

State: Nevada

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Citation	Condition or Requirement
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1932(a)(1)(A)	<p>A. <u>Section 1932(a)(1)(A) of the Social Security Act.</u></p> <p>The State of <u>Nevada</u> enrolls Medicaid beneficiaries on a mandatory basis into managed care entities (managed care organization [MCOs], primary care case managers [PCCMs], and/or PCCM entities) in the absence of section 1115 or section 1915(b) waiver authority. This authority is granted under section 1932(a)(1)(A) of the Social Security Act (the Act). Under this authority, a state can amend its Medicaid state plan to require certain categories of Medicaid beneficiaries to enroll in managed care entities without being out of compliance with provisions of section 1902 of the Act on statewideness (42 CFR 431.50), freedom of choice (42 CFR 431.51) or comparability (42 CFR 440.230).</p>
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This authority may *not* be used to mandate enrollment in Prepaid Inpatient Health Plans (PIHPs), Prepaid Ambulatory Health Plans (PAHPs), nor can it be used to mandate the enrollment of Medicaid beneficiaries described in 42 CFR 438.50(d).

Where the state’s assurance is requested in this document for compliance with a particular requirement of 42 CFR 438 et seq., the state shall place a check mark to affirm that it will be in compliance no later than the applicable compliance date. All applicable assurances should be checked, even when the compliance date is in the future. **Please see Appendix A of this document for compliance dates for various sections of 42 CFR 438.**

1932(a)(1)(B)(i) 1932(a)(1)(B)(ii) 42 CFR 438.2 42 CFR 438.6 42 CFR 438.50(b)(1)-(2)	<p>B. <u>Managed Care Delivery System.</u></p> <p>The State will contract with the entity(ies) below and reimburse them as noted under each entity type.</p>
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1.  MCO
  - a.  Capitation
  - b.  The state assures that all applicable requirements of 42 CFR 438.6, regarding special contract provisions related to payment, will be met.

The State of Nevada Division of Health Care Financing and Policy (DHCFP – aka Nevada Medicaid) oversees the administration of all Medicaid Managed Care Organizations (MCOs) in the state. Nevada Medicaid operates a fee-for-service and a managed care reimbursement and service delivery system with which to provide covered medically necessary services to its Medicaid eligible population. Contracted MCOs are currently the primary managed care entities providing Medicaid managed care in Nevada; at this time, contracts with zero PIHPs and one PAHP under a 1915(b) waiver.

2.  PCCM (individual practitioners)
  - a.  Case management fee
  - b.  Other (please explain below)
3.  PCCM entity

State: Nevada

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Citation	Condition or Requirement
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- a.  Case management fee
- b.  Shared savings, incentive payments, and/or financial rewards (see 42 CFR 438.310(c)(2))
- c.  Other (please explain below)

If PCCM entity is selected, please indicate which of the following function(s) the entity will provide (as in 42 CFR 438.2), in addition to PCCM services:

- Provision of intensive telephonic case management
- Provision of face-to-face case management
- Operation of a nurse triage advice line
- Development of enrollee care plans.
- Execution of contracts with fee-for-service (FFS) providers in the FFS program
- Oversight responsibilities for the activities of FFS providers in the FFS program
- Provision of payments to FFS providers on behalf of the State.
- Provision of enrollee outreach and education activities.
- Operation of a customer service call center.
- Review of provider claims, utilization and/or practice patterns to conduct provider profiling and/or practice improvement.
- Implementation of quality improvement activities including administering enrollee satisfaction surveys or collecting data necessary for performance measurement of providers.
- Coordination with behavioral health systems/providers.
- Coordination with long-term services and supports systems/providers.
- Other (please describe): \_\_\_\_\_

42 CFR 438.50(b)(4)

C. Public Process.

Describe the public process including tribal consultation, if applicable, utilized for both the design of the managed care program and its initial implementation. In addition, describe what methods the state will use to ensure ongoing public involvement once the state plan managed care program has been implemented. *(Example: public meeting, advisory groups.)*

Pursuant to 42 CFR 438.50(b)(4), the State shall provide public notice to promote public involvement in the design and initial implementation of the program as well as during contract procurement. The public notice shall be a notice of publication published via our public notice section on our website: <http://dhcfp.nv.gov/Public/Home/>. The Medical Care Advisory Committee (MCAC) advises the DHCFP regarding provisions of services for the health and medical care of Medicaid beneficiaries.

