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State/Territory Name: North Carolina

State Plan Amendment (SPA) #: 21-0011

This file contains the following documents in the order listed:

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DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
601 E. 12th St., Room 355
Kansas City, Missouri 64106



Medicaid and CHIP Operations Group

September 13, 2021

Dave Richard, Director
Division of Medical Assistance
NC Department of Health & Human Services
2501 Mail Service Center
Raleigh, North Carolina 27699-2501

Re: North Carolina State Plan Amendment (SPA) NC 21-0011

Dear Mr. Richard:

The Centers for Medicare & Medicaid Services (CMS) completed review of North Carolina's State Plan Amendment (SPA) Transmittal Number NC 21-0011 submitted on June 21, 2021. The purpose of this SPA is to add a tribal Primary Care Case Management Program to the State Plan.

We conducted our review of this amendment according to statutory requirements of Title XIX of the Social Security Act and implementing Federal regulations. This letter is to inform you that North Carolina Medicaid SPA Transmittal Number NC 21-0011 is approved effective July 1, 2021.

If you have any questions regarding the 1915(b) waiver, please contact Rick Dawson at 206-615-2387 or via email at Rick.Dawson@cms.hhs.gov.

Sincerely,

/s/

Bill Brooks
Director
Division of Managed Care Operations

cc: Betty Staton
Lynn DeVecchio, CMS
Angela Jones, CMS

Citation	Condition or Requirement
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1932(a)(1)(A)	<p>A. <u>Section 1932(a)(1)(A) of the Social Security Act.</u></p> <p>The State of <u>North Carolina</u> enrolls Medicaid beneficiaries on a mandatory basis into managed care entities (managed care organization [MCOs], primary care case managers [PCCMs], and/or PCCM entities) in the absence of section 1115 or section 1915(b) waiver authority. This authority is granted under section 1932(a)(1)(A) of the Social Security Act (the Act). Under this authority, a state can amend its Medicaid state plan to require certain categories of Medicaid beneficiaries to enroll in managed care entities without being out of compliance with provisions of section 1902 of the Act on state wideness (42 CFR 431.50), freedom of choice (42 CFR 431.51) or comparability (42 CFR 440.230).</p>
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This authority may *not* be used to mandate enrollment in Prepaid Inpatient Health Plans (PIHPs), Prepaid Ambulatory Health Plans (PAHPs), nor can it be used to mandate the enrollment of Medicaid beneficiaries described in 42 CFR 438.50(d).

Where the state’s assurance is requested in this document for compliance with a particular requirement of 42 CFR 438 et seq., the state shall place a check mark to affirm that it will be in compliance no later than the applicable compliance date. All applicable assurances should be checked, even when the compliance date is in the future. **Please see Appendix A of this document for compliance dates for various sections of 42 CFR 438.**

1932(a)(1)(B)(i) 1932(a)(1)(B)(ii) 42 CFR 438.2 42 CFR 438.6 42 CFR 438.50(b)(1)-(2)	<p>B. <u>Managed Care Delivery System.</u></p> <p>The State will contract with the entity(ies) below and reimburse them as noted under each entity type.</p> <ol style="list-style-type: none"> 1. <input type="checkbox"/> MCO <ol style="list-style-type: none"> a. <input type="checkbox"/> Capitation b. <input type="checkbox"/> The state assures that all applicable requirements of 42 CFR 438.6, regarding special contract provisions related to payment, will be met. 2. <input type="checkbox"/> PCCM (individual practitioners) <ol style="list-style-type: none"> a. <input type="checkbox"/> Case management fee b. <input type="checkbox"/> Other (please explain below) 3. <input checked="" type="checkbox"/> PCCM entity <ol style="list-style-type: none"> a. <input checked="" type="checkbox"/> Case management fee b. <input type="checkbox"/> Shared savings, incentive payments, and/or financial rewards (see 42 CFR 438.310(c)(2)) c. <input type="checkbox"/> Other (please explain below)
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Citation	Condition or Requirement
	<p>If PCCM entity is selected, please indicate which of the following function(s) the entity will provide (as in 42 CFR 438.2), in addition to PCCM services:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Provision of intensive telephonic case management <input checked="" type="checkbox"/> Provision of face-to-face case management <input type="checkbox"/> Operation of a nurse triage advice line <input checked="" type="checkbox"/> Development of enrollee care plans. <input type="checkbox"/> Execution of contracts with fee-for-service (FFS) providers in the FFS program <input type="checkbox"/> Oversight responsibilities for the activities of FFS providers in the FFS program <input type="checkbox"/> Provision of payments to FFS providers on behalf of the State. <input checked="" type="checkbox"/> Provision of enrollee outreach and education activities. <input checked="" type="checkbox"/> Operation of a customer service call center. <input checked="" type="checkbox"/> Review of provider claims, utilization and/or practice patterns to conduct provider profiling and/or practice improvement. <input checked="" type="checkbox"/> Implementation of quality improvement activities including administering enrollee satisfaction surveys or collecting data necessary for performance measurement of providers. <input checked="" type="checkbox"/> Coordination with behavioral health systems/providers. <input checked="" type="checkbox"/> Coordination with long-term services and supports systems/providers. <input type="checkbox"/> Other (please describe): _____

