

Department of Health & Human Services
Centers for Medicare & Medicaid Services
61 Forsyth St., Suite 4T20
Atlanta, Georgia 30303-8909



July 27, 2011

R. Bob Mullins, Jr., MD
Commissioner
Alabama Medicaid Agency
501 Dexter Avenue
P.O. Box 5624
Montgomery, AL 36103-5624

Re: Alabama State Plan Amendment 11-006

Dear Dr. Mullins:

We have reviewed the proposed Alabama State plan amendment (SPA) 11-006, which was submitted to the Atlanta Regional Office on May 11, 2011.

Alabama SPA 11-006 complies with Section 5006 of the American Recovery and Reinvestment Act of 2009, which provides protections for Indians in Medicaid and the Children's Health Insurance Program. This SPA establishes Alabama's Tribal consultation process, which consists of Alabama Medicaid sending written notices to the Porch Band of Creek Indians of Alabama. This Tribal consultation process was established as part of an agreement between the State and the Tribe.

Based on the information provided, Alabama State plan amendment 11-006 was approved on July 22, 2011. The signed CMS-179 and the approved plan pages are enclosed. The effective date of this amendment is June 1, 2011.

If you have any additional questions or need further assistance, please contact Crystal Francis at (404) 562-7464 or Crystal.Francis@cms.hhs.gov.

Sincerely,



Davida Kimble

Acting Associate Regional Administrator
Division of Medicaid & Children's Health Operations

Enclosures

**TRANSMITTAL AND NOTICE OF APPROVAL OF
STATE PLAN MATERIAL**

FOR: HEALTH CARE FINANCING ADMINISTRATION

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

1. TRANSMITTAL NUMBER:
11-006

2. STATE
Alabama

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

4. PROPOSED EFFECTIVE DATE
June 1, 2011

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:
42 CFR 431.12(b)

7. FEDERAL BUDGET IMPACT:

a. FFY 11 Cost to Agency \$.00

b. FFY 12 Cost to Agency \$.00

8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT:

State Plan Amendment AL-11-006, Preprint page 9,
Section 1.4

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 PAGE NUMBER OF THE SUPERSEDED PLAN SECTION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

State Plan Amendment AL-11-006, Preprint page 9,
Section 1.4

10. SUBJECT OF AMENDMENT: This amendment will allow the Alabama Medicaid Agency to give a written notice to Poarch Creek Indians allowing 30 days to comment from the date of the notice on any matters related to Medicaid and CHIP programs and for consultation on all State Plan Amendments and any other changes that would affect the Tribe prior to all SPA submission to CMS.

11. 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:

Governor's designee on file
via letter with CMS

12. SIGNATURE OF STATE AGENCY OFFICIAL:

13. TYPED NAME:

R. Bob Mullins, Jr., MD

14. TITLE:

Commissioner

15. DATE SUBMITTED:

5-11-11

16. RETURN TO:

R. Bob Mullins, Jr., MD

Commissioner

Alabama Medicaid Agency

501 Dexter Avenue

Post Office Box 5624

Montgomery, Alabama 36103-5624

FOR REGIONAL OFFICE USE ONLY

17. DATE RECEIVED:

5-11-11

18. DATE APPROVED:

07/22/11

PLAN APPROVED - ONE COPY ATTACHED

19. EFFECTIVE DATE OF APPROVED MATERIAL:

06-01-11

20. SIGNATURE OF REGIONAL OFFICIAL:

21. TYPED NAME:

David Kimble

22. TITLE:

Acting Associate Regional Administrator
Division of Medicaid & Children's Health Ops

23. REMARKS:

Revision:

HCFA-AT-80-38 (BPP)
May 22, 1980

AL-11-006

State: AlabamaCitation1.4 State Medical Care Advisory

42 CFR 431.12 (b)

There is an advisory committee to the Medicaid Agency in accordance with and meeting all the requirements of 42 CFR 431.12.

Tribal Consultation

In order to comply with the Tribal Consultation requirement of Section 1902(a)(73) of the Social Security Act and Federal Regulation, 42 CFR 431.12(b), Alabama Medicaid Agency will seek the advice on a regular on-going basis from designees of Indian health programs whether operated by the Indian Health Service (HIS), Tribes or Tribal organizations under the Indian Self-Determination and Education Assistance Act (ISDEAA), or Urban Indian Organizations under the Indian Health Care Improvement Act (IHICA). Section 2107 (e)(I) of the Act was also amended to apply these requirements to the Children's Health Insurance Program (CHIP). In Alabama the CHIP program is administered through the Alabama Department of Public Health. Consultation is required concerning Medicaid and CHIP matters having a direct impact on Indian health programs and Urban Indian organizations.

The State will advise either per certified letter or by an expedited process of email and fax on matters related to Medicaid and for consultation on all State Plan Amendments, waiver proposals, waiver extensions, waiver amendments, waiver renewals, proposals for demonstration projects and any other changes that would affect the Tribe prior to submission to CMS.

It will be the standard operating procedure of the Alabama Medicaid Agency to give 30 day written notice to Chairman Buford Rolin prior to any submission to CMS. This notice will be sent by certified mail. The Tribe will be allowed 30 calendar days from the date of the receipt of the notice to respond.

Revision:

HCFA-AT-80-38 (BPP)
May 22, 1980

AL-11-006

State:

Alabama

Citation

1.4

State Medical Care Advisory

42 CFR 431.12 (b)

An expedited request which is defined as the result of a State or Federal law change or any change that will be of detriment to recipients will be implemented per the program area with direct responsibility for submission of the SPA. In the event of the determined need for an expedited process, the procedure is as follows: The Agency will send the required information via fax to 251-368-1026, after which an e-mail will be sent to Buford Rolin at tlancaster@pci-nsn.gov notifying the Tribe of the fax transmission. The Tribe will be given 10 calendar days from the date of the fax confirmation to respond.

On April 18, 2011 a letter was mailed to Mr. Buford Rolin of the Poarch Creek Indians requesting approval of written notification with a response time of 30 calendar days from the date of receipt of the notice.. On May 04, 2011 the State received written confirmation from the Poarch Creek Indians that they were in agreement with the terms described in the letter dated April 18, 2011.

On May 24, 2011, Nikki Scott called the office of Buford Rolin and spoke with him and received verbal approval of the expedited process in the event of a quick submission to CMS for SPA's. On May 26, 2011 a letter was faxed to Buford Rolin's office relative to the process of notifying the Tribe in the event of an expedited State Plan Amendment, waiver proposal, waiver extension, waiver amendment, waiver renewal or proposal for demonstration projects prior to submission to CMS verifying that in addition to the verbal approval, the agency needed written approval as well. Mr. Rolin signed the letter and faxed it back to Nikki Scott's office. The Agency will send the required information via fax to 251-368-1026, after which an e-mail will be sent to Buford Rolin at tlancaster@pci-nsn.gov notifying the Tribe of the fax transmission. 10 calendar days from the date of the fax confirmation will be given to respond.