

AHCCCS

Tribal Consultation by Conference Call to Discuss the State Plan Amendments (SPA)

August 21, 2012

AHCCCS Administration, 801 E. Jefferson St., Phoenix, Arizona

SUMMARY

COPY OF NOTIFICATION TO TRIBES:

Good Morning,

You are invited to participate in an important Tribal Consultation by Conference Call to discuss the State Plan Amendments included in the attached agenda. The call will take place on August 21, 2012 from 1:00 p.m. to 2:00 p.m. (Mountain Standard Time). To participate, please call (602) 417-5700, Meeting ID: 5589 a few minutes before 1:00. Details about the SPAs will be provided on the call but for your convenience a link to these SPAs can be found on this webpage:

<http://ahcccsnew/reporting/PoliciesPlans/StatePlanAmendments.aspx>

A draft of the Community First Choice Option SPA is attached in this e-mail and will be submitted to CMS following the Tribal Consultation.

If you have any comments about the SPAs please submit them to me in writing no later than August 21st, 2012. Comments will also be accepted during the call.

Don't hesitate to contact me if you have questions.

Thank you,

Bonnie Talakte

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TRIBAL HEALTHCARE ORGANIZATION MEETING ATTENDEES:

Tribal Healthcare Organization Meeting Attendees	Colorado River Indian Tribes Healthcare ▪ Gila River Health Care Hopi Tribe Healthcare ▪ Fort McDowell Healthcare White Mountain Apache Healthcare ▪ San Carlos Tribe Healthcare Navajo Area IHS ▪ Phoenix Area IHS ▪ Tucson Area IHS
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TELECONFERENCE AGENDA:

**TRIBAL CONSULTATION BY CONFERENCE CALL TO
DISCUSS THE STATE PLAN AMENDMENT (SPA): With
Tribes, Indian Health Services, Tribal Health Programs
Operated Under P.L. 93-638 and Urban Indian Health Programs**



**August 21, 2012, 1:00 p.m. – 2:00 p.m.
Conference Call Information: (602) 417-5700, Meeting ID: 5589**

Welcome/Introductions

Theresa Gonzales,
Intergovernmental Relations Liaison
AHCCCS

SPA 12-007 Outliers

*Updates the State Plan regarding Outliers for the time period
beginning October 1, 2012 .*

Shelli Silver,
Assistant Director,
Health Care Management

SPA 12-006A-D Reimbursement Rates

*Continues current reimbursement rates for the period October1, 2012 to
September 30, 2013.*

Shelli Silver

- *Nursing Facilities*
- *Other Providers*
- *Outpatient Hospital*
- *In-Patient Hospital*

SPA 12 – xxA PCP Rate Increase

*Reimbursements under the Arizona Medicaid Fee Schedule will comply with
Section 1902(a)(13) as amended by Section 1202 of the Affordable Care Act
and any implementing regulations.*

Shelli Silver and,
Rebecca Fields,
Assistant Director
Fee-for-Service/Claims

SPA 12 – xxB Nursing Facility Supplemental Payments

Shelli Silver and,
Theresa Gonzales

SPA 12-005 Reimbursement of Transportation Services

*Updates the State Plan to include pages that describe
reimbursement for transportation services.*

Theresa Gonzales and,
Rebecca Fields

SPA 12-xxC Community First Choice Option

*Allows States to provide community-based attendant supports
and services to individuals who require an institutional level
of care.*

Dara Johnson,
Project Director-Medicaid
Health Care Management/ALTCS Unit
and, Jami Snyder
ALTCS Administrator
Health Care Management/ALTCS Unit

Questions Asked by Meeting Participants:

1. Is there an exemption for Tribal 638 health care facilities regarding the Nursing Facility Tax?

State Response:

1. The current law does not provide for any exemptions to tribes.

Summary of Concerns Expressed by Tribes: San Carlos Apache Tribe, Colorado River Indian Tribes, Cocopah Indian Tribe

1. Nursing Facility Tax and Supplemental Payment structure will set a dangerous precedent.
2. The State and Federal government cannot impose taxes on sovereign Indian Nations

State Response:

1. AHCCCS will research the issue further and will send additional information to tribes who expressed concern and request that they submit their comments and concerns in writing directly to CMS.

State Response Issued on 8/29/12:

1. AHCCCS is providing additional information to the concerns raised at the August 21, 2012 Tribal Consultation regarding the Nursing Facility Supplement Payment State Plan Amendment (SPA #12-008). As brief background and as was presented at the Tribal Consultation, during the last legislative session the Arizona legislature established a tax on nursing facilities within the State, beginning October 1, 2012, and subject to CMS approval. The legislation did not provide for any exemptions. Participants at the August 21, 2012 Tribal Consultation questioned the State's authority to impose and collect such an assessment from a nursing facility that is tribally owned, operated, and located on tribal lands.

After further research and confirmation from the Department of Revenue (DOR), AHCCCS has clarified that the State does not have the authority to impose and collect similar assessments from any business located on tribal lands and operated by a tribal member, and there is no indication that the nursing facility assessment is treated differently than any other similar state tax. As such, nursing facilities located on tribal lands and operated by tribal members would NOT be subject to the assessment. While such facilities are not subject to the assessment, they may still be entitled to the payment, if any, from the assessment on other facilities.

Below please find related background information on this issue:

Waiver Proposal to CMS:

http://www.azahcccs.gov/reporting/Downloads/AssessmentDraftLetter_CMS06_21_2012.pdf

SPA to CMS:

http://www.azahcccs.gov/reporting/Downloads/MedicaidStatePlan/Amendments/2012/SPA12-008_Submitted.pdf

HB 2526:

http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/laws/0213.htm&Session_ID=107

We hope this additional information is helpful. Feel free to contact the Office of Intergovernmental Relations should you have additional questions or concerns.

Wrap-Up/Adjourn: Next Tribal Consultation: September 27, 2012