42 CFR 438.50(b)(4) C. Public Process.

Describe the public process including tribal consultation, if applicable, utilized for both the design of the managed care program and its initial implementation. In addition, describe what methods the state will use to ensure ongoing public involvement once the state plan managed care program has been implemented. *(Example: public meeting, advisory groups.)*

The EBCI Tribal Option was developed in coordination with North Carolina’s only federally recognized tribe, the Eastern Band of Cherokee Indians. The Tribe, in partnership with NC DHHS, is designing the EBCI Tribal Option. The Tribe is consulted on all aspects of program operations and implementation of the EBCI Tribal Option and any other changes in the Medicaid program that may impact the Tribal providers or IHS eligibles, as per our tribal consultation process.

Beneficiaries enrolled with the EBCI Tribal Option PCCM have public input through the state’s toll-free customer service phone center which is staffed from 8:00 AM to 5:00 PM, Monday through Friday. The toll-free number for the State customer service center is 1-800-662-7030.

The EBCI Tribal Option also operates a Patient/Member and Family Advisory Council that allows for the Member’s voice to be heard. They are consulted on review of policies, design ideas, and materials. They reviewed the Tribal Option Member Handbook and developed the Tribal Option Member Rights and Responsibilities. The Council meets monthly.

In addition, beneficiaries are also able to submit a concern about the program through an oral or written compliant process.

There are two surveys that Members will be given the opportunity to participate in to provide feedback on their experience in EBCI Tribal Option. First, enrolled Members have public input through a Member Satisfaction Survey, administered by the PCCM on an ongoing basis. The survey is used to collect data on satisfaction, access, health status, utilization and trust. Second, the EBCI Tribal Option is participating in an annual Member Quality Assurance Survey, facilitated by DHHS and administered by an external vendor. This survey will give members an opportunity to provide feedback on the quality of care they received through EBCI Tribal Option. The tool used to collect the data is the CAHPS survey for children and adults. The Member Quality Assurance Survey is administered on an annual basis.

Additionally, the NC Medical Care Advisory Committee reviews all major program changes for the Medicaid program. NC Medicaid beneficiaries have an opportunity to serve on this Committee.

The North Carolina Department of Health and Human Services contracts with a vendor to provide Medicaid Managed Care Ombudsman services for the state’s Medicaid beneficiaries. The Medicaid Managed Care Ombudsman will serve as a central resource to educate and inform beneficiaries about the state’s move to Medicaid Managed Care through an array of events as well as help to resolve issues/complaints within the Medicaid Managed Care delivery system.

If the program will include long term services and supports (LTSS), please indicate how the views of stakeholders have been, and will continue to be, solicited and addressed during the design, implementation, and oversight of the program, including plans for a member advisory committee (42 CFR 438.70 and 438.110)

D. State Assurances and Compliance with the Statute and Regulations.

If applicable to the state plan, place a check mark to affirm that compliance with the following statutes and regulations will be met.

1932(a)(1)(A)(i)(I)
1903(m)

1. The state assures that all of the applicable requirements of section 1903(m) of the Act, for MCOs and MCO contracts will be met.

Citation	Condition or Requirement
42 CFR 438.50(c)(1)	
1932(a)(1)(A)(i)(I) 1905(t)	2. <input checked="" type="checkbox"/> The state assures that all the applicable requirements of section 1905(t) of the Act for PCCMs and PCCM contracts (including for PCCM entities) will be met.
42 CFR 438.50(c)(2) 1902(a)(23)(A)	
1932(a)(1)(A) 42 CFR 438.50(c)(3)	3. <input type="checkbox"/> The state assures that all the applicable requirements of section 1932 (including subpart (a)(1)(A)) of the Act, for the state's option to limit freedom of choice by requiring beneficiaries to receive their benefits through managed care entities will be met.
1932(a)(1)(A) 42 CFR 431.51 1905(a)(4)(C) 42 CFR 438.10(g)(2)(vii)	4. <input checked="" type="checkbox"/> The state assures that all the applicable requirements of 42 CFR 431.51 regarding freedom of choice for family planning services and supplies as defined in section 1905(a)(4)(C) will be met.
1932(a)(1)(A)	5. <input checked="" type="checkbox"/> The state assures that it appropriately identifies individuals in the mandatory exempt groups identified in 1932(a)(1)(A)(i).
1932(a)(1)(A) 42 CFR 438 1903(m)	6. <input checked="" type="checkbox"/> The state assures that all applicable managed care requirements of 42 CFR Part 438 for MCOs, PCCMs, and PCCM entities will be met.
1932(a)(1)(A) 42 CFR 438.4 42 CFR 438.5 42 CFR 438.7 42 CFR 438.8 42 CFR 438.74 42 CFR 438.50(c)(6)	7. <input type="checkbox"/> The state assures that all applicable requirements of 42 CFR 438.4, 438.5, 438.7, 438.8, and 438.74 for payments under any risk contracts will be met.
1932(a)(1)(A) 42 CFR 447.362 42 CFR 438.50(c)(6)	8. <input type="checkbox"/> The state assures that all applicable requirements of 42 CFR 447.362 for payments under any non-risk contracts will be met.
45 CFR 75.326	9. <input type="checkbox"/> The state assures that all applicable requirements of 45 CFR 75.326 for procurement of contracts will be met.
42 CFR 438.66	10. Assurances regarding state monitoring requirements:

Citation	Condition or Requirement
1932(a)(1)(A) 1932(a)(2)	<p><input checked="" type="checkbox"/> The state assures that all applicable requirements of 42 CFR 438.66(a), (b), and (c), regarding a monitoring system and using data to improve the performance of its managed care program, will be met.</p> <p><input checked="" type="checkbox"/> The state assures that all applicable requirements of 42 CFR 438.66(d), regarding readiness assessment, will be met.</p> <p><input checked="" type="checkbox"/> The state assures that all applicable requirements of 42 CFR 438.66(e), regarding reporting to CMS about the managed care program, will be met.</p> <p>E. <u>Populations and Geographic Area.</u></p> <p>1. <u>Included Populations.</u> Please check which eligibility groups are included, if they are enrolled on a Mandatory (M) or Voluntary (V) basis (as defined in 42 CFR 438.54(b)) or Excluded (E), and the geographic scope of enrollment. Under the Geographic Area column, please indicate whether the nature of the population's enrollment is on a statewide basis, or if on less than a statewide basis, please list the applicable counties/regions. Also, if type of enrollment varies by geographic area (for example, mandatory in some areas and voluntary in other areas), please note specifics in the Geographic Area column. Under the Notes column, please note any additional relevant details about the population or enrollment.</p> <p>A. Mandatory Eligibility Groups (Eligibility Groups to which a state must provide Medicaid coverage)</p> <p>1. Family/Adult</p>

Eligibility Group	Citation (Regulation [42 CFR] or SSA)	M	V	E	Geographic Area (include specifics if M/V/E varies by area)	Notes
1. Parents and Other Caretaker Relatives	§435.110		X		Cherokee, Graham, Haywood, Jackson and Swain Counties.	Tribal members and other IHS eligible beneficiaries from Buncombe, Clay, Henderson, Macon, Madison and Transylvania counties may also opt-in. Tribal members and other IHS eligible beneficiaries are exempt from managed care and may request disenrollment from the Tribal Option PCCM entity at any time upon request to the Department and/or its Vendor partners.
2. Pregnant Women	§435.116		X		Cherokee, Graham, Haywood, Jackson and Swain Counties.	Same as Row A.1
3. Children Under Age 19 (Inclusive of Deemed Newborns under §435.117)	§435.118		X		Cherokee, Graham, Haywood, Jackson and Swain Counties.	Same as Row A.1
4. Former Foster Care Youth (up to age 26)	§435.150		X		Cherokee, Graham, Haywood, Jackson and Swain Counties.	Same as Row A.1
5. Adult Group (Non-pregnant individuals age 19-64 not eligible for Medicare with income no more than 133% FPL)	§435.119					Not applicable
6. Transitional Medical Assistance (Includes adults and children, if not eligible under §435.116, §435.118, or §435.119)	1902(a)(52), 1902(e)(1), 1925, and 1931(c)(2) of SSA		X		Cherokee, Graham, Haywood, Jackson and Swain Counties.	Same as Row A.1
7. Extended Medicaid Due to Spousal Support Collections	§435.115		X		Cherokee, Graham, Haywood, Jackson and Swain Counties.	Same as Row A.1

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Citation Condition or Requirement

2. Aged/Blind/Disabled Individuals

Eligibility Group	Citation (Regulation [42 CFR] or SSA)	M	V	E	Geographic Area (include specifics if M/V/E varies by area)	Notes
8. Individuals Receiving SSI age 19 and over only (See E.2. below regarding age <19)	§435.120		X		Cherokee, Graham, Haywood, Jackson	Same as Row A.1
9. Aged and Disabled Individuals in 209(b) States	§435.121					Not applicable
10. Individuals Who Would be Eligible for SSI/SSP but for OASDI COLA Increase since April, 1977	§435.135		X		Cherokee, Graham, Haywood, Jackson and Swain Counties	Same as Row A.1
11. Disabled Widows and Widowers Ineligible for SSI due to an increase of OASDI	§435.137		X		Cherokee, Graham, Haywood, Jackson and Swain Counties	Same as Row A.1
12. Disabled Widows and Widowers Ineligible for SSI due to Early Receipt of Social Security	§435.138		X		Cherokee, Graham, Haywood, Jackson and Swain Counties	Same as Row A.1
13. Working Disabled under 1619(b)	1619(b), 1902(a)(10)(A)(i)(II), and 1905(q) of SSA		X		Cherokee, Graham, Haywood, Jackson and Swain Counties.	Same as Row A.1
14. Disabled Adult Children	1634(c) of SSA		X		Cherokee, Graham,	Same as Row A.1

