

DEPARTMENT OF HEALTH & HUMAN SERVICES  
Centers for Medicare & Medicaid Services  
1301 Young Street, Room 833  
Dallas, Texas 75202



**Division of Medicaid & Children's Health, Region VI**

March 14, 2011

Our Reference: SPA TX 11-09

Mr. Billy Millwee  
Associate Commissioner for Medicaid & CHIP  
Health and Human Services Commission  
Post Office Box 13247  
Mail Code: H100  
Austin, Texas 78711

Dear Mr. Millwee:

We have reviewed the State's proposed amendment to the Texas State Plan submitted under Transmittal Number 11-09, dated February 17, 2011. This state plan amendment updates the fee schedule for family planning services.

Additionally, please note that when the State submits a State Plan Amendment (SPA) that may impact Indians or Indian health providers, CMS will look for evidence of the State's Tribal consultation process for that SPA. Pursuant to the new section 1902(a) (73) of the Act added by section 5006(e) of the American Recovery and Reinvestment Act (ARRA) of 2009, the State must submit evidence to CMS regarding the solicitation of advice prior to submission of the State Plan Amendment. Such consultation must include all federally-recognized tribes, Indian Health Service and Urban Indian Organizations within the State.

Based on the information submitted, we have approved the amendment for incorporation into the official Texas State Plan with an effective date change of January 1, 2011. A copy of the CMS-179 and the approved plan pages are enclosed with this letter.

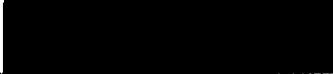

If you have any questions, please contact Cheryl Rupley at (214) 767-6278.

Sincerely,

  
Bill Brooks  
Associate Regional Administrator

Enclosures

cc: Emily Zalkovsky, Policy Development Support

<b>TRANSMITTAL AND NOTICE OF APPROVAL OF                  STATE PLAN MATERIAL</b> <b>FOR: CENTERS FOR MEDICARE AND MEDICAID SERVICES</b>		1. TRANSMITTAL NUMBER:  <b>11-009</b>	2. STATE:  <b>TEXAS</b>
		3. PROGRAM IDENTIFICATION: TITLE <del>XIX</del> 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:  <b>January 1, 2011</b>	
5. TYPE OF PLAN MATERIAL (Circle 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: <b>Section 1905(a)(4)(C), Social Security Act; 42 C.F.R. §§ 440.40 and 441.20</b>		7. FEDERAL BUDGET IMPACT: SEE ATTACHMENT a. FFY 2011 <b>\$443,889</b> b. FFY 2012 <b>\$625,791</b> c. FFY 2013 <b>\$646,826</b>	
8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT:  <b>SEE ATTACHMENT TO BLOCKS 8 &amp; 9</b>		9. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (If Applicable):  <b>SEE ATTACHMENT TO BLOCKS 8 &amp; 9</b>	
10. SUBJECT OF AMENDMENT: <b>The proposed amendment is an update to the family planning fee schedule.</b>			
11. GOVERNOR'S REVIEW (Check One): <input type="checkbox"/> GOVERNOR'S OFFICE REPORTED NO COMMENT <input checked="" type="checkbox"/> OTHER, AS SPECIFIED: <input type="checkbox"/> COMMENTS OF GOVERNOR'S OFFICE ENCLOSED      Sent to Governor's Office this date. Comments, if any, will be <input type="checkbox"/> NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL      forwarded upon receipt.			
12. SIGNATURE OF STATE AGENCY OFFICIAL:  		16. RETURN TO:  <b>Billy R. Millwee                  State Medicaid Director                  Post Office Box 13247 MC:H-100                  Austin, Texas 78711-5200</b>	
13. TYPED NAME:  <b>Billy R. Millwee</b>			
14. TITLE:  <b>State Medicaid Director</b>			
15. DATE SUBMITTED:  <b>February 16, 2011</b>			
<b>FOR REGIONAL OFFICE USE ONLY</b>			
17. DATE RECEIVED: <b>17 February, 2011</b>		18. DATE APPROVED: <b>14 March, 2011</b>	
PLAN APPROVED - ONE COPY A			
19. EFFECTIVE DATE OF APPROVED MATERIAL:  <b>1 January, 2011</b>		20. SIGNATURE:  	
21. TYPED NAME:  <b>Bill Brooks</b>		22. TITLE: <b>Associate Regional Administrator                  Division of Medicaid &amp; Children's Health</b>	
23. REMARKS:			

**Attachment to Blocks 8 & 9 of CMS Form 179**

**Transmittal Number 11-009**

**Number of the  
Plan Section or Attachment**

Attachment 4.19-B  
Page 2f

**Number of the Superseded  
Plan Section or Attachment**

Attachment 4.19-B  
Page 2f (TN 10-065)

**7. Reimbursement Methodology for Family Planning Services.**

- (a) Payment for Family Planning services is made in accordance with the provisions contained in items 1 (Physicians and Certain Other Practitioners), 3 (Clinical Labs), 35 (Certified Family and Pediatric Nurse Practitioners), and 41 (Certified Registered Nurse Anesthetists and Advanced Nurse Practitioners) depending on the service provided and the provider type. For other agencies which are physician-directed and are approved to provide family planning services under this state plan, the upper payment limits will not be in excess of a fee schedule, as approved by the Single State Agency, for each of the professional services authorized as benefits.
- (b) All fee schedules are available through the agency's website as outlined on Attachment 4.19-B, page 1.
- (c) The agency's fee schedule was revised with new fees for family planning services effective January 1, 2011. The fee schedule was posted on the agency website on April 8, 2011.
- (d) The reimbursement for services on or after September 1, 2010 will be reduced by one percent.

SUPERSEDES: TN- 10-65

STATE <u>Texas</u>	A
DATE REC'D. <u>2-17-11</u>	
DATE APPV'D <u>3-14-11</u>	
DATE EFF. <u>1-1-11</u>	
HCFA 179 <u>11-09</u>	

TN 11-09

Approval Date 3-14-11

Effective Date 1-1-11

Supersedes TN 10-65

**Marks, Marsha L. (CMS/SC)**

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**From:** Marks, Marsha L. (CMS/SC)  
**Sent:** Wednesday, March 16, 2011 3:08 PM  
**To:** CMS SPA; CMS CMSO\_508\_SPA  
**Cc:** Rupley, Cheryl A. (CMS/SC); Prisby, Karen L. (CMS/CMCHO); CASTRO, JOHN B. (CMS/SC); Spencer, Rene (CMS/CMCHO); Higgs, Annese (CMS/CMCS)  
**Subject:** Final Approval Pkg for TX 11-09  
**Attachments:** TX1109APPROVAL.doc; Final Approval Pkg for TX 11-09.pdf

See Attached.

State: Texas

**Brief Description:** The plan amendment updates the fee schedule for Family Planning Services. The amendment does not have a direct impact on Indians, Indian Health programs, or Urban Indian organizations.

**Approval Date:** 14 March, 2011

**Effective Date:** 1 January, 2011

***Marsha Marks*** // Dept of Health & Human Services // Centers for Medicare & Medicaid Services // Dallas Regional Office // Division of Medicaid & Children's Health // Dallas Texas 75202 // 214-767-6280 // Fax 214-767-0322 // [marsha.marks@cms.hhs.gov](mailto:marsha.marks@cms.hhs.gov)