In addition, the DHCFP will consult with Tribes and Indian Health Programs on Medicaid State Plan Amendments (SPAs), waiver requests, waiver renewals,

State: Nevada

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Citation	Condition or Requirement
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demonstration project proposals and/or on matters that relate to Medicaid and Nevada Check Up programs, including Managed Care.

If the program will include long term services and supports (LTSS), please indicate how the views of stakeholders have been, and will continue to be, solicited and addressed during the design, implementation, and oversight of the program, including plans for a member advisory committee (42 CFR 438.70 and 438.110)

When changes are made to the LTSS services provided under the Managed Care contract, the same public process as outlined above will be followed, including tribal consultation and MCAC review. Pursuant to 42 CFR 438.110, contracted MCOs must also establish and maintain a member advisory committee that includes at least a reasonable representative sample of the LTSS populations, or other individuals representing those enrollees, covered under the contract.

D. State Assurances and Compliance with the Statute and Regulations.  
 If applicable to the state plan, place a check mark to affirm that compliance with the following statutes and regulations will be met.

- |   |   |
|---|---|
| 1932(a)(1)(A)(i)(I)<br>1903(m)  | 1. <input checked="" type="checkbox"/> The state assures that all of the applicable requirements of section 1903(m) of the Act, for MCOs and MCO contracts will be met.   |
| 42 CFR 438.50(c)(1)   |   |
| 1932(a)(1)(A)(i)(I)<br>1905(t)  | 2. <input type="checkbox"/> The state assures that all the applicable requirements of section 1905(t) of the Act for PCCMs and PCCM contracts (including for PCCM entities) will be met.  |
| 42 CFR 438.50(c)(2)<br>1902(a)(23)(A)                                       |   |
| 1932(a)(1)(A)<br>42 CFR 438.50(c)(3)  | 3. <input checked="" type="checkbox"/> The state assures that all the applicable requirements of section 1932 (including subpart (a)(1)(A)) of the Act, for the state's option to limit freedom of choice by requiring beneficiaries to receive their benefits through managed care entities will be met. |
| 1932(a)(1)(A)<br>42 CFR 431.51<br>1905(a)(4)(C)<br>42 CFR 438.10(g)(2)(vii) | 4. <input checked="" type="checkbox"/> The state assures that all the applicable requirements of 42 CFR 431.51 regarding freedom of choice for family planning services and supplies as defined in section 1905(a)(4)(C) will be met.   |
| 1932(a)(1)(A)   | 5. <input checked="" type="checkbox"/> The state assures that it appropriately identifies individuals in the mandatory exempt groups identified in 1932(a)(1)(A)(i).  |
| 1932(a)(1)(A)<br>42 CFR 438<br>1903(m)                                      | 6. <input checked="" type="checkbox"/> The state assures that all applicable managed care requirements of 42 CFR Part 438 for MCOs, PCCMs, and PCCM entities will be met.   |
| 1932(a)(1)(A)   | 7. <input checked="" type="checkbox"/> The state assures that all applicable requirements of 42 CFR 438.4, 438.5,   |

State: Nevada

Citation	Condition or Requirement
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42 CFR 438.4 42 CFR 438.5 42 CFR 438.7 42 CFR 438.8 42 CFR 438.74 42 CFR 438.50(c)(6)	438.7, 438.8, and 438.74 for payments under any risk contracts will be met.
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1932(a)(1)(A) 42 CFR 447.362 42 CFR 438.50(c)(6)	8. <input checked="" type="checkbox"/> The state assures that all applicable requirements of 42 CFR 447.362 for payments under any non-risk contracts will be met.
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45 CFR 75.326	9. <input checked="" type="checkbox"/> The state assures that all applicable requirements of 45 CFR 75.326 for procurement of contracts will be met.
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42 CFR 438.66	10. Assurances regarding state monitoring requirements:  <input checked="" type="checkbox"/> The state assures that all applicable requirements of 42 CFR 438.66(a), (b), and (c), regarding a monitoring system and using data to improve the performance of its managed care program, will be met. <input checked="" type="checkbox"/> The state assures that all applicable requirements of 42 CFR 438.66(d), regarding readiness assessment, will be met. <input checked="" type="checkbox"/> The state assures that all applicable requirements of 42 CFR 438.66(e), regarding reporting to CMS about the managed care program, will be met.
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1932(a)(1)(A) 1932(a)(2)	E. <u>Populations and Geographic Area.</u>  1. <b><u>Included Populations.</u></b> Please check which eligibility groups are included, if they are enrolled on a <b>Mandatory (M)</b> or <b>Voluntary (V)</b> basis (as defined in 42 CFR 438.54(b)) or <b>Excluded (E)</b> , and the geographic scope of enrollment. Under the <b>Geographic Area</b> column, please indicate whether the nature of the population’s enrollment is on a statewide basis, or if on less than a statewide basis, please list the applicable counties/regions. Also, if type of enrollment varies by geographic area (for example, mandatory in some areas and voluntary in other areas), please note specifics in the <b>Geographic Area</b> column. Under the <b>Notes</b> column, please note any additional relevant details about the population or enrollment.
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**A. Mandatory Eligibility Groups (Eligibility Groups to which a state must provide Medicaid coverage)**  
**1. Family/Adult**