B. Optional Eligibility Groups

1. Family/Adult

Eligibility Group	Citation (Regulation [42 CFR] or SSA)	M	V	E	Geographic Area (include specifics if M/V/E varies by area)	Notes
1. Optional Parents and Other Caretaker Relatives	§435.220					Not applicable
2. Optional Targeted Low-Income Children	§435.229					Not applicable

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<p>3. Independent Foster Care Adolescents Under Age 21</p>	<p>§435.226</p>		<p>X</p>	<p>Cherokee, Graham, Haywood, Jackson and Swain Counties.</p>	<p>Tribal members and other IHS eligible beneficiaries from Buncombe, Clay, Henderson, Macon, Madison and Transylvania counties may also opt-in.</p> <p>Tribal members and other IHS eligible beneficiaries are exempt from managed care and may request disenrollment from the Tribal Option PCCM entity at any time upon request to the Department and/or its Vendor partners.</p>
<p>4. Individuals Under Age 65 with Income Over 133%</p>	<p>§435.218</p>				<p>Not applicable</p>
<p>5. Optional Reasonable Classifications of Children Under Age 21</p>	<p>§435.222</p>				<p>Not applicable</p>
<p>6. Individuals Electing COBRA Continuation Coverage</p>	<p>1902(a)(10)(F) of SSA</p>				<p>Not applicable</p>

Citation Condition or Requirement

2. Aged/Blind/Disabled Individuals

Eligibility Group	Citation (Regulation [42 CFR] or SSA)	M	V	E	Geographic Area (include specifics if M/V/E varies by area)	Notes
7. Aged, Blind or Disabled Individuals Eligible for but Not Receiving Cash	§435.210 and §435.230		X		Cherokee, Graham, Haywood, Jackson	Same as Row B.1.3
8. Individuals eligible for Cash except for Institutionalized Status	§435.211					Not applicable
9. Individuals Receiving Home and Community-Based Waiver Services Under Institutional Rules	§435.217		X		Cherokee, Graham, Haywood, Jackson and Swain Counties	Same as Row B.1.3
10. Optional State Supplement Recipients - 1634 and SSI Criteria States – with 1616 Agreements	§435.232		X		Cherokee, Graham, Haywood, Jackson and Swain Counties	Same as Row B.1.3
11. Optional State Supplemental Recipients- 209(b) States and SSI criteria States without 1616 Agreements	§435.234					Not applicable
12. Institutionalized Individuals Eligible under a Special Income Level	§435.236					Not applicable
13. Individuals Participating in a PACE Program under Institutional Rules	1934 of the SSA		X		Cherokee, Graham, Haywood, Jackson	Same as Row B.1.3
14. Individuals Receiving Hospice Care	1902(a)(10)(A)(ii) (VII) and 1905(o) of the SSA					Not applicable
15. Poverty Level Aged or Disabled	1902(a)(10)(A)(ii) (X) and 1902(m)(1) of the SSA		X		Cherokee, Graham, Haywood, Jackson and Swain Counties.	Same as Row B.1.3
16. Work Incentive Group	1902(a)(10)(A)(ii) (XIII) of the SSA					Not applicable
17. Ticket to Work Basic Group	1902(a)(10)(A)(ii) (XV) of the SSA		X		Cherokee, Graham, Haywood, Jackson	Same as Row B.1.3
18. Ticket to Work Medically Improved Group	1902(a)(10)(A)(ii) (XVI) of the SSA		X		Cherokee, Graham, Haywood, Jackson	Same as Row B.1.3
19. Family Opportunity Act Children with Disabilities	1902(a)(10)(A)(ii) (XIX) of the SSA		X		Cherokee, Graham, Haywood, Jackson	Same as Row B.1.3
20. Individuals Eligible for State Plan Home and Community-Based Services	§435.219					Not applicable

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3. Partial Benefits

Eligibility Group	Citation (Regulation [42 CFR] or SSA)	M	V	E	Geographic Area (include specifics if M/V/E varies by area)	Notes
21. Family Planning Services	§435.214			X		
22. Individuals with Tuberculosis	§435.215					Not applicable
23. Individuals Needing Treatment for Breast or Cervical Cancer (under age 65)	§435.213		X		Cherokee, Graham, Haywood, Jackson	Same as Row B.1.3

