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State/Territory Name: Utah

State Plan Amendment (SPA) #: 23-0015

This file contains the following documents in the order listed:

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

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

December 15, 2023

Jennifer Strohecker
Director
Division of Integrated Healthcare
Utah Department of Health and Human Services
PO Box 143101
Salt Lake City, UT 94114-3101

Re: Utah State Plan Amendment (SPA) 23-0015

Dear Director Strohecker:

The Centers for Medicare & Medicaid Services (CMS) reviewed your Medicaid State Plan Amendment (SPA) submitted under transmittal number (TN) 23-0015. This amendment proposes an exception to the Recovery Audit Contractor (RAC) program.

We conducted our review of your submittal according to statutory requirements in Title XIX of the Social Security Act and implementing regulations 42 CFR 455.12. This letter is to inform you that Utah Medicaid SPA 23-0015 was approved on December 15, 2023, with effective dates of November 1, 2023 through October 31, 2025.

If you have any questions, please contact Tyler Deines at 202-571-8533 or via email at tyler.deines@cms.hhs.gov.

Sincerely,


Ruth A. Hughes, Deputy Director
Division of Program Operations

Enclosures

cc: Craig Devahrayee, Utah Medicaid
John Curless, Utah Medicaid

**TRANSMITTAL AND NOTICE OF APPROVAL OF
STATE PLAN MATERIAL
FOR: CENTERS FOR MEDICARE & MEDICAID SERVICES**

1. TRANSMITTAL NUMBER

2 3 — 0 0 1 5

2. STATE

UTAH

3. PROGRAM IDENTIFICATION: TITLE OF THE SOCIAL SECURITY ACT

XIX XXI

TO: CENTER DIRECTOR
CENTERS FOR MEDICAID & CHIP SERVICES
DEPARTMENT OF HEALTH AND HUMAN SERVICES

4. PROPOSED EFFECTIVE DATE

November 1, 2023

5. FEDERAL STATUTE/REGULATION CITATION

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

6. FEDERAL BUDGET IMPACT (Amounts in WHOLE dollars)

a. FFY 2024 \$ 0
b. FFY 2025 \$ 0

7. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT

Page 36b of Section 4.5

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 PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (If Applicable)

Page 36b of Section 4.5

9. SUBJECT OF AMENDMENT

Medicaid Recovery Audit Contractors

10. GOVERNOR'S REVIEW (Check One)

- GOVERNOR'S OFFICE REPORTED NO COMMENT
 COMMENTS OF GOVERNOR'S OFFICE ENCLOSED
 NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL

OTHER, AS SPECIFIED:

11. SIGNATURE OF STATE AGENCY OFFICIAL

12. TYPED NAME
Tracy S. Gruber

13. TITLE
Executive Director, Utah Dept of Health & Human Services

14. DATE SUBMITTED
November 1, 2023

15. RETURN TO

Craig Devashrayee
Utah Department of Health & Human Services
Division of Integrated Healthcare
cdevashrayee@utah.gov

FOR CMS USE ONLY

16. DATE RECEIVED

November 1, 2023

17. DATE APPROVED

December 15, 2023

PLAN APPROVED - ONE COPY ATTACHED

18. EFFECTIVE DATE OF APPROVED MATERIAL

November 1, 2023

19. SIGNATURE OF APPROVING OFFICIAL

20. TYPED NAME OF APPROVING OFFICIAL

Ruth A. Hughes

21. TITLE OF APPROVING OFFICIAL

Acting Director, Division of Program Operations

22. 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 seeks an exception to continue through October 31, 2025, and seeks to establish 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 Medicaid tests claims to prevent improper payments when incorrect code combinations are reported and to prevent improper payments when services are reported with incorrect units of service. 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 an RAC PI contractor.</p>
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T.N. # 23-0015

Approval Date 12-15-23

Supersedes T.N. # 21-0001

Effective Date 11-1-23