Eligibility Group	Citation (Regulation [42 CFR] or SSA)	M	V	E	Geographic Area (include specifics if M/V/E varies by area)	Notes
1. Parents and Other Caretaker Relatives	§435.110	X			Urban Washoe and Clark Counties	
2. Pregnant Women	§435.116	X			Urban Washoe and Clark Counties	

State: Nevada

Citation Condition or Requirement

3. Children Under Age 19 (Inclusive of Deemed Newborns under §435.117)	§435.118	X			Urban Washoe and Clark Counties	
4. Former Foster Care Youth (up to age 26)	§435.150	X			Urban Washoe and Clark Counties	
5. Adult Group (Non-pregnant individuals age 19-64 not eligible for Medicare with income no more than 133% FPL )	§435.119	X			Urban Washoe and Clark Counties	
6. Transitional Medical Assistance (Includes adults and children, if not eligible under §435.116, §435.118, or §435.119)	1902(a)(52), 1902(e)(1), 1925, and 1931(c)(2) of SSA	X			Urban Washoe and Clark Counties	
7. Extended Medicaid Due to Spousal Support Collections	§435.115	X			Urban Washoe and Clark Counties	

**2. Aged/Blind/Disabled Individuals**

Eligibility Group	Citation (Regulation [42 CFR] or SSA)	M	V	E	Geographic Area (include specifics if M/V/E varies by area)	Notes
8. Individuals Receiving SSI age 19 and over only (See E.2. below regarding age <19)	§435.120			X		
9. Aged and Disabled Individuals in 209(b) States	§435.121			X		
10. Individuals Who Would be Eligible for SSI/SSP but for OASDI COLA Increase since April, 1977	§435.135			X		
11. Disabled Widows and Widowers Ineligible for SSI due to an increase of OASDI	§435.137			X		
12. Disabled Widows and Widowers Ineligible for SSI due to Early Receipt of Social Security	§435.138			X		
13. Working Disabled under 1619(b)	1619(b), 1902(a)(10)(A)(i)(II), and 1905(q) of SSA			X		
14. Disabled Adult Children	1634(c) of SSA			X		

**B. Optional Eligibility Groups**

**1. Family/Adult**

Eligibility Group	Citation (Regulation [42 CFR] or SSA)	M	V	E	Geographic Area (include specifics if M/V/E varies by area)	Notes
1. Optional Parents and Other Caretaker Relatives	§435.220			X		
2. Optional Targeted Low-Income Children	§435.229			X		
3. Independent Foster Care Adolescents Under Age 21	§435.226			X		

State: Nevada

Citation Condition or Requirement

4. Individuals Under Age 65 with Income Over 133%	§435.218			X	
5. Optional Reasonable Classifications of Children Under Age 21	§435.222			X	
6. Individuals Electing COBRA Continuation Coverage	1902(a)(10)(F) of SSA			X	

**2. Aged/Blind/Disabled Individuals**

Eligibility Group	Citation (Regulation [42 CFR] or SSA)	M	V	E	Geographic Area (include specifics if M/V/E varies by area)	Notes
7. Aged, Blind or Disabled Individuals Eligible for but Not Receiving Cash	§435.210 and §435.230			X		
8. Individuals eligible for Cash except for Institutionalized Status	§435.211			X		
9. Individuals Receiving Home and Community-Based Waiver Services Under Institutional Rules	§435.217			X		
10. Optional State Supplement Recipients - 1634 and SSI Criteria States – with 1616 Agreements	§435.232			X		
11. Optional State Supplemental Recipients- 209(b) States and SSI criteria States without 1616 Agreements	§435.234			X		
12. Institutionalized Individuals Eligible under a Special Income Level	§435.236			X		
13. Individuals Participating in a PACE Program under Institutional Rules	1934 of the SSA			X		