C. Medically Needy

Eligibility Group	Citation (Regulation [42 CFR] or SSA)	M	V	E	Geographic Area (include specifics if M/V/E varies by area)	Notes
1. Medically Needy Pregnant Women	§435.301(b)(1)(i) and (iv)		X		Cherokee, Graham, Haywood, Jackson	Tribal members and other IHS
Medically Needy Children under Age 18	§435.301(b)(1)(ii)		X		Cherokee, Graham, Haywood, Jackson	Same as Row C.1
3. Medically Needy Children Age 18 through 20	§435.308		X		Cherokee, Graham, Haywood, Jackson	Same as Row C.1
4. Medically Needy Parents and Other Caretaker Relatives	§435.310		X		Cherokee, Graham, Haywood, Jackson	Same as Row C.1
5. Medically Needy Aged	§435.320		X		Cherokee, Graham, Haywood, Jackson	Same as Row C.1
6. Medically Needy Blind	§435.322		X		Cherokee, Graham, Haywood, Jackson	Same as Row C.1
7. Medically Needy Disabled	§435.324		X		Cherokee, Graham, Haywood, Jackson	Same as Row C.1
8. Medically Needy Aged, Blind and Disabled in 209(b) States	§435.330		X		Cherokee, Graham, Haywood, Jackson	Same as Row C.1

2. **Voluntary Only or Excluded Populations.** Under this managed care authority, some populations cannot be subject to mandatory enrollment in an MCO, PCCM, or PCCM entity (per 42 CFR 438.50(d)). Some such populations are Eligibility Groups separate from those listed above in E.1., while others (such as American Indians/Alaskan Natives) can be part of multiple Eligibility Groups identified in E.1. above.

Please indicate if any of the following populations are excluded from the program, or have only voluntary enrollment (even if they are part of an eligibility group listed above in E.1. as having mandatory enrollment):

Population	Citation (Regulation [42 CFR] or SSA)	V	E	Geographic Area	Notes
Medicare Savings Program – Qualified Medicare Beneficiaries, Qualified Disabled Working Individuals, Specified Low Income Medicare Beneficiaries, and/or Qualifying Individuals	1902(a)(10)(E), 1905(p), 1905(s) of the SSA	X		Cherokee, Graham, Haywood, Jackson and Swain	Tribal members and other IHS eligible beneficiaries from Buncombe, Clay, Henderson, Macon

Citation Condition or Requirement

Population	Citation (Regulation [42 CFR] or SSA)	V	E	Geographic Area	Notes
“Dual Eligibles” not described under Medicare Savings Program - Medicaid beneficiaries enrolled in an eligibility group other than one of the Medicare Savings Program groups who are also eligible for Medicare		X		Cherokee, Graham, Haywood, Jackson and Swain	Same as Population Row 1
American Indian/Alaskan Native— Medicaid beneficiaries who are American Indians or Alaskan Natives and members of federally recognized tribes	§438.14	X		Cherokee, Graham, Haywood, Jackson and Swain Counties.	Same as Population Row 1
Children Receiving SSI who are Under Age 19 - Children under 19 years of age who are eligible for SSI under title XVI	§435.120				Not applicable
Qualified Disabled Children Under Age 19 - Certain children under 19 living at home, who are disabled and would be eligible if they were living in a medical institution.	§435.225 1902(e)(3) of the SSA	X		Cherokee, Graham, Haywood, Jackson and Swain	Same as Population Row 1
Title IV-E Children - Children receiving foster care, adoption assistance, or kinship guardianship assistance under title IV-E *	§435.145	X		Cherokee, Graham, Haywood, Jackson and Swain	Same as Population Row 1
Non-Title IV-E Adoption Assistance Under Age 21*	§435.227	X		Cherokee, Graham.	Same as Population Row 1
Children with Special Health Care Needs - Receiving services through a family-centered, community-based, coordinated care system that receives grant funds under section 501(a)(1)(D) of Title V, and is defined by the State in terms of either program participation or special health care needs.					Not applicable

* = Note – Individuals in these two Eligibility Groups who are age 19 and 20 can have mandatory enrollment in managed care, while those under age 19 cannot have mandatory enrollment. Use the Notes column to indicate if you plan to mandatorily enroll 19 and 20 year olds in these Eligibility Groups.

3. **(Optional) Other Exceptions.** The following populations (which can be part of various Eligibility Groups) can be subject to mandatory enrollment in managed care, but states may elect to make exceptions for these or other individuals. Please indicate if any of the following populations are excluded from the program, or have only voluntary enrollment (even if they are part of an eligibility group listed above in E.1. as having mandatory enrollment):

Citation Condition or Requirement

Population	V	E	Notes
Other Insurance --Medicaid beneficiaries who have other health insurance			Not applicable
Reside in Nursing Facility or ICF/IID -- Medicaid beneficiaries who reside in Nursing Facilities (NF) or Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IID).		X	
Enrolled in Another Managed Care Program --Medicaid beneficiaries who are enrolled in another Medicaid managed care program	X		
Eligibility Less Than 3 Months --Medicaid beneficiaries who would have less than three months of Medicaid eligibility remaining upon enrollment into the program			Not applicable
Participate in HCBS Waiver --Medicaid beneficiaries who participate in a Home and Community Based Waiver (HCBS, also referred to as a 1915(c) waiver).	X		
Retroactive Eligibility --Medicaid beneficiaries for the period of retroactive eligibility.		X	
Other (Please define):			

1932(a)(4)
 42 CFR 438.54

F. Enrollment Process.

Based on whether mandatory and/or voluntary enrollment are applicable to your program (see E. Populations and Geographic Area and definitions in 42 CFR 438.54(b)), please complete the below:

1. For **voluntary** enrollment: (see 42 CFR 438.54(c))
 - a. Please describe how the state fulfills its obligations to provide information as specified in 42 CFR 438.10(c)(4), 42 CFR 438.10(e) and 42 CFR 438.54(c)(3).

