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State/Territory Name: Maine

State Plan Amendment (SPA) #:17-008

This file contains the following documents in the order listed:

- 1) Approval Letter
- 2) CMS 179 Form
- 4) Approved SPA Page

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
JFK Federal Building, Government Center
Room 2275
Boston, Massachusetts 02203



Division of Medicaid and Children's Health Operations / Boston Regional Office

October 20, 2017

Ricker Hamilton, Acting Commissioner
Department of Health and Human Services
221 State Street
Commissioner's Office
Augusta, Maine 04333-0011

RE: Maine ME 17-0008

Dear Commissioner Hamilton:

We are now ready to approve State Plan Amendment (SPA) No. ME 17-0008. Attached you will find an approved copy of the SPA. This SPA is effective May 31, 2017.

The purpose of this SPA is to amend the State's approved Title XIX State Plan to delay implementation of a Recovery Audit Contractor program through June 1, 2019. This SPA is estimated to have a no Federal budget impact.

If you have any questions regarding this SPA, please contact Aimee Campbell-O'Connor, Maine State Lead, at 617/565-1642, or at Aimee.Campbell-O'Connor@cms.hhs.gov.

Sincerely,

/s/

Richard R. McGreal
Associate Regional Administrator

cc: Stefanie Nadeau, Director, Office of Maine Care Services
Sam Senft, Director, Policy, Children's and Waiver Services

TRANSMITTAL AND NOTICE OF APPROVAL OF STATE PLAN MATERIAL FOR: HEALTH CARE FINANCING ADMINISTRATION		1. TRANSMITTAL NUMBER: 17-0008	2. STATE: MAINE
		3. PROGRAM IDENTIFICATION: TITLE XIX OF THE SOCIAL SECURITY ACT (MEDICAID)	
TO: REGIONAL ADMINISTRATOR CENTERS FOR MEDICARE AND MEDICAID SERVICES DEPARTMENT OF HEALTH AND HUMAN SERVICES		4. PROPOSED EFFECTIVE DATE(S): 5/31/2017	
5. TYPE OF PLAN MATERIAL (CHECK ONE): <input type="checkbox"/> NEW STATE PLAN <input type="checkbox"/> AMENDMENT TO BE CONSIDERED AS NEW PLAN <input checked="" type="checkbox"/> AMENDMENT COMPLETE BLOCKS 6 THRU 10 IF THIS IS AN AMENDMENT (Separate Transmittal for each amendment)			
6. FEDERAL STATUTE/REGULATION CITATION: SECTION 1902(A)(42)(B) OF THE SOCIAL SECURITY ACT		7. FEDERAL BUDGET IMPACT: SAVINGS IN FFY 15 OF \$0 FFY 16 OF \$0	
8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT: ATTACHMENT 4.5 OF PAGE 36(B) AND 36(C)		9. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (If Applicable): ATTACHMENT 4.5 OF PAGE 36(B) AND 36(C)	
SUBJECT OF AMENDMENT: MEDICAID RECOVERY AUDIT CONTRACTOR PROGRAM			
11. GOVERNOR'S REVIEW (Check One): <input type="checkbox"/> GOVERNOR'S OFFICE REPORTED NO COMMENT <input type="checkbox"/> COMMENTS OF GOVERNOR'S OFFICE ENCLOSED <input type="checkbox"/> NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL		<input checked="" type="checkbox"/> OTHER, AS SPECIFIED Stefanie Nadeau, Director, MaineCare Services	
12. SIGNATURE OF STATE AGENCY OFFICIAL: /s/		16. RETURN TO: STEFANIE NADEAU Director, MaineCare Services #11 State House Station 242 STATE STREET Augusta, ME 04333-0011	
13. TYPED NAME: Stefanie Nadeau			
14. TITLE: Director, MaineCare Services			
5. DATE SUBMITTED: 6/23/17			
FOR REGIONAL OFFICE USE ONLY			
17. DATE RECEIVED: 6/23/17		18. DATE APPROVED: 10-20-17	
PLAN APPROVED - ONE COPY ATTACHED			
19. EFFECTIVE DATE OF APPROVED MATERIAL: 5/31/17		20. SIGNATURE OF REGIONAL OFFICIAL: /s/	
21. TYPED NAME: Richard McGreal		22. TITLE: Associate Regional Administrator	
23. REMARKS: Box 4- state requested an effective date of 5/31/17, despite previously approved SPA 160 which deferred implementation of RAC requirement through 6/1/17. Despite the overlap, the state did not want to amend their requested effective date. Since the effective date proposed by the state has no impact on the time period that implementation of the RAC program is delayed as approved by CMS.			

Revision:

State: Maine

OFFICIAL

4.5 Medicaid Recovery Audit Contractor Program

Citation

Section 1902(a)(42)(B)(i)
Of the Social Security Act

- The State has established a program under which it will contract with one or more recovery audit contractors (RACs) for the purpose of identifying underpayments and overpayments of Medicaid claims under the State plan and under any waiver of the State plan.
- The State is seeking an exception to establishing such a program for the following reasons: Maine previously was granted an exception through June 1, 2017 and now seeks an exception through June 1, 2019. Maine believes that the objectives of the RAC program are efficiently achieved through current program integrity efforts.

Section 1902(a)(42)(B)(ii)(I)
of the Act

- The State/Medicaid agency has contracts of the type(s) listed in section 1902(a)(42)(B)(ii)(I) of the act. All contracts meet the requirements of the State. RACs are consistent with the statute.

Section 1902
(a)(42)(B)(ii)(ii)(aa) of the Act

Place a check to provide assurance of the following:

- The State will make payments to the RAC(s) only from amounts recovered.
- The State will make payments to the RAC(s) on a contingent basis for collecting overpayments.

The following payment methodology shall be used to determine State payments to Medicaid RACs for identification and recovery of overpayments (e.g., the percentage of the contingency fee):

- The State attests that the contingency fee rate paid to the Medicaid RAC will not exceed the highest rate paid to Medicare RACs as published in the Federal Register.

Section 1902 (a)(42)(B)(ii)(II)(bb)
of the Act

- The contingency fee rate paid to that Medicaid RAC that will exceed the highest rate paid to Medicare RACs, as published in the Federal Register. The State will submit a

justification for that rate and will submit for FFP for the full amount of the contingency fee.

Section 1902 (a)(42)(B)(ii)(III)
of the Act

- The following payment methodology shall be used to determine State payments to Medicaid RACs for the identification of underpayments (e.g., amount of flat fee, the percentage of the contingency fee):

A percentage of the contingency fee

Section 1902 (a)(42)(B)(ii)(IV)(aa)
of the Act

- The State has an adequate appeal process in place for entities to appeal any adverse determination made by the Medicaid RAC(s).

Section 1902(a)(42)(B)(ii)(IV)(bb)
of the Act

- The State assures that the amounts expended by the State to carry out the program will be amounts expended as necessary for the proper and efficient administration of the State plan or a waiver of the plan.

Section 1902 (a)(42)(B)(ii)(IV)(cc)
of the Act

- The State assures that the recovered amounts will be subject to a State's quarterly expenditure estimates and funding of the State's share.
- Efforts of the Medicaid RAC(s) will be coordinated with other contractors or entities performing audits of entities receiving payments under that State plan or waiver in the State, and/or State and federal law enforcement entities and the CMS Medicaid Integrity Program.