State: Nevada

Citation Condition or Requirement

14. Individuals Receiving Hospice Care	1902(a)(10)(A)(ii)(VII) and 1905(o) of the SSA	X	Nevada Check Up		X	Medicaid	Medicaid beneficiaries who are receiving hospice services are not eligible for enrollment with the MCO. If a Medicaid beneficiary is made eligible for hospice services after MCO enrollment, the beneficiary will be disenrolled from the MCO and the hospice services will be reimbursed through FFS. Nevada Check Up beneficiaries who are receiving hospice services will not be disenrolled from managed care; however, payment for Nevada Check Up hospice services will be reimbursed through FFS.
15. Poverty Level Aged or Disabled	1902(a)(10)(A)(ii)(X) and 1902(m)(1) of the SSA				X		
16. Work Incentive Group	1902(a)(10)(A)(ii)(XIII) of the SSA				X		
17. Ticket to Work Basic Group	1902(a)(10)(A)(ii)(XV) of the SSA				X		
18. Ticket to Work Medically Improved Group	1902(a)(10)(A)(ii)(XVI) of the SSA				X		
19. Family Opportunity Act Children with Disabilities	1902(a)(10)(A)(ii)(XIX) of the SSA				X		
20. Individuals Eligible for State Plan Home and Community-Based Services	§435.219				X		

State: Nevada

Citation Condition or Requirement

**3. Partial Benefits**

Eligibility Group	Citation (Regulation [42 CFR] or SSA)	M	V	E	Geographic Area (include specifics if M/V/E varies by area)	Notes
21. Family Planning Services	§435.214			X		
22. Individuals with Tuberculosis	§435.215			X		
23. Individuals Needing Treatment for Breast or Cervical Cancer (under age 65)	§435.213			X		

**C. Medically Needy**

Per attachment 2.2-A, page 24, the Nevada State Plan does not include the medically needy. This table is not applicable.

Eligibility Group	Citation (Regulation [42 CFR] or SSA)	M	V	E	Geographic Area (include specifics if M/V/E varies by area)	Notes
1. Medically Needy Pregnant Women	§435.301(b)(1)(i) and (iv)					
2. Medically Needy Children under Age 18	§435.301(b)(1)(ii)					
3. Medically Needy Children Age 18 through 20	§435.308					
4. Medically Needy Parents and Other Caretaker Relatives	§435.310					
5. Medically Needy Aged	§435.320					
6. Medically Needy Blind	§435.322					
7. Medically Needy Disabled	§435.324					
8. Medically Needy Aged, Blind and Disabled in 209(b) States	§435.330					

2. **Voluntary Only or Excluded Populations.** Under this managed care authority, some populations cannot be subject to mandatory enrollment in an MCO, PCCM, or PCCM entity (per 42 CFR 438.50(d)). Some such populations are Eligibility Groups separate from those listed above in E.1., while others (such as American Indians/Alaskan Natives) can be part of multiple Eligibility Groups identified in E.1. above.

Please indicate if any of the following populations are excluded from the program, or have only voluntary enrollment (even if they are part of an eligibility group listed above in E.1. as having mandatory enrollment):

Population	Citation (Regulation [42 CFR] or SSA)	V	E	Geographic Area	Notes
Medicare Savings Program – Qualified Medicare Beneficiaries, Qualified Disabled Working Individuals, Specified Low Income Medicare Beneficiaries, and/or Qualifying Individuals	1902(a)(10)(E), 1905(p), 1905(s) of the SSA		X		