The Department has developed a model member handbook inclusive of required managed care terminology as defined in 42 CFR 438.10(c)(4). The EBCI Tribal Option has used that model handbook to create a PCCM handbook for their enrolled beneficiaries. The Department issues informational notices upon eligibility determination or redetermination defining all managed care programs individual is available to elect. The notices include required information outlined in 42 CFR 438.10(e) and 42 CFR 438.54(c)(3).

The Department’s and their vendor’s communications with Members and Potential Members are to be provided in a culturally sensitive manner and format that may be easily understood and is readily accessible. This includes the NC Medicaid Health Plans website and

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Choice Guide, as well as all letters sent to Members and Potential Members (e.g., transition, enrollment, confirmation). These communications are intended to provide information on eligibility for enrollment in the PCCM program within the designated open enrollment timeframe, as well as help individuals and their families make informed choices about other programs available to them (e.g., MCOs, other PCCM). All referenced materials were reviewed by EBCI and supported.

State with voluntary enrollment must have an enrollment choice period or passive enrollment. Please indicate which will apply to the managed care program:

- b. If applicable, please check here to indicate that the state provides an **enrollment choice period**, as described in 42 CFR 438.54(c)(1)(i) and 42 CFR 438.54(c)(2)(i), during which individuals who are subject to voluntary enrollment may make an active choice to enroll in the managed care program, or will otherwise continue to receive covered services through the fee-for-service delivery system.

- i. **Please indicate the length of the enrollment choice period:**

There is a 60-day choice period for initial enrollment only. After initial enrollment, beneficiary can change enrollment at any time.

State:

Citation	Condition or Requirement
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- c. If applicable, please check here to indicate that the state uses a **passive enrollment** process, as described in 42 CFR 438.54(c)(1)(ii) and 438.54(c)(2)(ii), for individuals who are subject to voluntary enrollment.
 - i. If so, please describe the algorithm used for passive enrollment and how the algorithm and the state’s provision of information meets all of the requirements of 42 CFR 438.54(c)(4),(5),(6),(7), and (8).
 - ii. Please indicate how long the enrollee will have to disenroll from the plan and return to the fee-for-service delivery system:

- 2. For **mandatory** enrollment: (see 42 CFR 438.54(d))
 - a. Please describe how the state fulfills its obligations to provide information as specified in 42 CFR 438.10(c)(4), 42 CFR 438.10(e) and 42 CFR 438.54(d)(3).
 - b. If applicable, please check here to indicate that the state provides an **enrollment choice period**, as described in 42 CFR 438.54(d)(2)(i), during which individuals who are subject to mandatory enrollment may make an active choice to select a managed care plan, or will otherwise be enrolled in a plan selected by the State’s default enrollment process.
 - i. Please indicate the length of the enrollment choice period:

 - c. If applicable, please check here to indicate that the state uses a **default enrollment** process, as described in 42 CFR 438.54(d)(5), for individuals who are subject to mandatory enrollment.
 - i. If so, please describe the algorithm used for default enrollment and how it meets all of the requirements of 42 CFR 438.54(d)(4), (5), (7), and (8).
 - d. If applicable, please check here to indicate that the state uses a **passive enrollment** process, as described in 42 CFR 438.54(d)(2), for individuals who are subject to mandatory enrollment.
 - i. If so, please describe the algorithm used for passive enrollment and how it meets all of the requirements of 42 CFR 438.54(d)(4), (6), (7), and (8).

1932(a)(4)
 42 CFR 438.54

3. State assurances on the enrollment process.

Place a check mark to affirm the state has met all of the applicable requirements of choice, enrollment, and re-enrollment.

42 CFR 438.52

a. **X** The state assures that, per the choice requirements in 42 CFR 438.52:

State:

Citation Condition or Requirement

42 CFR 438.52

- i. Medicaid beneficiaries with mandatory enrollment in an MCO will have a choice of at least two MCOs unless the area is considered rural as defined in 42 CFR 438.52(b)(3);
- ii. Medicaid beneficiaries with mandatory enrollment in a primary care case management system will have a choice of at least two primary care case managers employed by or contracted with the State;
- iii. Medicaid beneficiaries with mandatory enrollment in a PCCM entity may be limited to a single PCCM entity and will have a choice of at least two PCCMs employed by or contracted with the PCCM entity.

b. The state plan program applies the rural exception to choice requirements of 42 CFR 438.52(a) for MCOs in accordance with 42 CFR 438.52(b). Please list the impacted rural counties:

This provision is not applicable to this 1932 State Plan Amendment.

