

Missouri Department of
SOCIAL SERVICES
Your Potential. Our Support.

JEREMIAH W. (JAY) NIXON, GOVERNOR • BRIAN KINKADE, DIRECTOR

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September 28, 2016

Julie Sharp, M.P.P.
Technical Director
Division of State Demonstration and Waivers
State Demonstration Group
Center for Medicaid and CHIP Services
Centers for Medicare & Medicaid Services
Location: S2-02-28
Baltimore, MD 21244

Dear Ms. Sharp:

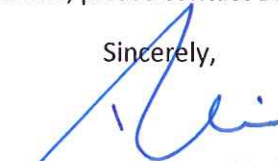
As you may recall from my letter date July 1, 2016, during the 2016 Missouri legislative session, the Missouri General Assembly passed HB 2011 (the Missouri Department of Social Services [MDSS] fiscal year 2017 budget, including the Medicaid program), that included a provision inconsistent with the terms of Missouri's Section 1115 family planning demonstration entitled "Missouri Woman's Health Services Program," (project number 11-W-00236/7).

Section 11.550 of HB 2011 provides that the Women's Health Services Program may not cover or pay for services provided by an organization that provides abortion services or by an organization affiliated with an organization that provides abortion services. With the addition of this provision, Missouri cannot comply with the terms and conditions of the Title XIX (Medicaid) federal waiver and receive Title XIX federal funds to help pay the costs of the program. Instead, General Revenue is budgeted to cover those costs paid by federal funds in the past, and the Department is in the process of establishing the State-Funded Missouri Women's Health Services Program, which will include the restriction on providers described in HB 2011. Once the State Program is established, we will suspend the federal waiver and will no longer claim federal funds.

On June 30, 2016, the MDSS, MO HealthNet Division posted the attached public notice and phase out plan on its homepage of its intent to suspend the aforementioned waiver. For ease of reference another copy of the public notice of Missouri's intent to suspend the waiver is attachment 1. Pursuant to Paragraph 8(a) of the waiver Special Terms and Conditions, a summary of the comments received is attachment 2.

If you have any questions regarding this information, please contact Dr. Joseph Parks, M.D. at (573) 751-6884.

Sincerely,



Brian D. Kinkade
Director

Attachments

RELAY MISSOURI
FOR HEARING AND SPEECH IMPAIRED
1-800-735-2466 VOICE • 1-800-735-2966 TEXT PHONE

Summary of public comment on Suspension of Federal Expenditure Authority for Section 1115 family planning demonstration

Individualized letters were received from American Civil Liberties Union of Missouri; Planned Parenthood Great Plains and Planned Parenthood of the St. Louis Region and Southwest Missouri; Missouri Family Health Council, Inc.; Professor, George Warren Brown School of Social Work, Washington University in St. Louis; Dean of the School of Medicine, Washington University in St. Louis; Empower Missouri; Missouri Health Advocacy Alliance; and two individuals during the public comment period. The commenters were not in favor of the suspension of the federal expenditure authority and urged the Department of Social Services to reinstate the federal-funded Missouri Women's Health Program as soon as it can. Planned Parenthood Great Plains and Planned Parenthood of the St. Louis Region and Southwest Missouri specifically requested that the Department of Social Services produce a report noting the accomplishments of the Women's Health Services Program since its creation in 1998.

Seven letters focused on the fiscally irresponsibility of refusing the federal funds for the Woman's Health Services Program. Concern was also expressed that the health of the women served by the current program will be significantly harmed due to a reduction in available health care providers, including hospitals.

Ten letters were received citing a recent study found the elimination of federally-funded family planning program in Texas found a reduction in the use of highly effective contraception and an increase in the number of publically funded births after Texas lawmakers eliminated their federal-funded family planning program.

Two individual e-mails focused on supporting family planning while expressing concern that politics and religion do not mix.

Over 800 (851) e-mail generated letters from Planned Parenthood Advocates in Missouri on behalf of specified individuals were received from throughout Missouri. Many of the individuals expressed support for Planned Parenthood and added expressions that even though it was an automatically – generated message it was a message that was heartfelt.

