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State/Territory Name: North Dakota

State Plan Amendment (SPA) #: 20-0022

This file contains the following documents in the order listed:

- 1) Approval Letter
- 2) CMS 179 Form
- 3) Approved SPA Pages

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



Medicaid & CHIP Operations Group

August 26, 2020

Caprice Knapp, Medicaid Director
Division of Medical Services
North Dakota Department of Human Services
600 East Boulevard Avenue, Dept. 325
Bismarck, ND 58505-0250

RE: North Dakota State Plan Amendment (SPA) 20-0022

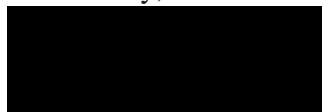
Dear Ms. Knapp:

We have reviewed the State Plan Amendment (SPA) submitted under transmittal number 20-0022. This SPA amends the State Plan to update the Standards for the Coverage of Organ Transplant Services.

Please be informed that this SPA was approved on August 14, 2020, with an effective date of July 1, 2020. Enclosed are the CMS-179 and the amended plan pages.

Should you have any questions about this amendment, please contact Curtis Volesky at (303) 844-7033.

Sincerely,



Digitally signed by James G.
Scott -S
Date: 2020.08.26 17:42:19 -05'00'

James G. Scott, Director
Division of Program Operations

cc: Krista Fremming, krfremming@nd.gov
Stacey Koehly, skoehly@nd.gov

23. REMARKS:

A large, empty gray rectangular box with a thin black border, intended for handwritten or typed remarks. It occupies the upper portion of the page below the 'REMARKS' label.

Revision: HCFA-PM-87-5
APRIL 1987

OMB No.: 0938-0193

State/Territory: North Dakota

Citation
42 CFR 441.30
AT-78-90

3.1(f) (1) Optometric Services

Optometric services (other than those provided under §§435.531 and 436.531) are not now but were previously provided under the plan. Services of the type an optometrist is legally authorized to perform are specifically included in the term "physicians' services" under this plan and are reimbursed whether furnished by a physician or an optometrist.

Yes.

No. The conditions described in the first sentence apply but the term "physicians' services" does not specifically include services of the type an optometrist is legally authorized to perform.

Not applicable. The conditions in the first sentence do not apply.

1903 (i) (I)
of the Act,
P.L. 99-272
(Section 9507)

(2) Organ Transplant Procedures

Organ transplant procedures are provided.

No.

Yes. Similarly situated individuals are treated alike and any restriction on the facilities that may, or practitioners who may, provide those procedures is consistent with the accessibility of high-quality care to individuals eligible for the procedures under this plan. Standards for the coverage of organ transplant procedures are described at **ATTACHMENT 3.1-E**.

TN No. 20-0022
Supersedes
TN No: 87-8

Approval Date: 8/14/20

Effective Date: 07-01-2020

NORTH DAKOTA

State/Territory: _____

STANDARDS FOR THE COVERAGE OF ORGAN TRANSPLANT SERVICES

1. Authorization is required prior to transplants that occur outside of North Dakota. Medicaid coverage is limited to approved services rendered during periods when the member is eligible for ND Medicaid.
2. All transplantation services must:
 - a. be medically necessary and not experimental;
 - b. ensure similarly situated individuals are treated alike;
 - c. ensure any restriction, on the facilities or practitioners which may provide such procedures, is consistent with the accessibility of high-quality care to individuals eligible for the procedures under the State plan; and
 - d. ensure services are reasonable in amount, duration and scope to achieve their purpose.
3. Procedure must anticipate prolonging life, maintaining or improving quality of life, and be ethically acceptable.
4. A referral from an enrolled in-state Medicaid practitioner must be made for the member to be evaluated at an out-of-state transplant facility. After the out-of-state transplant facility completes its evaluation of the member and determines the member is a qualified candidate for the transplant, an enrolled Medicaid practitioner must make a referral for the transplant procedure.
5. All organ transplant programs must be located in a hospital that has a Medicare provider agreement and comply with all Medicare requirements for organ transplants.
6. Coverage includes medically necessary transplants and related services. Related services include items such as cadaveric or living donor expenses; organ procurement costs, tissue typing, and searches and matches.

State: North Dakota

Attachment to Page 2
of Attachment 3.1-A
Page 1 of 2

LIMITATIONS ON AMOUNT, DURATION AND SCOPE

- 5.a. Physician services. We limit enrollment to physicians meeting the requirements contained in 4752(e) of OBRA 1990 for physician services provided on or after January 1, 1992 to children and pregnant women.

Payment for abortions will be limited to those abortions where payment is necessary to comply with the March 15, 1995 Order of the United States District Court in Fargo Women's Health Organization, Inc., v. Henry C. Wessman, Civil No. A3-94-36. The court order is based on the court's decision that the current Hyde Amendment language requires State Medicaid Programs to pay for abortions to save the life of the mother or that are a result of an act of rape or incest.

State: North Dakota

Attachment to Page 2
of Attachment 3.1-B
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VACATED

TN No. 20-0022
Supersedes
TN No: 03-012B

Approval Date: 8/14/20

Effective Date: 07-01-2020