State: Nevada

Citation Condition or Requirement

Population	Citation (Regulation [42 CFR] or SSA)	V	E	Geographic Area	Notes
<b>“Dual Eligibles” not described under Medicare Savings Program</b> - Medicaid beneficiaries enrolled in an eligibility group other than one of the Medicare Savings Program groups who are also eligible for Medicare			X		
<b>American Indian/Alaskan Native</b> — Medicaid beneficiaries who are American Indians or Alaskan Natives and members of federally recognized tribes	§438.14	X		Urban Washoe and Clark Counties	
<b>Children Receiving SSI who are Under Age 19</b> - Children under 19 years of age who are eligible for SSI under title XVI	§435.120		X		
<b>Qualified Disabled Children Under Age 19</b> - Certain children under 19 living at home, who are disabled and would be eligible if they were living in a medical institution.	§435.225 1902(e)(3) of the SSA		X		
<b>Title IV-E Children</b> - Children receiving foster care, adoption assistance, or kinship guardianship assistance under title IV-E *	§435.145		X		
<b>Non-Title IV-E Adoption Assistance Under Age 21*</b>	§435.227		X		
<b>Children with Special Health Care Needs</b> - Receiving services through a family-centered, community-based, coordinated care system that receives grant funds under section 501(a)(1)(D) of Title V, and is defined by the State in terms of either program participation or special health care needs.		X		Urban Washoe and Clark Counties	

\* = Note – Individuals in these two Eligibility Groups who are age 19 and 20 can have mandatory enrollment in managed care, while those under age 19 cannot have mandatory enrollment. Use the Notes column to indicate if you plan to mandatorily enroll 19 and 20 year olds in these Eligibility Groups.

3. **(Optional) Other Exceptions.** The following populations (which can be part of various Eligibility Groups) can be subject to mandatory enrollment in managed care, but states may elect to make exceptions for these or other individuals.

State: Nevada

Citation

Condition or Requirement

Please indicate if any of the following populations are excluded from the program, or have only voluntary enrollment (even if they are part of an eligibility group listed above in E.1. as having mandatory enrollment):

Population	V	E	Notes
<b>Other Insurance</b> --Medicaid beneficiaries who have other health insurance			
<b>Reside in Nursing Facility or ICF/IID</b> -- Medicaid beneficiaries who reside in Nursing Facilities (NF) or Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IID).		X	<b>Nursing Facility:</b> The MCO is required to cover the first 45 days of a nursing facility admission. The MCO shall notify the DHCFP of any nursing facility stay admission expected to exceed 45 days. The beneficiary will be disenrolled from the MCO and the stay will be covered by FFS commencing on the 46 <sup>th</sup> day of the facility stay. <b>ICF/ID:</b> Residents of ICF/ID facilities are not eligible for enrollment with the MCO. If a beneficiary is admitted to an ICF/ID after MCO enrollment, the beneficiary will be disenrolled from the MCO and the admission, bed day rate, and ancillary services will be reimbursed through FFS.
<b>Enrolled in Another Managed Care Program</b> --Medicaid beneficiaries who are enrolled in another Medicaid managed care program			
<b>Eligibility Less Than 3 Months</b> --Medicaid beneficiaries who would have less than three months of Medicaid eligibility remaining upon enrollment into the program			
<b>Participate in HCBS Waiver</b> --Medicaid beneficiaries who participate in a Home and Community Based Waiver (HCBS, also referred to as a 1915(c) waiver).		X	
<b>Retroactive Eligibility</b> --Medicaid beneficiaries for the period of retroactive eligibility.		X	
<b>Other (Please define):</b> Title XIX Medicaid children under 18 defined as the Severely Emotionally Disturbed (SED)	X		<b>Urban Washoe and Urban Clark Counties</b> The MCO is required to notify the DHCFP if a Title XIX Medicaid beneficiary elects to disenroll from the MCO following the determination of SED/SMI. However, in the event the Medicaid beneficiary, who has received such a determination, chooses to remain enrolled with the MCO, the MCO will be responsible for providing all patient care.
<b>Other (Please define):</b> Adults age 18 and over defined as Seriously Mentally Ill (SMI)**	X		<b>Urban Washoe and Urban Clark Counties</b> Nevada Medicaid Newly Eligibles, defined as childless adults ages 19-64, and the expanded parent and caretakers ages 19-64, who are made eligible as part of the PPACA expansion population and who are receiving the Alternative Benefit Plan, cannot opt out of managed care, where available, based on a determination of Serious Mental Illness (SMI).

State: Nevada

Citation Condition or Requirement

<p><b>Other (Please define):</b> Swing bed stays in acute hospitals over 45 days</p>		X	The MCO is required to cover the first 45 days of a swing bed. The MCO shall notify the DHCFP of any swing bed stay expected to exceed 45 days. The beneficiary will be disenrolled from the MCO and the stay will be covered by FFS commencing on the 46 <sup>th</sup> day of the facility stay.
<p><b>Other (Please define):</b> Residential Treatment Center (RTC)</p>		X	Medicaid beneficiaries will be disenrolled from the MCO in the month following the RTC admission. The RTC admission, bed day rate, and ancillary services will be reimbursed through FFS thereafter for Title XIX Medicaid Beneficiaries.

