

**TRANSMITTAL AND NOTICE OF APPROVAL OF
STATE PLAN MATERIAL
FOR: CENTERS FOR MEDICARE & MEDICAID SERVICES**

1. TRANSMITTAL NUMBER
22 — 0008

2. STATE
MI

3. PROGRAM IDENTIFICATION: TITLE XIX OF THE SOCIAL SECURITY ACT

TO: CENTER DIRECTOR
CENTERS FOR MEDICAID & CHIP SERVICES
DEPARTMENT OF HEALTH AND HUMAN SERVICES

3. PROPOSED EFFECTIVE DATE
September 1, 2022

5. FEDERAL STATUTE/REGULATION CITATION
Section 1902(a)(87) of the Social Security Act

6. FEDERAL BUDGET IMPACT (Amounts in WHOLE dollars)
a. FFY 2022 \$0
b. FFY 2023 \$0

7. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT
Attachment 3.1-D Page 2

8. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (If Applicable)
Attachment 3.1-D Page 2 (TN# 19-0010)

9. SUBJECT OF AMENDMENT
This SPA provides authority for updates to non-emergency medical transportation (NEMT) provider qualification requirements per the Consolidated Appropriations Act of 2021.

10. GOVERNOR'S REVIEW (Check One)

GOVERNOR'S OFFICE REPORTED NO COMMENT

COMMENTS OF GOVERNOR'S OFFICE ENCLOSED

NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL

OTHER, AS SPECIFIED:

11. SIGNATURE OF STATE AGENCY OFFICIAL
Farah A. Hanley

12. TYPED NAME
Farah Hanley

13. TITLE
Chief Deputy for Health

14. DATE SUBMITTED
July 7, 2022

15. RETURN TO
Behavioral and Physical Health and Aging Services Administration
Office of Strategic Partnerships & Medicaid Administrative Services – Federal Liaison
Capitol Commons Center – 7th Floor
400 South Pine
Lansing, Michigan 48933
Attn: Erin Black

FOR CMS USE ONLY

16. DATE RECEIVED

17. DATE APPROVED

PLAN APPROVED - ONE COPY ATTACHED

18. EFFECTIVE DATE OF APPROVED MATERIAL

19. SIGNATURE OF APPROVING OFFICIAL

20. TYPED NAME OF APPROVING OFFICIAL

21. TITLE OF APPROVING OFFICIAL

22. REMARKS

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State of MICHIGAN

***Methods of Providing Transportation
for the Categorically and Medically Needy***

- i) Transportation expenses to and from medical providers for ongoing medically necessary treatment are included as administrative costs of the Title XIX Program.
- j) Transportation expenses to and from medical providers for dual (Medicare/Medicaid) eligibles are included as administrative costs of the Title XIX program.
- k) Related travel expenses, including meals, lodging, and an attendant, are reimbursed if necessary to obtain medical services, and are included as an administrative cost.
- l) Transportation services are requested through county DHHS offices. DHHS screens requests and approves the least costly, most appropriate mode of transportation available to meet the beneficiary's need, including, as appropriate, commercial, public, and not-for-profit providers and agencies.
- m) INDIVIDUAL DRIVERS MUST HAVE A VALID DRIVER'S LICENSE TO RECEIVE TRANSPORTATION PAYMENT, WHICH IS CONFIRMED THROUGH ATTESTATION TO COUNTY DHHS OFFICES OR SCREENING.
- n) EXCLUDING PUBLIC TRANSIT AUTHORITY AND BENEFICIARIES, TRANSPORTATION PROVIDERS AND INDIVIDUAL DRIVERS WILL NOT RECEIVE TRANSPORTATION PAYMENT IF EXCLUDED FROM PARTICIPATING IN ANY FEDERAL HEALTH CARE PROGRAM OR LISTED ON THE INSPECTOR GENERAL OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES EXCLUSION LIST, WHICH IS CONFIRMED THROUGH ATTESTATION TO COUNTY DHHS OFFICES OR SCREENING. ADDITIONALLY, INDIVIDUAL DRIVERS (EXCLUDING PUBLIC TRANSIT AUTHORITY AND BENEFICIARIES) MUST ATTEST TO COUNTY DHHS OFFICES OR BE SCREENED FOR CONVICTION UNDER FEDERAL AND STATE DRUG LAW. INDIVIDUAL DRIVERS WHO ARE NOT SCREENED MUST NOTIFY COUNTY DHHS OFFICES OF ANY FELONY CONVICTION RELATING TO A CONTROLLED SUBSTANCE AND TRAFFIC VIOLATIONS.

TN NO.: 22-0008

Approval Date: _____

Effective Date: 9/01/2022

Supersedes

TN No.: 19-0010



STATE OF MICHIGAN

DEPARTMENT OF HEALTH AND HUMAN SERVICES
LANSING

GRETCHEN WHITMER
GOVERNOR

ELIZABETH HERTEL
DIRECTOR

August 30, 2021

NAME
TITLE
ADDRESS
CITY STATE ZIP

Dear Tribal Chair and Health Director:

RE: Notice of Intent to Submit a State Plan Amendment (SPA) to Include New Transportation Provider Qualifications

This letter, in compliance with Section 1902(a)(73) and Section 2107(e)(1)(C) of the Social Security Act, serves as notice to all Tribal Chairs and Health Directors of the intent by the Michigan Department of Health and Human Services (MDHHS) to submit a Medicaid SPA request to the Centers for Medicare & Medicaid Services (CMS).

