS) is providing public notice of its intent to: (1) submit to the Centers of Medicare and Medicaid Services (CMS), on or after September 2, 2017, an amendment to the 1115 HELP Demonstration Waiver and, (2) hold 2 public hearings to receive comments on the amendment.

The 2017 Montana Legislature passed Senate Bill (SB) 261, which requires state agencies to make a variety of changes if state revenues do not reach certain levels by certain dates. In an effort to plan conservatively and proactively, the Department is preparing a variety of scenarios to maintain our current course in case revenues do not meet the levels outlined in SB 261.

As mandated in section 14 (1) of SB 261, the Department must terminate its contract with the Third Party Administrator (TPA), Blue Cross Blue Shield of Montana (BCBSMT), of the Health and Economic Livelihood Partnership (HELP) Plan. The Department plans the following changes:

(1) 1115 HELP Demonstration Waiver: Montana will submit an amendment to the Centers for Medicare and Medicaid Services (CMS), which includes: Removal of any reference to the TPA for the administration of the HELP Plan, and changes to the copayment cap structure for members subject to premiums, meaning, a member with a premium will now be subject to 2% of his/her income in premium and 3% of his/her income in copayment, per quarter, with no premium credit;

(2) 1915(b)(4) HELP Waiver: The two-year 1915(b)(4) HELP Fee-for-Service Selective Contracting Waiver will be allowed to expire naturally on December 31, 2017;

(3) TPA Alternative Benefit Plan (ABP) and Medicaid Aligned State Plans: Montana will submit a request for withdrawal of the TPA ABP, and Montana will confirm alignment of benefits in the Aligned ABP to Standard Medicaid; and

(4) Cost Share State Plan: Montana will submit a State Plan Amendment (SPA) to remove all references to the HELP Plan TPA and remove the HELP Plan TPA cost share table. There will be no changes to the current cost share model.

The total estimate of expected increase or decrease in annual aggregate expenditures by the population group impacted by this demonstration is \$0.00.

Two public hearings will be held, (1) August 9, 2017 at 10:00 am in the Sanders Auditorium, 111 North Sanders, Helena, Montana. To register for the meeting, use the following [link](#). You will receive instructions for joining the meeting upon registration; and (2) August 10, 2017 at 2:00 pm in the RiverStone Health's Lil Anderson Center, Yellowstone Meeting Room, 2626 First Avenue South, Billings, Montana. To register for the meeting, use the following [link](#). You will receive instructions for joining the meeting upon registration.

Questions or comments may be addressed to Rebecca Corbett, HELP Program Officer, P.O. Box 202951, Helena, MT 59620-2951, at 406-444-6869 or email at [rcorbett@mt.gov](mailto:rcorbett@mt.gov) by **September 1, 2017**.



## June 7, 2017 Tribal Consultation Medicaid State Plan and Waiver Changes

The 2017 Montana Legislature passed Senate Bill (SB) 261, which requires state agencies to make a variety of changes if state revenues do not reach certain levels by certain dates. In an effort to plan conservatively and proactively, the Department is preparing a variety of scenarios to maintain our current course in case revenues do not meet the levels outlined in SB 261.

As mandated in section 14 (1) of SB 261, if Montana does not receive at least \$2,204,000,000, in state general fund revenue by August 15, 2017, the Department must terminate its contract with the Third Party Administrator (TPA) of the Health and Economic Livelihood Partnership (HELP) Plan. If this mandate is triggered, on or before September 1, 2017, the Department plans the following changes:

- 1115 HELP Demonstration Waiver
  - Montana will submit an amendment to the Centers for Medicare and Medicaid Services (CMS), which includes:
    - Removal of any reference to the TPA for the administration of the HELP Plan;
    - Changes to the copayment cap structure for members subject to premiums:
      - A member with a premium will now be subject to 2% of his/her income in premium and 3% of his/her income in copayment, per quarter, with no premium credit;
    - Changes to section 12 of the Special Terms & Conditions to reflect the letter received by the Department from CMS on May 31, 2017, removing the state's obligation to perform an independent evaluation of the waiver, contingent on continued participation in the federal evaluation; and
    - Updates to the budget neutrality for these changes.
- 1915(b)(4) HELP Waiver
  - The two-year 1915(b)(4) HELP Fee-for-Service Selective Contracting Waiver will be allowed to expire naturally on December 31, 2017, if the revenue trigger is met.
- 1915(b) Passport to Health Waiver
  - Montana will submit an amendment to CMS to include the additional Medicaid Expansion population in the Passport waiver. This amendment will also:
    - Add Tribal Governments as Tribal Health Improvement Program (T-HIP) providers;
    - Add payment tiers for T-HIP;
    - Remove Community First Choice waiver members from Passport requirements; and
    - Update the cost effectiveness for these changes.
- TPA Alternative Benefit Plan (ABP) and Medicaid Aligned State Plans
  - Montana will submit a request for withdrawal of the TPA ABP; and
  - Montana will confirm alignment of benefits in the Aligned ABP to Standard Medicaid.