\*\*Nevada Medicaid Newly Eligibles, defined as childless adults ages 19-64, and the expanded parent and caretakers ages 19-64, who are made eligible as part of the Patient Protection and Affordable Care Act (PPACA) expansion population and who are receiving the Alternative Benefit Plan, cannot opt out of managed care, where available, based on a determination of Serious Mental Illness (SMI).

1932(a)(4)  
42 CFR 438.54

F. Enrollment Process.

Based on whether mandatory and/or voluntary enrollment are applicable to your program (see E. Populations and Geographic Area and definitions in 42 CFR 438.54(b)), please complete the below:

1. For **voluntary** enrollment: (see 42 CFR 438.54(c))
  - a. Please describe how the state fulfills its obligations to provide information as specified in 42 CFR 438.10(c)(4), 42 CFR 438.10(e) and 42 CFR 438.54(c)(3).

State with voluntary enrollment must have an enrollment choice period or passive enrollment. Please indicate which will apply to the managed care program: Nevada uses a passive enrollment process for voluntary managed care populations.

- b.  If applicable, please check here to indicate that the state provides an **enrollment choice period**, as described in 42 CFR 438.54(c)(1)(i) and 42 CFR 438.54(c)(2)(i), during which individuals who are subject to voluntary enrollment may make an active choice to enroll in the managed care program, or will otherwise continue to receive covered services through the fee-for-service delivery system.
  - i. Please indicate the length of the enrollment choice period:
- c.  If applicable, please check here to indicate that the state uses a **passive enrollment** process, as described in 42 CFR 438.54(c)(1)(ii) and 438.54(c)(2)(ii), for individuals who are subject to voluntary enrollment.
  - i. If so, please describe the algorithm used for passive enrollment and how the algorithm and the state's provision of information meets all of the requirements of 42 CFR 438.54(c)(4),(5),(6),(7), and (8). Voluntary populations are assigned an MCO using the same algorithm and notification process described in question 2 below for mandatory

State: Nevada

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Citation	Condition or Requirement
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enrollment.

- ii. Please indicate how long the enrollee will have to disenroll from the plan and return to the fee-for-service delivery system: Nevada’s voluntary managed care populations can request disenrollment from their plan to return to fee-for-service at any time during their managed care enrollment. Disenrollment approval is subject to voluntary population disenrollment requirements as outlined in policy.

- 2. For **mandatory** enrollment: (see 42 CFR 438.54(d))
  - a. Please describe how the state fulfills its obligations to provide information as specified in 42 CFR 438.10(c)(4), 42 CFR 438.10(e) and 42 CFR 438.54(d)(3).

At the time of application, the applicant is provided with each MCO plan’s telephone number and website. The MCOs have complete lists of active providers on their websites. The applicants also have access to a comparison chart of the MCOs which highlights each plan’s added benefits.

A first-time beneficiary, that is one who has never been enrolled in an MCO and who is not joining an established case, will be asked to complete their selection of an MCO at the time of Medicaid application. Their enrollment will go into effect immediately upon approval of their Medicaid eligibility.

Absent a choice by the applicant, the State will complete a default enrollment process, and they will be assigned to an MCO based upon an algorithm developed by the State to distribute enrollees among the MCOs.

The beneficiary has a 90-day period in which they are entitled to change MCOs. Beneficiaries may also change their MCO once every 12 months during open enrollment.

For a beneficiary, new to Medicaid or returning, who is joining an open case where another family member is currently enrolled in an MCO; they will automatically be assigned to the same MCO as the rest of the family and will not have a 90 day right to change period. Their enrollment will go into effect immediately upon approval of their Medicaid eligibility.

These new case members, as well as the rest of the family, remain locked-in until the next open enrollment period.

A returning Medicaid beneficiary who had a lapse in managed care enrollment for two months or less due to a loss in Medicaid eligibility will automatically be assigned to their former MCO. For those returning in the first month, their enrollment will go into effect the beginning of that month with no lapse in enrollment. For those returning in the second month, their enrollment will go into effect immediately upon approval of their Medicaid

State: Nevada

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Citation	Condition or Requirement
----------	--------------------------

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eligibility. They will not have a 90 day right to change period and will be considered locked-in until the next open enrollment period.

