

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
601 East 12th Street, Suite 355
Kansas City, Missouri 64106



Division of Medicaid and Children's Health Operations

April 26, 2012

Vivianne M. Chaumont, Director
Department of Health and Human Services
Division of Medicaid and Long-Term Care
301 Centennial Mall S., 5th Floor
P.O. Box 95026
Lincoln, Nebraska, 68509-5026

Dear Ms. Chaumont:

On February 1, 2012, the Centers for Medicare & Medicaid Services (CMS) received Nebraska's State Plan Amendment (SPA), transmittal #12-03 requesting two exceptions to the implementation of section 6411 of the Affordable Care Act, Recovery Audit Contractor (RAC) program, following the September 22, 2011 publication of the RAC final rule. Nebraska requested an exception to the January 1, 2012 implementation date and to the 3 year look back period described in 42 CFR 455.508(f).

Your request for an exception to the January 1, 2012 implementation date has been reviewed and your request is approved, providing you with an implementation date, no later than November 30, 2012 as requested.

Based on the information provide by Nebraska it has been determined that an exception to the look back period described in 42 CFR 455.5-08(f) is not necessary. The 3 year look back period in 42 CFR 445.508(f), states that the entity is not allowed to review claims that are older than 3 years from the date of the claim, unless it receives approval from the State. A State would be required to request an exception to this provision if the entity with which the state contracts for their RAC program wants to review claims older than 3 years.

Based upon the information received, we are now ready to approve SPA 12-03, as of April 26, 2012 with an effective date of January 1, 2012. Enclosed is a copy of the CMS 179 form as well as the approved pages for incorporation into the Nebraska State plan.

If you have any questions regarding this amendment, please call Sandra Levels at Sandra.Levels@cms.hhs.gov or (816) 426-5925.

Sincerely,

A handwritten signature in black ink, appearing to read "James G. Scott", is written over a large, stylized circular flourish.

James G. Scott
Associate Regional Administrator
for Medicaid and Children's Health Operations

Enclosure

cc: Anne Harvey
Nancy Keller