- Cost Share State Plan
  - Montana will submit a State Plan Amendment (SPA) to remove all references to the HELP Plan TPA and remove the HELP Plan cost share table. There will be no substantial changes to cost share.
- CPC+ State Plan
  - Montana will submit a SPA to add the former TPA population.
- PCMH State Plan
  - Montana will submit a SPA to add the former TPA population.

Also, as mandated by SB 261, if state general fund revenue falls short by August 15, 2017, on or before September 1, 2017, the Department plans the following changes:

- Pharmacy State Plan
  - Montana will submit a SPA to apply applying the reductions to WAC and the Professional Dispensing Fee.
  - The Department currently operates and maintains a Preferred Drug List (PDL) where drugs identified as “preferred” represent good value to the State. Since 2005, the PDL has enabled the Department to collect supplemental drug rebates from pharmaceutical manufacturers, if their drugs are preferred. Before non-preferred drugs are dispensed, a prior authorization (PA) is required to be obtained by the pharmacy or physician. Due to this PA requirement and their unique formularies, Tribal and IHS pharmacies have not been required to follow the PDL. The Department intends to continue this policy, but wants to advise Tribal Leaders that there will be minimal changes to the Outpatient Pharmacy & Prescribed Drugs State Plan regarding the PDL. Essentially, the NMPI (National Medicaid Pooling Initiative) Supplemental Drug-Rebate Agreement (SRA) utilized by Montana Medicaid is being amended. The changes to the existing SRA include a revised legal citation in the Managed Care Organization (MCO) definition section, and structural changes to Attestation of Inclusion / Exclusion of Medicaid MCOs document. Securing these changes ensures Montana’s SPA aligns with other States in the NMPI. These changes will not affect how pharmacy benefits are administered nor will they change how Tribal or IHS pharmacy claims are processed.



## **Medicaid Tribal Consultation Meeting Agenda** **Wednesday, June 7, 2017, 9:30 am – 4:00 pm**

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

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

|                     |                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|---------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 9:30 am – 9:50 am   | <b>Welcome and Introductions</b> <ul style="list-style-type: none"><li>• <b>Prayer</b></li><li>• <b>Welcome</b></li><li>• <b>Introductions</b></li><li>• <b>Meeting Purpose &amp; Format</b></li></ul>                                                                                                                                                                                                                                     |
| 9:50 am – 12:00 pm  | <b>Tribal FQHC vs. Tribal Clinic Status and Referral Requirements</b> <ul style="list-style-type: none"><li>• The advantages and disadvantages to the Tribes of Tribal FQHC vs Tribal Clinic status</li><li>• Enhanced Federal Medical Assistance Percentage (FMAP) available to the State for tribal or IHS referrals to providers outside their facilities</li><li>• Different documentation requirements for tribal referrals</li></ul> |
| 12:00 pm – 12:30 pm | <b>LUNCH</b> (provided by DPHHS)                                                                                                                                                                                                                                                                                                                                                                                                           |
| 12:30 pm – 2:15 pm  | <b>Home &amp; Community Based Tribal Waivers</b> <ul style="list-style-type: none"><li>• Discussion will include the type of services a Tribe could offer under this waiver, next steps for CMS submittal, etc.</li></ul>                                                                                                                                                                                                                  |
| 2:15 pm – 2:30 pm   | <b>BREAK</b>                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 2:30 pm – 3:00 pm   | <b>Medicaid Eligibility</b>                                                                                                                                                                                                                                                                                                                                                                                                                |
| 3:00 pm – 3:30 pm   | <b>Updates:</b> <ul style="list-style-type: none"><li>• New Billing Opportunities</li><li>• Medicaid Expansion</li><li>• Upcoming Medicaid State Plan and Waiver amendments</li><li>• Feedback on Recent Medicaid Billing Training</li><li>• Changes in Medicaid Personnel</li></ul>                                                                                                                                                       |
| 3:30 pm – 3:45 pm   | <b>Public Comment</b>                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 3:45 pm – 4:00 pm   | <b>Wrap Up</b>                                                                                                                                                                                                                                                                                                                                                                                                                             |

**AMERICANS WITH DISABILITIES ACT:** The Department of Public Health and Human Services is committed to providing meeting access through reasonable accommodation under the Americans with Disabilities Act. If special accommodations are needed to access the portion of the meeting being held in the Cogswell Building, please contact Mary Eve Kulawik at 444-2584 or [mkulawik@mt.gov](mailto:mkulawik@mt.gov) prior to the meeting for further information.