A returning Medicaid beneficiary, who had a lapse in managed care enrollment for two months or less for reasons other than a loss in Medicaid eligibility OR for more than two months no matter the reason, will have enrollment rules applied as follows. Their enrollment will go into effect immediately upon approval of their Medicaid eligibility.

If the beneficiary is returning to an open case where another family member is currently enrolled in an MCO, they will automatically be assigned to the same MCO as the rest of the family and they will not have a 90 day right to change period and will be considered locked-in until the next open enrollment period.

If there are no other family members on the case currently enrolled in an MCO, and the beneficiary made a new MCO choice on their application, they will be enrolled into their MCO of choice and may disenroll without cause within the first 90 days of enrollment.

If the beneficiary did not make a new choice on their application, they will be assigned to their former MCO and may disenroll without cause within the first 90 days of enrollment.

Regardless of which enrollment or default assignment process is used, the head of household will be notified of all choices that need to be made, the timeframe for making these choices, and the consequence of not making a choice.

For the MCOs, the total maximum lock-in period is 12 months inclusive of the initial 90 days up front to disenroll without cause. The beneficiaries will be notified of their option to change MCOs at least 60 days prior to the end of the lock-in period. Beneficiaries will be allowed to change MCOs during the annual open enrollment period.

- b.  If applicable, please check here to indicate that the state provides an **enrollment choice period**, as described in 42 CFR 438.54(d)(2)(i), during which individuals who are subject to mandatory enrollment may make an active choice to select a managed care plan, or will otherwise be enrolled in a plan selected by the State's default enrollment process.

- i. Please indicate the length of the enrollment choice period:

The beneficiary has a 90-day period in which they are entitled to change MCOs. Beneficiaries may also change their MCO once every 12 months during open enrollment

- c.  If applicable, please check here to indicate that the state uses a **default** enrollment process, as described in 42 CFR 438.54(d)(5), for individuals who are subject to mandatory enrollment.

State: Nevada

Citation Condition or Requirement

- i. If so, please describe the algorithm used for default enrollment and how it meets all of the requirements of 42 CFR 438.54(d)(4), (5), (7), and (8).

To reduce large disparities and adverse risk between MCOs, the State uses a default assignment algorithm for auto-assignment of first-time beneficiaries. The algorithm will give weighted preference to any new MCO, as well as MCOs with significantly lower enrollments. This is based on a formula developed by the State. The State may also adjust the auto-assignment algorithm in consideration of the MCO’s clinical performance measure results or other measurements. The algorithm is as follows:

<b>*Auto Assignment Algorithm</b>				
<b>Number of Plans in Geographic Service Area</b>	<b>Percentage of Beneficiaries Assigned to Largest Plan</b>	<b>Percentage of Beneficiaries Assigned to 2nd Largest Plan</b>	<b>Percentage of Beneficiaries Assigned to 3rd Largest Plan</b>	<b>Percentage of Beneficiaries Assigned to 4<sup>th</sup> Largest Plan</b>
<b>2 plans</b>	<b>34%</b>	<b>66%</b>		
<b>3 plans</b>	<b>17%</b>	<b>33%</b>	<b>50%</b>	
<b>4 plans</b>	<b>10%</b>	<b>10%</b>	<b>30%</b>	<b>50%</b>
<b>* The function of the algorithm is to ultimately achieve no more than a 10% differential in enrollment between all MCO contractors. Once the differential is achieved, use of this algorithm will be discontinued and head of households will be auto assigned on rotating basis.</b>				

- d.  If applicable, please check here to indicate that the state uses a **passive enrollment** process, as described in 42 CFR 438.54(d)(2), for individuals who are subject to mandatory enrollment.
  - i. If so, please describe the algorithm used for passive enrollment and how it meets all of the requirements of 42 CFR 438.54(d)(4), (6), (7), and (8).

1932(a)(4)  
 42 CFR 438.54  
 42 CFR 438.52

3. State assurances on the enrollment process.

Place a check mark to affirm the state has met all of the applicable requirements of choice, enrollment, and re-enrollment.

