DEPARTMENT OF HEALTH & HUMAN SERVICES

Centers for Medicare & Medicaid Services 601 E. 12th St., Room 355 Kansas City, Missouri 64106



Medicaid and CHIP Operations Group

November 2, 2021

Mr. Patrick Gillies Medicaid Executive Director State of Louisiana Department of Health 628 N 4th Street P.O. Box 91030 Baton Rouge, LA 70821-9030

Re: Louisiana State Plan Amendment (SPA) TN 21-0018

Dear Gillies:

The Centers for Medicare & Medicaid Services (CMS) reviewed your Medicaid State Plan Amendment (SPA) submitted under transmittal number (TN) 21-0018. This amendment proposes an extension of the exception from participation in the Recovery Audit Contractor (RAC) Program.

We conducted our review of your submittal according to statutory requirements in Title XIX of the Social Security Act and implementing regulations 42 CFR § 435.733. This letter is to inform you that Louisiana Medicaid SPA 21-0018 was approved on November 2, 2021, with an effective date of August 6, 2021 for a period not to exceed two years.

If you have any questions, please contact Tobias Griffin at 214-767-4425 or via email at Tobias.Griffin@cms.hhs.gov.

Sincerely,

Digitally signed by James G. Scott -S Date: 2021.11.02 11:03:40 -05'00'

James G. Scott, Director Division of Program Operations

Enclosures

cc: Billy Bob Farrell, Branch Manager Karen Barnes, LA Department of Health

TRANSMITTAL AND NOTICE OF APPROVAL OF STATE PLAN MATERIAL	1. TRANSMITTAL NUMBER 21-0018	2. STATE Louisiana	
FOR: CENTERS FOR MEDICARE & MEDICAID SERVICES	3. PROGRAM IDENTIFICATION: TITLE XIX OF THE SOCIAL SECURITY ACT (MEDICAID)		
TO: REGIONAL ADMINISTRATOR CENTERS FOR MEDICARE & MEDICAID SERVICES DEPARTMENT OF HEALTH AND HUMAN SERVICES	4. PROPOSED EFFECTIVE DATE August 6, 2021		
5. TYPE OF PLAN MATERIAL (Check One) □ NEW STATE PLAN □ AMENDMENT TO BE CONSIDERED —————————————————————————————————	O AS NEW PLAN 🗵 AMENDMENT		
COMPLETE BLOCKS 6 THRU 10 IF THIS IS AN AMENDMENT (Separate transmittal for each amendment)			
6. FEDERAL STATUTE/REGULATION CITATION	7. FEDERAL BUDGET IMPACT		
Section 1902(a)(42)(B) of the Social Security Act	a. FFY <u>2022</u> b. FFY <u>2023</u> \$\frac{0.00}{0.00}\$		
8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT	9. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (If Applicable) Same (TN 19-0014)		
Section 4.5b, Pages 37 and 38	Same (11(1) 0011)		
exemption from participation in the Recovery Audit Contrac	ttor i rogram.		
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 SURMITTAL			
NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL 12. SIGNATURE OF STATE AGENCY OFFICIAL	16. RETURN TO		
	Michael Boutte Interim Medicaid Executive	Director	
13. TYPED NAME	State of Louisiana		
Ruth Johnson, designee for Dr. Courtney N. Phillips	Department of Health		
14. TITLE Secretary	628 North 4 th Street P.O. Box 91030		
15. DATE SUBMITTED	Baton Rouge, LA 70821-9030)	
August 16, 2021			
FOR REGIONAL OFFI			
17. DATE RECEIVED August 16, 2021	18. DATE APPROVED November 2, 2021		
PLAN APPROVED - ONE COPY ATTACHED			
19. EFFECTIVE DATE OF APPROVED MATERIAL August 6, 2021		IAL / signed by James G. Scott -S)21.11.02 11:04:33 -05'00'	
21. TYPED NAME James G. Scott	22. TITLE Director, Division of F	Program Operations	
23. REMARKS The State requests a pen and ink change to box 10.			

Revision:

State **LOUISIANA**

PROPOSED SECTION 4 - GENERAL PROGRAM ADMINISTRATION

4.5b 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.
Section 1902(a)(42)(B)(ii)(I) of the Act	 X The State is requesting an extension of the exception to establishing such program for the following reasons: The provisions of Act 568 of Louisiana Legislature excluded claims processed or paid through a capitated Medicaid managed care program from the RAC's scope of review. The majority of Louisiana's Medicaid claims are processed or paid through a capitated managed care program. State law limits the potential recoveries, making it difficult to attract potential vendors. Furthermore, the Department has determined that there are adequate auditing processes currently in place through the Surveillance Utilization Review unit (SURS), the Managed Care Special Investigation units and the CMS Unified Program Integrity Contractor (UPIC).
Section 1902 (a)(42)(B)(ii)(II)(aa) of the Act	The State/Medicaid agency will have contracts of the type(s) listed in section 1902(a)(42)(B)(ii)(I) of the Act. All contracts will meet the requirements of the statute. RACs are consistent with the statute. Place a check mark 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. Payments to the RAC will be made on a flat fee basis from a pool of funds created through the identification of overpayments not to exceed the regulatory contingency fee percentage.

TN <u>21-0018</u> Supersedes TN 19-0014 Approval Date November 2, 2021 Effective Date August 6, 2021

	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. The fees paid will not exceed the regulatory contingency fee percentage.
	The State attests that the contingency fee rate paid to the Medicaid RAC will exceed the highest rate paid to Medicare RACs, as published in the Federal Register. The State will only submit for Federal Financial Participation (FFP) up to the amount equivalent to that published rate.
Section 1902 (a)(42)(B)(ii)(II)(bb) of the Act	The contingency fee rate paid to the 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):
Section 1902 (a)(42)(B)(ii)(IV)(aa) of the Act	Payments to the RAC will be made on a flat fee basis from a pool of funds created through the identification of overpayments not to exceed the regulatory contingency fee percentage.
	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 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 the State plan or waiver in the State, and/or state and federal law enforcement entities and the CMS Medicaid Integrity program.