# AFFIDAVIT OF PUBLICATION

## THE MISSOULIAN

500 S. Higgins Ave.

Missoula, MT 59801

Phone: (406) 523-5236 Fax: (406) 523-5221

Ad Number: 20505939

Chris Arvist, being first duly sworn, deposes and says: That she is the principal clerk of The Missoulian, a newspaper of general circulation published daily in the City of Missoula, in the County of Missoula, State of Montana, and has charge of the Advertisements thereof.

That the legal regarding:

SB 261

a true copy of which is hereto annexed, was published in said newspaper on the following dates: via:

August 2, 2017

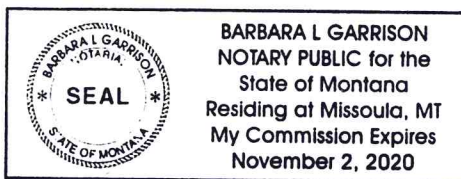
us

Making all 1 publication(s)

On this day of Aug 14, 2017, before me, the undersigned, a Notary Public for the State of Montana, personally appeared Chris Arvist known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year first above written.

Barbara L Garrison

Venue: Missoula, Montana, County of Missoula





Page : 1 of 2 08/14/2017 11:29:24

Order Number : 20505939  
PO Number :  
Customer : 60025067 DPHHS/MEDICAID ANALYST  
Contact : Directors Office  
Address1 : PO BOX 4210  
Address2 : c/o: Mary Eve Kulawik  
City St Zip : HELENA MT 59604  
Phone : (406) 444-0936  
Fax :

Printed By : misarvic  
Entered By : misarvic

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Sub Section : Legals  
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Ad Rate : Legal Govt  
Ad Price : 65.00  
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Amount Due : 65.00

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Questions or comments may be addressed to Rebecca Corbett, HELP Program Officer, P.O. Box 202951, Helena, MT 59620-2951, at

|                     |   |                                                   |                    |   |                                      |
|---------------------|---|---------------------------------------------------|--------------------|---|--------------------------------------|
| <b>Order Number</b> | : | 20505939                                          | <b>Ad Number</b>   | : | 11348901                             |
| <b>PO Number</b>    | : |                                                   | <b>Ad Key</b>      | : |                                      |
| <b>Customer</b>     | : | 60025067 DPHHS/MEDICAID ANALYST                   | <b>Salesperson</b> | : | DF01 - Default Transient Salesperson |
| <b>Contact</b>      | : | Directors Office                                  | <b>Publication</b> | : | Online Liners                        |
| <b>Address1</b>     | : | PO BOX 4210                                       | <b>Section</b>     | : | Classified                           |
| <b>Address2</b>     | : | c/o: Mary Eve Kulawik                             | <b>Sub Section</b> | : | Legals                               |
| <b>City St Zip</b>  | : | HELENA MT 59604                                   | <b>Category</b>    | : | 399 Legals                           |
| <b>Phone</b>        | : | (406) 444-0936                                    | <b>Dates Run</b>   | : | 08/02/2017-08/02/2017                |
| <b>Fax</b>          | : |                                                   | <b>Days</b>        | : | 1                                    |
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| <b>Keywords</b>     | : | The Montana Department of Public Health and Human |                    |   |                                      |
| <b>Notes</b>        | : |                                                   |                    |   |                                      |
| <b>Zones</b>        | : |                                                   |                    |   |                                      |



# AFFIDAVIT OF PUBLICATION THE BILLINGS GAZETTE

401 N 28<sup>th</sup> St

Billings, MT 59101

Phone: (406) 657-1212 Fax: (406) 657-1345

Ad Number: 20810522

The Montana Department of Public Health and Human Services (DPHHS) is providing public notice of its intent to: (1) submit to the Centers of Medicare and Medicaid Services (CMS), on or after September 2, 2017, an amendment to the 1115 HELP Demonstration Waiver and, (2) hold 2 public hearings to receive comments on the amendment.