The letter urges the Department of Social Services:

- not to suspend the Women's Health Services Program or exclude Planned Parenthood from the newly established state-funded program until every patient can be automatically transferred to the new state-funded program,
- guarantee that the state-funded program will provide the same benefits and services currently provided through the Women's Health ,
- make sure there are enough licensed and trained women's health care providers in the state-funded program,
- provide people enrolled in the new state funded program a provider directory with accurate contact information.

The letter urges the department to reinstate the federal-funded Missouri Women's Health Program as soon as it can.

One Hundred fifty (150) letters with individual signatures were received stating that the writer did not want any state funds (tax dollars) to go to any organization that refers to, is affiliated with, or provides abortion services. The letter is also concerned that this "phase out plan" seems misleading since the women's program will continue, just with state money instead of federal dollars. It was urged that only Federally Qualified Health Center receive money for women's health services. Commenters also questioned why it takes so long to transition to all general revenue funding.

**Public Notice of Suspension of Federal Expenditure Authority for
Section 1115 family planning demonstration, entitled
“Missouri Woman’s Health Services Program,” (project number 11-W-00236/7)**

By state appropriation authority, uninsured women, 18 to 55 years of age with a family Modified Adjusted Gross Income for the household size that does not exceed 201 percent of the Federal Poverty Level, and uninsured women losing Medicaid coverage at the conclusion of 60 days postpartum receiving coverage for one additional year will receive family planning and family planning-related services, pregnancy testing, sexually transmitted disease testing and treatment paid for with state only funds when state regulatory authority is effective.

The program will be known as the “Missouri Woman’s State-Funded Health Services Program.” The Department of Social Services, MO HealthNet Division is also providing notice, for public comment, of the suspension of its federally-funded section 1115 family planning demonstration, entitled “Missouri Woman’s Health Services Program,” (project number 11-W-00236/7), upon CMS approval and state regulatory authority.

The Phase Out Plan for the 1115 family planning demonstration is a part of this public notice for comment.

Women who are eligible for the federally-funded program will continue to be eligible for the state-funded program, without change. The available services will also remain the same. However, the provider qualifications are changed. No opportunity for hearing will be made available because the sole issue is a State law requiring an automatic change adversely affecting all beneficiaries (42 Code of Federal Regulations 431.220 (b)).

All women enrolled in the federally-funded Section 1115 family planning demonstration will be automatically enrolled in the Missouri Woman’s State-Funded Health Services Program when state regulatory authority to operate the program is effective and do not need to re-apply. Qualified providers of services may continue to enroll in and bill through the Missouri Medicaid Managed Information System (MMIS), but the payment for services will be made with State General Revenue dollars only. No federal funds may be expended for these services.

The Missouri Women’s State-Funded Health Services Program will not cover or pay for services provided by an organization that also provides abortion services. An otherwise qualified organization shall not be disqualified from receipt of the funds for family planning and family planning related services, pregnancy testing, sexually transmitted disease testing and treatment because of its affiliation with an organization the provides abortion services provided that the affiliated organization that provides abortion services is independent of the qualified organization.

Truly Agreed To And Finally Passed Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill NO. 2011 98th General Assembly Section 11.550. To the Department of Social Services

2 For the MO HealthNet Division
3 For the purpose of funding family planning and family planning-related
4 services, pregnancy testing, sexually transmitted disease testing
5 and treatment, including pap tests and pelvic exams, and follow-up
6 services provided that none of the funds appropriated herein may
7 be expended to directly or indirectly subsidize abortion services or
8 procedures or administrative functions and none of the funds
9 appropriated herein may be paid or granted to an organization that
10 provides abortion services. An otherwise qualified organization
11 shall not be disqualified from receipt of these funds because of its
12 affiliation with an organization that provides abortion services,
13 provided that the affiliated organization that provides abortion
14 services is independent of the qualified organization. An
15 independent affiliate that provides abortion services must be
16 separately incorporated from any organization that receives these
17 funds. Such services shall be available to uninsured women who
18 are at least 18 to 55 years of age with a family Modified Adjusted
19 Gross Income for the household size that does not exceed 201% of
20 the Federal Poverty Level (FPL) and who is a legal resident of the
21 state
22 From General Revenue Fund (0101). \$10,790,923

Written comments regarding the suspension of the 1115 family planning waiver must be delivered by U.S. Postal mail, express, or overnight mail sent to the following address:

Department of Social Services, MO HealthNet Division
P.O. Box 6500
Jefferson City, MO 65102-6500
Attention: Joseph Parks, M.D., Director
Or send email to Ask MHD within thirty days of the posting of this notice.