42 CFR 438.56(g)

c. The state applies the automatic reenrollment provision in accordance with 42 CFR 438.56(g) if the recipient is disenrolled solely because he or she loses Medicaid eligibility for a period of 2 months or less.

This provision is not applicable to this 1932 State Plan Amendment.

42 CFR 438.71

d. The state assures that all applicable requirements of 42 CFR 438.71 regarding developing and implementing a beneficiary support system that provides support to beneficiaries both prior to and after MCO, PCCM, or PCCM entity enrollment will be met.

1932(a)(4) G. Disenrollment.

42 CFR 438.56 1. The state will / will not limit disenrollment for managed care.

2. The disenrollment limitation will apply for _____ (up to 12 months).

3. The state assures that beneficiary requests for disenrollment (with and without cause) will be permitted in accordance with 42 CFR 438.56.

4. Describe the state's process for notifying the Medicaid beneficiaries of their right to disenroll without cause during the 90 days following the date of their initial enrollment into the MCO, PCCM, or PCCM entity. (Examples: state generated correspondence, enrollment packets, etc.)

There are several opportunities for Members to learn about their right to disenrollment. These include the following:

- **Choice Counseling is available through the Department's Enrollment Broker vendor where Members and potential**

State:

Members can receive assistance and education in understanding their ability to disenroll from the EBCI Tribal Option PCCM.

- **Once determined eligible for the PCCM, a transition notice is sent to eligible EBCI Tribal Option members informing them of their right to disenroll at any time.**
- **The initial welcome packet and redetermination packet includes a Member Handbook which includes information on the Member enrollment and disenrollment policy;**
 - **EBCI Tribal Option Members must meet the federal definition of Indian or be otherwise eligible for Indian Health Services, and are exempt from managed care and may request disenrollment from the Tribal Option PCCM entity without cause at any time upon request to the Department and/or is Vendor partners.**
- **Following enrollment in the EBCI Tribal Option, Members will receive a Confirmation Letter informing them of their enrollment choice and information on other health care options that they can pursue if they decide to disenroll from the PCCM.**
- **EBCI Tribal Option Member Education Materials have sufficient information such that those interested in enrolling have adequate, written descriptions of the rules, procedures, benefits, services and other information necessary to make an informed decision about enrollment and/or disenrollment.**
- **The PCCM Call Center is trained on how Members may disenroll from the EBCI Tribal Option PCCM and are able to address disenrollment inquires coming through the call center properly.**
- **The beneficiary Ombudsman Program is also available to assist Members and potential Members in understanding their ability to disenroll from the EBCI Tribal Option PCCM.**

5. Describe any additional circumstances of “cause” for disenrollment (if any).

Not Applicable

State:

Citation	Condition or Requirement
42 CFR 438.228	appeal system for enrollees.
1932(a)(5)(D)(b)(5) 42 CFR 438.62 42 CFR 438.68 42 CFR 438.206 42 CFR 438.207 42 CFR 438.208	<p>K. <u>Services, including capacity, network adequacy, coordination, and continuity.</u></p> <p><input checked="" type="checkbox"/> The state assures that all applicable requirements of 42 CFR 438.62, regarding continued service to enrollees, will be met.</p> <p><input type="checkbox"/> The state assures that all applicable requirements of 42 CFR 438.68, regarding network adequacy standards, will be met.</p> <p><input type="checkbox"/> The state assures that all applicable requirements of 42 CFR 438.206, regarding availability of services, will be met.</p> <p><input type="checkbox"/> The state assures that all applicable requirements of 42 CFR 438.207, regarding assurances of adequate capacity and services, will be met.</p> <p><input type="checkbox"/> The state assures that all applicable requirements of 42 CFR 438.208, regarding coordination and continuity of care, will be met.</p>
1932(c)(1)(A) 42 CFR 438.330 42 CFR 438.340	<p>L. <input checked="" type="checkbox"/> The state assures that all applicable requirements of 42 CFR 438.330 and 438.340, regarding a quality assessment and performance improvement program and State quality strategy, will be met.</p>
1932(c)(2)(A) 42 CFR 438.350 42 CFR 438.354 42 CFR 438.364 1932 (a)(1)(A)(ii)	<p>M. <input checked="" type="checkbox"/> The state assures that all applicable requirements of 42 CFR 438.350, 438.354, and 438.364 regarding an annual external independent review conducted by a qualified independent entity, will be met.</p> <p>N. <u>Selective Contracting Under a 1932 State Plan Option.</u></p> <p>To respond to items #1 and #2, place a check mark. The third item requires a brief narrative.</p> <p>1. The state will <input checked="" type="checkbox"/>/will not <input type="checkbox"/> intentionally limit the number of entities it contracts under a 1932 state plan option.</p>

State:

Citation Condition or Requirement

2. The state assures that if it limits the number of contracting entities, this limitation will not substantially impair beneficiary access to services.
3. Describe the criteria the state uses to limit the number of entities it contracts under a 1932 state plan option. (*Example: a limited number of providers and/or enrollees.*)

The Eastern Band of Cherokee Indians (EBCI) Tribal Option is a primary care case management entity managed by the Cherokee Indian Hospital Authority (CIHA) to meet the primary care coordination needs of federally recognized tribal members and others eligible for services through Indian Health Service (IHS). Only IHS-eligible beneficiaries who are eligible to receive IHS services at EBCI facilities can participate in this health plan.

