

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

April 1, 2021

Emma Chacon, Interim Medicaid Director
Utah Department of Health
P.O. Box 141000
Salt Lake City, UT 84114-1000

RE: TN 21-0001

Dear Ms. Chacon:

The Centers for Medicare and Medicaid Services (CMS) has completed its review of Utah's State Plan Amendment (SPA) Transmittal #21-0001, submitted on February 22, 2021. This SPA seeks an exception to the Medicaid Recovery Audit Contractor (RAC) program.

CMS approved SPA #21-0001 on April 1, 2021, with an effective date of February 1, 2021 for a two-year period only, with a termination date of January 31, 2023. Enclosed is a copy of the CMS-179 summary form, as well as the approved pages for incorporation into the Utah State Plan.

If you have any questions regarding this amendment, please contact Mandy Strom at mandy.strom@cms.hhs.gov or (303)844-7068.

Sincerely,

 Digitally signed by James G. Scott -S
Date: 2021.04.01 11:28:33
-05'00'

James G. Scott, Director
Division of Program Operations

Enclosure

cc:

Craig Devashrayee, Utah Medicaid
John Curless, Utah Medicaid

**TRANSMITTAL AND NOTICE OF APPROVAL OF
STATE PLAN MATERIAL
FOR: HEALTH CARE FINANCING ADMINISTRATION**

1. TRANSMITTAL NUMBER:
21-0001-UT

2. STATE:
Utah

3. PROGRAM IDENTIFICATION: TITLE XIX OF THE SOCIAL
SECURITY ACT (MEDICAID)

TO: REGIONAL ADMINISTRATOR
HEALTHCARE FINANCING ADMINISTRATION
DEPARTMENT OF HEALTH AND HUMAN SERVICES

4. PROPOSED EFFECTIVE DATE
February 1, 2021

5. TYPE OF PLAN MATERIAL (Check One)

NEW STATE PLAN AMENDMENT TO BE CONSIDERED AS NEW PLAN AMENDMENT

COMPLETE BLOCKS 6 THRU 10 IF THIS IS AN AMENDMENT (*Separate Transmittal for each amendment*)

6. FEDERAL STATUTE/REGULATION CITATION:

Subsection 1902(a)(42)(B) of the Social Security Act

7. FEDERAL BUDGET IMPACT:

a. FFY 2021 \$0
b. FFY 2022 \$0

8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT:

Pages 36b and 36c of Section 4.5

9. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION
OR ATTACHMENT (*If Applicable*)

Pages 36b and 36c of Section 4.5

10. SUBJECT OF AMENDMENT: Medicaid Recovery Audit Contractors

11. GOVERNOR'S REVIEW (*Check One*):

GOVERNOR'S OFFICE REPORTED NO COMMENT OTHER, AS SPECIFIED:
 COMMENTS OF GOVERNOR'S OFFICE ENCLOSED
 NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL

12. SIGNATURE OF STATE AGENCY OFFICIAL:

16. RETURN TO:

13. TYPED NAME: Richard Saunders

Craig Devashrayee, Manager
Technical Writing Unit
Utah Department of Health
PO Box 143102
Salt Lake City, UT 84114-3102

14. TITLE: Executive Director, Utah Department of Health

15. DATE SUBMITTED: February 22, 2021

16.

17. DATE RECEIVED:

2/22/2021

18. DATE APPROVED:

April 1, 2021

FOR REGIONAL USE ONLY

19. EFFECTIVE DATE OF APPROVED MATERIAL:

2/1/2021

20. SIGNATURE OF REGIONAL OFFICIAL:

Digitally signed by James G. Scott -S
Date: 2021.04.01 11:29:17 -05'00'

21. TYPED NAME:

James G. Scott

22. TITLE:

Director, Division of Program Operations

PLAN APPROVED – ONE COPY ATTACHED

23. REMARKS

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
 MEDICAL ASSISTANCE PROGRAM

State: UTAH

SECTION 4 - GENERAL PROGRAM ADMINISTRATION (Continued)

4.5 Medicaid Recovery Audit Contractor Program

<p><u>Citation</u></p> <p>Subsection 1902(a)(42)(B)(i) of the Social Security Act</p> <p>Subsection 1902(a)(42)(B)(ii)(I) of the Social Security Act</p> <p>Subsection 1902(a)(42)(B)(ii)(II)(aa) of the Social Security Act</p>	<p><u> </u> The State has established a program under which it will contract with one or more recovery audit contractors (RACs) for the purpose of identifying underpayments and overpayments of Medicaid claims under the State Plan and under any waiver of the State Plan.</p> <p><u> X </u> The State is seeking an exception to establishing such program for the following reasons:</p> <ol style="list-style-type: none"> 1) The state is heavy managed care – Utah has approximately 80% of its population in managed care. 2) The state has a small FFS population – Utah only has approximately 20% of its population in FFS. 3) The state has robust “RAC-like” programs in place – Utah has a pre-adjudication contractor that tests claims for program integrity issues. Additionally, the Utah Office of Inspector General of Medicaid Services, for many years, has had a statutory mandate to “investigate and identify potential or actual fraud, waste, or abuse in the state Medicaid program” (see UCA 63A-13-202(1)(d)). <p>As a result of the above, Utah does not have sufficient opportunities for a RAC PI contractor.</p>
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T.N. # 21-0001

Approval Date 4/1/21

Supersedes T.N. # 16-0027

Effective Date 2-1-21