**Section 1115 family planning demonstration, entitled
"Missouri Woman's Health Services Program," (project number 11-W-00236/7)
Phase Out Work Plan**

- June 30, 2016 Post on DSS website for public comment 30-day notice on suspension of federal expenditure authority for Women's Health 1115 Waiver (Phase out of Section 1115 family planning demonstration)
- July 1, 2016 DSS Letter to CMS notifying them of the public notice post
- July 2016 Compile list of Medicaid providers who may perform abortions according to their provider type
- July 25, 2016 Send for executive review draft proposed CSR amendment limiting payments for the state-only Women's Health program to compliant providers as described in HB 11.550 (2016)
- Aug 2016 MO HealthNet notices providers (bulletin/Gov Delivery) about the upcoming changes in the Women's Health program and the requirements to participate in the state-only program. Inform providers that certain provider types will receive a letter in the mail asking for them to attest to compliance with HB 11.550 language
- Aug 2016 Begin systems work on MMIS to change the Women's Health program from a federal waiver program to a state-only funded program compliant with HB 11.550 (2016)
1. Program MMIS to deny claims for the Women's Health program submitted by providers who do not meet the qualification in HB 11.550 (will affect claims with date of service on or after effective date of change to State-only funding)
 2. Program MMIS to allocate Women's Health program claims to State-only appropriations once the State-only program goes into effect
 3. Modify all related financial reporting including the Claims Payment Summary Report used to code payment for services into SAM II and onto the federal financial reports
 4. Modify the data warehouse fund source and fund type for payments for services for specified Medicaid Eligibility codes (Women's Health program ME codes 80 and 89)
- Aug 2016 Review and summarize for submission to Centers for Medicare and Medicaid (CMS) all public comment on the withdrawal of federal expenditure authority for Women's Health 1115 Waiver
- Aug 2016 Send summary of public comments to CMS
- Aug 19, 2016 Circulate draft of proposed CSR amendment limiting payment for the state-only Women's Health program to compliant providers as described in HB 11.550 (2016)
- Sept 2016 File proposed CSR amendment with Secretary of State

Sept 2016	Missouri Medicaid Audit and Compliance (MMAC) Provider Enrollment to send a letter to Medicaid providers who may perform abortions asking them to complete an attestation form that their organization meets the requirements under HB 11.550 to bill claims for a state-only Women's Health program. These attestations will become part of the provider file and only providers who submit an attestation will be able to bill under the state-only Women's Health program
Oct 2016	Proposed CSR amendment printed in the <i>Missouri Register</i>
Nov 2016	30-day comment period on proposed CSR amendment ends
Dec 2016	File Order of Rulemaking with Joint Committee on Administrative Rules
Jan 2017	File Order of Rulemaking with Secretary of State
Jan 2017	Notice to women receiving Woman's Health services that their provider may not be qualified to receive payment for services under the state-only program
Jan 13, 2017	Provider attestations received at MMAC by this date should not see an interruption in billing for Women's Health Services when the program is converted
Jan 2017	Notice to providers who did not submit a completed attestation that they will not be able to participate in the Women's Health program
Feb 1, 2017	MMIS programming completed to move from payment under 1115 waiver to Payment of General Revenue only
Feb 1, 2017	Financial Reporting in place to document general revenue payment only
Feb 2017	Order of Rulemaking published in the <i>Missouri Register</i>
Feb 2017	Proposed CSR amendment published in the Code of State Regulations
Feb 2017 to Apr 2017	Section 1115 family planning demonstration, entitled "Missouri Women's Health Services Program," (project number 11-W-00236/7) suspended upon CMS approval and state regulatory authority
Mar 30, 2017	Effective date of change in State Regulation
June 30, 2017	Final quarterly report for Missouri 1115 family planning demonstration
Ongoing	MMAC to review periodic reports to ensure only providers with a completed attestation form are being paid for services provided under the state-only Women's Health program