The EBCI Tribal Option offers care coordination and management of Medicaid medical, behavioral health, pharmacy, dental, LTSS and other ancillary/support services to address the health needs of American Indian/Alaskan Native and other IHS eligible Medicaid beneficiaries.

The EBCI Tribal Option is primarily offered in five counties: Cherokee, Graham, Haywood, Jackson, and Swain. Eligible beneficiaries in the following counties may opt in: Buncombe, Clay, Henderson, Macon, Madison, and Transylvania.

CIHA is the primary health system for the EBCI. CIHA has delegated authority to manage programs, functions, services, and activities provided by IHS. CIHA provides medical care for more than 13,000 members of the EBCI and IHS-eligible individuals, including approximately 4,000 Medicaid beneficiaries.

4. The selective contracting provision is not applicable to this state plan.

State:

Citation Condition or Requirement

Appendix A: Compliance Dates (from Supplementary Information in 81 FR 27497, published 5/6/2016)

States must comply with all provisions in effect as of the issuance of this preprint. Additionally, the following compliance dates apply:

Compliance Dates	Sections
For rating periods for Medicaid managed care contracts beginning before July 1, 2017, States will not be held out of compliance with the changes adopted in the following sections so long as they comply with the corresponding standard(s) codified in 42 CFR part 438 contained in 42 CFR parts 430 to 481, edition revised as of October 1, 2015. States must comply with these requirements no later than the rating period for Medicaid managed care contracts starting on or after July 1, 2017.	§§ 438.3(h), 438.3(m), 438.3(q) through (u), 438.4(b)(7), 438.4(b)(8), 438.5(b) through (f), 438.6(b)(3), 438.6(c) and (d), 438.7(b), 438.7(c)(1) and (2), 438.8, 438.9, 438.10, 438.14, 438.56(d)(2)(iv), 438.66(a) through (d), 438.70, 438.74, 438.110, 438.208, 438.210, 438.230, 438.242, 438.330, 438.332, 438.400, 438.402, 438.404, 438.406, 438.408, 438.410, 438.414, 438.416, 438.420, 438.424, 438.602(a), 438.602(c) through (h), 438.604, 438.606, 438.608(a), and 438.608(c) and (d)
For rating periods for Medicaid managed care contracts beginning before July 1, 2018, states will not be held out of compliance with the changes adopted in the following sections so long as they comply with the corresponding standard(s) codified in 42 CFR part 438 contained in the 42 CFR parts 430 to 481, edition revised as of October 1, 2015. States must comply with these requirements no later than the rating period for Medicaid managed care contracts starting on or after July 1, 2018.	§§ 438.4(b)(3), 438.4(b)(4), 438.7(c)(3), 438.62, 438.68, 438.71, 438.206, 438.207, 438.602(b), 438.608(b), and 438.818
States must be in compliance with the requirements at § 438.4(b)(9) no later than the rating period for Medicaid managed care contracts starting on or after July 1, 2019.	§ 438.4(b)(9)
States must be in compliance with the requirements at § 438.66(e) no later than the rating period for Medicaid managed care contracts starting on or after the date of the publication of CMS guidance.	§ 438.66(e)
States must be in compliance with § 438.334 no later than 3 years from the date of a final notice published in the Federal Register.	§ 438.334
Until July 1, 2018 , states will not be held out of compliance with the changes adopted in the following sections so long as they comply with the corresponding standard(s) codified in 42	§§ 438.340, 438.350, 438.354, 438.356, 438.358, 438.360, 438.362, and 438.364

TN No. 21-0011
 Supersedes
 TN No. NEW

Approval Date: 9/13/2021

Effective Date: 07/01/2021

State:

Citation Condition or Requirement

Compliance Dates	Sections
CFR part 438 contained in the 42 CFR parts 430 to 481, edition revised as of October 1, 2015.	
States must begin conducting the EQR-related activity described in § 438.358(b)(1)(iv) (relating to the mandatory EQR-related activity of validation of network adequacy) no later than one year from the issuance of the associated EQR protocol.	§ 438.358(b)(1)(iv)
States may begin conducting the EQR-related activity described in § 438.358(c)(6) (relating to the optional EQR-related activity of plan rating) no earlier than the issuance of the associated EQR protocol.	§ 438.358(c)(6)

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0938-0933. The time required to complete this information collection is estimated to average 10 hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. If you have comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to: CMS, 7500 Security Boulevard, Attn: PRA Reports Clearance Officer, Mail Stop C4-26-05, Baltimore, Maryland 21244-1850

CMS-10120 (exp. TBD – currently 4/30/17)