

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



March 8, 2011

Dr. Robert Robinson, Executive Director
Division of Medicaid, Office of the Governor
550 High Street – Suite 1000
Walter Sillers Building
Jackson, MS 39201

Re: Mississippi Title XIX State Plan Amendment, Transmittal #10-035

Dear Dr. Robinson:

We have reviewed the proposed Mississippi State plan amendment (SPA) 10-035, which was submitted to the Atlanta Regional Office on December 23, 2010.

This Tribal consultation process was established as part of an agreement between the State and the Tribes, and complies with Section 5006 of the American Recovery and Reinvestment Act of 2009 (ARRA). ARRA provides protections for Indians in Medicaid and the Children's Health Insurance Program. This amendment establishes Mississippi's Tribal consultation process, which consists of the Mississippi Division of Medicaid sending written notices to the Mississippi Band of Choctaw Indians.

Based on the information provided, we are now ready to approve Mississippi State plan amendment 10-035. This SPA was approved on March 7, 2011. The signed CMS-179 and the approved plan pages are enclosed. The effective date of this amendment is January 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,

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

Enclosures

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

1. TRANSMITTAL NUMBER:
2010-035

2. STATE
MS

FOR: HEALTH CARE FINANCING ADMINISTRATION

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

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

4. PROPOSED EFFECTIVE DATE
January 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:
Section 1902 (a) (73) of the Social Security Act

7. FEDERAL BUDGET IMPACT:
a. FFY **2008** \$ **0**
b. FFY **2009** \$ **0**

8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT:

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 PAGE NUMBER OF THE SUPERSEDED PLAN SECTION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

10. SUBJECT OF AMENDMENT:
Indian Health Programs

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:

12. SIGNATURE OF STATE AGENCY OFFICIAL:

13. TYPED NAME: **Robert L. Robinson**

14. TITLE: **Executive Director**

15. DATE SUBMITTED:

16. RETURN TO:

Robert L. Robinson
Miss. Division of Medicaid
Attn: Emily Thompson
550 High Street, Suite 1000
Jackson, MS 39201-1399

FOR REGIONAL OFFICE USE ONLY

17. DATE RECEIVED:
12-23-10

18. DATE APPROVED:
03/07/11

PLAN APPROVED - ONE COPY ATTACHED

19. EFFECTIVE DATE OF APPROVED MATERIAL:
01/01/11

20. SIGNATURE OF REGIONAL OFFICIAL:
Jackie Glaze

21. TYPED NAME:
Jackie Glaze

22. TITLE:
Associate Regional Administrator
Division of Medicaid & Children's Health Care

23. REMARKS:

State of Mississippi

1.4 State Medical Care Advisory Committee

There is an advisory committee to the Medicaid agency on health and medical care services established in accordance with and meeting all the requirements of 42 CFR 431.12.

The Mississippi Division of Medicaid complies with Section 1902(a)(73) and Section 2107(e)(1) of the Social Security Act by seeking advice on a regular, ongoing basis from a designee of the Indian health programs concerning Medicaid and Children's Health Insurance Program (CHIP) matters having a direct impact on Indian health programs and Urban Indian organizations. Mississippi has only one federally recognized tribe and that is the Mississippi Band of Choctaw Indians (MBCI).

The Mississippi Division of Medicaid consults with the tribe by notifying the Mississippi Band of Choctaw Indians designee, in writing with a description of the proposed change and direct impact, at least sixty (60) days prior to each submission by the State of any Medicaid State Plan Amendment, waiver proposals, waiver extensions, waiver amendments, waiver renewals and proposals for demonstration projects likely to have a direct effect on Indians, Indian Health programs, or Urban Indian Organizations (I/T/U) at the address noted below and by email. Direct impact is defined as any Medicaid or CHIP program changes that are more restrictive for eligibility determinations, changes that reduce payment rates or payment methodologies to Indian Health Programs, Tribal Organizations, or Urban Indian Organization providers, reductions in covered services, changes in consultation policies, and proposals for demonstrations or waivers that may impact I/T/U providers. If no response is received from the Tribe within thirty (30) days, the Division of Medicaid will proceed with the submission to the Centers for Medicare and Medicaid Services (CMS).

MS Band of Choctaw Indians designee: Donita R. Stephens, Director of Financial Services
Choctaw Health Center
210 Hospital Circle
Choctaw, MS 39350
Email: DRStephens@choctaw.org

If the Mississippi Division of Medicaid is not be able to consult with the Tribe sixty (60) days prior to a submission, a copy of the proposed submission along with the reason for the urgency will be forwarded to the MBCI designee. A conference call with the designee and/or other tribal representatives will be requested to review the submission and its impact on the tribe. The Division of Medicaid will then confirm the discussion via email and request a response from the designee to ensure agreement on the submission. This documentation will be provided as part of the submission information to CMS.

Staff from the Division of Medicaid (Phyllis Williams, Deputy Administrator for Health Services for and Richard Roberson, Special Assistant to the Executive Director for the Division of Medicaid) first consulted with the Mississippi Band of Choctaw Indians in a meeting on June 28, 2010, at the Choctaw Health Center with Mr. Joshua Breedlove, Interim Health Director, Merry Irons, Medicare/Medicaid Billing Technician, and Darnene Farmer. The purpose of the meeting was to discuss the agency's proposed State Plan Amendment regarding a care coordination program and the new federal tribal consultation requirements. Mr. Breedlove noted he was aware of the federal requirements and when asked what method he preferred be used for the consultation he indicated a letter to him would be sufficient. On November 30, 2010, Mr. Breedlove was sent an email seeking input and comments on how best to work with the tribe on Medicaid and CHIP program consultations. There was no response from the email. On December 14, 2010, Phyllis Williams called to talk with Mr. Breedlove and was told he was no longer with the Choctaw Health Center and was referred to Mr. Gary Ben as the new Interim Health Director. The federal tribal consultation requirements were discussed and he advised that the Director of Financial Services had been selected as the tribe's designee to work with the Medicaid agency on these issues. The agency then contacted Ms Stephens who acknowledged that a letter from the agency would be acceptable and we could email and /or mail it. The agency elected to do both.