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The total estimate of expected increase or decrease in annual aggregate expenditures by the population group impacted by this demonstration is \$0.00.

Two public hearings will be held, (1) August 9, 2017 at 10:00 am in the Sanders Auditorium, 111 North Sanders, Helena, Montana. To register for the meeting, use the following link: <http://dphhs.mt.gov/healthcare>. You will receive instructions for joining the meeting upon registration; and (2) August 10, 2017 at 2:00 pm in the RiverStone Health's Lil Anderson Center, Yellowstone Meeting Room, 2626 First Avenue South, Billings, Montana. To register for the meeting, use the following link: <http://dphhs.mt.gov/healthcare>. You will receive instructions for joining the meeting upon registration.

Questions or comments may be addressed to Rebecca Corbett, HELP Program Officer.

Tasha Garfield, being first duly sworn, deposes and says. That she is the principal clerk of The Billings Gazette, a newspaper of general circulation published daily in the City of Billings, in the County of Yellowstone, State of Montana, and has charge of the Advertisements thereof.

That the: 5 folio legal regarding: a true copy of which is hereto annexed, was published in said newspaper on the following dates: via:

August 2, 2017

Making all 1 publication(s)

Mark below if certification for the State of Montana

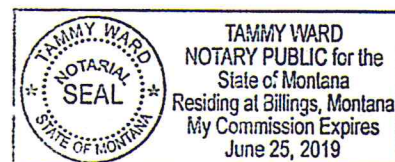
☒ I hereby certify that I have read sec. 18-7-204 and 18-7-205, MCA, and subsequent revisions, and declare that the price or rate charged the State of Montana for the publication for which claim is made in the attached papers in the amount of \$ 60.00 is not in excess of the minimum rate charged any other advertiser for publication of advertisement, set in the same size type and published for the same number of insertions, further certify that this claim is correct and just in all respects, and that payment or credit has not been received

Tasha Garfield  
STATE OF MONTANA  
County of Yellowstone

On this day of August 2, 2017 before me, the undersigned, a Notary Public for the State of Montana, personally appeared Tasha Garfield known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year first above written.

Tasha Garfield  
NOTARY PUBLIC for the State of Montana  
Residing at Billings, MT

My commission expires: June 25, 2019





Montana Department of Public Health and Human Services  
Section 1115 HELP Demonstration Waiver Amendment  
Public Hearing  
Wednesday, August 9, 2017, 10:00 a.m.  
Hosted at the Sanders Auditorium, 111 North Sanders,  
Helena, MT  
Or via [WebEx](#)

Attendees

Welcome and Introductions

Review Agenda

Montana Legislature Senate Bill 261

Changes

Eligibility

Benefits

Public Comment

In-Person

Via WebEx

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Montana Department of Public Health and Human Services  
Section 1115 HELP Demonstration Waiver Amendment  
Public Hearing

Thursday, August 10, 2017, 2:00 p.m.

Hosted at the RiverStone Health's Lil Anderson Center, Yellowstone Meeting Room  
2626 First Avenue South, Billings, MT

Or via [WebEx](#)

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Montana Legislature Senate Bill 261

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# Department of Public Health and Human Services

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Steve Bullock, Governor

Sheila Hogan, Director

Date: August 2, 2017

To: Montana Health Coalition Members, Ad Hoc Members, and Interested Parties

From: *Marie Matthews*  
Marie Matthews, Medicaid State Director

Subject: HELP Waiver and State Plan Changes pertaining to Senate Bill (SB 261)

This memo is to inform you that the Montana Department of Public Health and Human Services (DPHHS) is providing public notice of its intent to: (1) submit to the Centers of Medicare and Medicaid Services (CMS), on or after September 2, 2017, an amendment to the 1115 HELP Demonstration Waiver and, (2) hold 2 public hearings to receive comments on the amendment.

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The draft 1115 HELP Waiver amendment and related public documents can be found at <http://dphhs.mt.gov/HELPPlan/waiversubmission>.

Questions or comments may be addressed to Rebecca Corbett, HELP Program Officer, P.O. Box 202951, Helena, MT 59620-2951, at 406-444-6869 or email at [rcorbett@mt.gov](mailto:rcorbett@mt.gov); or Mary Eve Kulawik, at (406) 444-2584 or [mkulawik@mt.gov](mailto:mkulawik@mt.gov); or Director's Office, PO Box 4210, Helena, MT 59604-4210, by **September 1, 2017**.