

## DEPARTMENT OF SOCIAL SERVICES

### Notice of Proposed Medicaid State Plan Amendment (SPA)

#### **SPA 18-L: Reductions and Adjustments to Payment for Durable Medical Equipment (DME) to Remain Compliant with Federal Law**

The State of Connecticut Department of Social Services (DSS) proposes to submit the following Medicaid State Plan Amendment (SPA) to the Centers for Medicare & Medicaid Services (CMS) within the U.S. Department of Health and Human Services (HHS).

#### **Changes to Medicaid State Plan**

Effective on or after January 1, 2018, SPA 18-L will amend Attachment 4.19-B of the Medicaid State Plan in order to reduce and adjust the payment methodology for DME in order to comply with federal law at 42 U.S.C. § 1396b(i)(27), also codified as section 1903(i)(27) of the Social Security Act, as amended by section 5002 of the 21<sup>st</sup> Century Cures Act, Public Law No. 114-255.

Accordingly, in order to comply with that federal law, this SPA proposes to reduce reimbursement to certain DME procedure codes, adjust the payment methodology for certain DME items, or a combination thereof as necessary to ensure that the amount paid by Connecticut's Medicaid program for specified DME items is not in excess of the aggregate amount that Medicare Part B would have paid for the same applicable DME items, incorporating the amounts that Medicare would have paid under its Competitive Bidding Program for applicable items and geographic areas.

In making these changes, DSS will ensure that rates and payment methodologies comply with all applicable law.

#### **Fiscal Impact**

DSS is unable to estimate the fiscal impact at this time. In order to ensure compliance with the federal law referenced above, the aggregate fiscal impact will be to reduce annual aggregate expenditures by at least the difference between Connecticut's Medicaid Program would have paid for specified DME items and what Medicare Part B would have paid for those items, incorporating applicable Medicare DME competitive bidding. Based on initial estimates, it is estimated that this SPA will reduce annual aggregate expenditures by at least approximately \$1.9 million.

#### **Compliance with Federal Access Regulations**

In accordance with federal regulations at 42 C.F.R. §§ 447.203 and 447.204, DSS is required to ensure that there is sufficient access to Medicaid services, including services where payment rates are proposed to be reduced or where payment rates or methodologies are being restructured in a manner that may affect access to services. Those federal regulations also require DSS to have ongoing mechanisms for Medicaid members, providers, other stakeholders, and the public to provide DSS with feedback about access. In addition to other available procedures, anyone

may send DSS comments about the potential impact of this SPA on access to DME services as part of the public comment process for this SPA. Contact information and the deadline for submitting public comments are listed below.

### **Obtaining SPA Language and Submitting Comments**

This SPA is posted on the DSS web site at the following link: <http://portal.ct.gov/dss>. Scroll down to the bottom of the webpage and click on “Publications” and then click on “Updates.” Then click on “Medicaid State Plan Amendments”. The proposed SPA may also be obtained at any DSS field office, at the Town of Vernon Social Services Department, or upon request from DSS (see below).

To request a copy of the SPA from DSS or to send comments about the SPA, please email: [Public.Comment.DSS@ct.gov](mailto:Public.Comment.DSS@ct.gov) or write to: Medical Policy Unit, Department of Social Services, 55 Farmington Avenue, 9th Floor, Hartford, CT 06105 (Phone: 860-424-5067). Please reference “SPA 18-L: Reductions and Adjustments to Payment for Durable Medical Equipment (DME) to Remain Compliant with Federal Law”.

Anyone may send DSS written comments about this SPA, including comments about access. Written comments must be received by DSS at the above contact information no later than January 25, 2018.

**STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT**  
**State Connecticut**

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(7) Home Health Services –

- (a) Intermittent or part-time nursing services provided by a home health agency or by a registered nurse when no home health agency exists in the area are provided with limitations.
- (b) Home health aide services provided by a home health agency with limitations.
- (c) Physical therapy, occupational therapy, or speech pathology and audiology services provided by a home health agency or medical rehabilitation facility are provided with limitations.

The fee schedule for licensed home health care agencies for service (a), (b), and (d) above can be accessed and downloaded by going to the Connecticut Medical Assistance Program website: [www.ctdssmap.com](http://www.ctdssmap.com). From this web page, go to “Provider,” then to “Provider Fee Schedule Download.” Home health service rates were set as of October 1, 2017 and are effective for services on or after that date. Rates are the same for private and governmental providers and are published on the agency’s website. The Department may add or delete codes in order to remain compliant with HIPAA. In no case will the fee paid to an agency exceed the agency charge to the general public for similar services.

- (d) Medical supplies, equipment and appliances suitable for use in the home – The current fee schedule was set as of January 1, 2018 and is effective for services provided on or after that date, except that codes may be deleted or added in order to remain compliant with HIPAA. The fee schedule can be accessed and downloaded by going to the Connecticut Medical Assistance Program website: [www.ctdssmap.com](http://www.ctdssmap.com). From this web page, go to “Provider,” then to “Provider Fee Schedule Download.” Over-the-counter products provided by pharmacies are reimbursed at Average Wholesale Price (AWP). All governmental and private providers are reimbursed according to the same fee schedule.

(8) Private duty nursing services – Not provided.

TN # 18-L

Supersedes

TN # 17-0030

Approval Date \_\_\_\_\_

Effective Date 01/01/2018