Based on CMS guidance issued on July 12, 2021, states must submit a SPA to describe the mechanism it will use to ensure non-emergency medical transportation (NEMT) providers and individual drivers meet transportation provider requirements set by the Consolidated Appropriations Act of 2021. The SPA will require family members and foster parents of beneficiaries and taxicab drivers to meet new qualifications in order to receive Medicaid reimbursement for providing transportation services. The Act statutorily requires Medicaid transportation providers and individual drivers to not be excluded from participating in federal health care programs, included on the MDHHS sanctioned provider and U.S. Department of Health and Human Services exclusion lists, or convicted of a felony criminal offense relating to a controlled substance. Providers will be required to report any felony conviction relating to a controlled substance and traffic violations.

The Act requires these provider qualifications to ensure program integrity. This SPA may impact Native American beneficiaries who receive transportation from family members or foster parents who do not meet the statutorily required qualifications. Drivers who do not meet these qualifications will not receive Medicaid reimbursement for providing transportation services. The anticipated effective date of this SPA is October 1, 2021.

There is no public hearing scheduled for this SPA. Input regarding this SPA is highly encouraged, and comments regarding this notice of intent may be submitted to Lorna Elliott-Egan, MDHHS Liaison to the Michigan tribes. Lorna can be reached at 517-512-4146, or via email at Elliott-EganL@michigan.gov. **Please provide all input by October 14, 2021.**

In addition, MDHHS is offering to set up group or individual consultation meetings to discuss the SPA, according to the tribes' preference. Consultation meetings allow tribes the opportunity to address any concerns and voice any suggestions, revisions, or objections to be relayed to the author of the proposal. If you would like additional information or wish to schedule a consultation meeting, please contact Lorna Elliott-Egan at the telephone number or email address provided above.

MDHHS appreciates the continued opportunity to work collaboratively with you to care for the residents of our state.

An electronic copy of this letter is available at www.michigan.gov/medicaidproviders >> Policy, Letters & Forms.

Sincerely,



Kate Massey, Director
Medical Services Administration

CC: Keri Toback, CMS
Nancy Grano, CMS
Chasity Dial, CEO, American Indian Health and Family Services of Southeastern Michigan
Daniel Frye, Director, Indian Health Service - Bemidji Area Office
Lorna Elliott-Egan, MDHHS

Distribution List for L 21-55
August 30, 2021

Ms. Whitney Gravelle, President, Bay Mills Indian Community
Ms. Audrey Breakie, Health Director, Bay Mills (Ellen Marshall Memorial Center)
Mr. David M. Arroyo, Chairman, Grand Traverse Band Ottawa & Chippewa Indians
Mr. Soumit Pendharkar, Health Director, Grand Traverse Band Ottawa/Chippewa
Mr. Kenneth Meshigaud, Tribal Chairman, Hannahville Indian Community
Ms. G. Susie Meshigaud, Health Director, Hannahville Health Center
Mr. Warren C. Swartz, Jr., President, Keweenaw Bay Indian Community
Ms. Kathy Mayo, Interim Health Director, Keweenaw Bay Indian Community - Donald Lapointe Health/Educ Facility
Mr. James Williams, Jr., Tribal Chairman, Lac Vieux Desert Band of Lake Superior Chippewa Indians
Ms. Sadie Valliere, Health & Human Services Director, Lac Vieux Desert Band
Mr. Larry Romanelli, Ogema, Little River Band of Ottawa Indians
Mr. Daryl Wever, Health Director, Little River Band of Ottawa Indians
Ms. Regina Gasco-Bentley, Tribal Chairman, Little Traverse Bay Band of Odawa Indians
Ms. Jodi Werner, Health Director, Little Traverse Bay Band of Odawa
Mr. Bob Peters, Chairman, Match-E-Be-Nash-She-Wish Potawatomi Indians (Gun Lake Band)
Ms. Kelly Wesaw, Health Director, Match-E-Be-Nash-She-Wish Potawatomi
Mr. Jamie Stuck, Tribal Chairman, Nottawaseppi Huron Band of Potawatomi Indians
Ms. Rosalind Johnston, Health Director, Huron Potawatomi Inc.- Tribal Health Department
Ms. Rebecca Richards, Tribal Chairwoman, Pokagon Band of Potawatomi Indians
Ms. Priscilla Gatties, Interim Health Director, Pokagon Potawatomi Health Services
Mr. Tim Davis, Tribal Chief, Saginaw Chippewa Indian Tribe
Mrs. Karmen Fox, Executive Health Director, Nimkee Memorial Wellness Center
Mr. Aaron Payment, Tribal Chairperson, Sault Ste. Marie Tribe of Chippewa Indians
Mr. Leonid Chugunov, Health Director, Sault Ste. Marie Tribe of Chippewa Indians - Health Center

CC: Keri Toback, CMS
Nancy Grano, CMS
Chasity Dial, CEO, American Indian Health and Family Services of Southeastern Michigan
Daniel Frye, Director, Indian Health Service - Bemidji Area Office
Lorna Elliott-Egan, MDHHS