State: Nevada

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Citation	Condition or Requirement
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a.  The state assures that, per the choice requirements in 42 CFR 438.52:

42 CFR 438.56(g)

- i. Medicaid beneficiaries with mandatory enrollment in an MCO will have a choice of at least two MCOs unless the area is considered rural as defined in 42 CFR 438.52(b)(3);
- ii. Medicaid beneficiaries with mandatory enrollment in a primary care case management system will have a choice of at least two primary care case managers employed by or contracted with the State;
- iii. Medicaid beneficiaries with mandatory enrollment in a PCCM entity may be limited to a single PCCM entity and will have a choice of at least two PCCMs employed by or contracted with the PCCM entity.

b.  The state plan program applies the rural exception to choose requirements of 42 CFR 438.52(a) for MCOs in accordance with 42 CFR 438.52(b). Please list the impacted rural counties:

This provision is not applicable to this 1932 State Plan Amendment.

c.  The state applies the automatic reenrollment provision in accordance with 42 CFR 438.56(g) if the recipient is disenrolled solely because he or she loses Medicaid eligibility for a period of 2 months or less.

This provision is not applicable to this 1932 State Plan Amendment.

42 CFR 438.71

d.  The state assures that all applicable requirements of 42 CFR 438.71 regarding developing and implementing a beneficiary support system that provides support to beneficiaries both prior to and after MCO, PCCM, or PCCM entity enrollment will be met.

1932(a)(4)

G. Disenrollment.

42 CFR 438.56

1. The state will  will not  limit disenrollment for managed care.
2. The disenrollment limitation will apply for 12 months (up to 12 months).
3.  The state assures that beneficiary requests for disenrollment (with and without cause) will be permitted in accordance with 42 CFR 438.56.
4. Describe the state's process for notifying the Medicaid beneficiaries of their right to disenroll without cause during the 90 days following the date of their initial enrollment into the MCO, PCCM, or PCCM entity. (*Examples: state generated correspondence, enrollment packets, etc.*)  
A beneficiary in their 90 day right to change period is notified by a Welcome to managed Care letter mailed by the State's fiscal agent. The letter provides the beneficiary with the instructions and timeframe for requesting a switch in their MCO plan.
5. Describe any additional circumstances of "cause" for disenrollment (if any).

For cause disenrollments can be determined by the DHCFP on a case by case

State: Nevada

Citation

Condition or Requirement

basis where one MCO is better able to provide for unusual needs of a specific family member, while at the same time the other MCO is better able to provide for unusual needs of a different family member.

H. Information Requirements for Beneficiaries.

1932(a)(5)(c)  
42 CFR 438.50  
42 CFR 438.10

The state assures that its state plan program is in compliance with 42 CFR 438.10 for information requirements specific to MCOs, PCCMs, and PCCM entity programs operated under section 1932(a)(1)(A)(i) state plan amendments.

1932(a)(5)(D)(b)  
1903(m)  
1905(t)(3)

I. List all benefits for which the MCO is responsible.

Complete the chart below to indicate every State Plan-Approved service that will be delivered by the MCO, and where each of those services is described in the state’s Medicaid State Plan. For “other practitioner services”, list each provider type separately. For rehabilitative services, habilitative services, EPSDT services and 1915(i), (j) and (k) services list each program separately by its own list of services. Add additional rows as necessary.

In the first column of the chart below, enter the name of each State Plan-Approved service delivered by the MCO. In the second – fourth column of the chart, enter a State Plan citation providing the Attachment number, Page number, and Item number, respectively.

State Plan-Approved Service Delivered by the MCO	Medicaid State Plan Citation		
	Attachment #	Page #	Item #
<i>Ex. Physical Therapy</i>	<i>3.1-A</i>	<i>4</i>	<i>11.a</i>
Inpatient Hospital Services	3.1-A	1	1
Outpatient Hospital Services	3.1-A	1	2.a
Rural Health Clinic Services	3.1-A	1	2.b
FQHC Services	3.1-A	1	2.c
Laboratory and X-ray Services	3.1-A	1	3
Nursing Facility Services	3.1-A	2	4.a
EPSDT	3.1-A	2	4.b
Family Planning Services	3.1-A	2	4.c
Physician Services	3.1-A	2	5.a
Podiatrists’ Services	3.1-A	2	6.a
Optometrists’ Services	3.1-A	3	6.b
Chiropractors’ Services	3.1-A	3	6.c
Home Health Services	3.1-A	3	7
Private Duty Nursing	3.1-A	3	8
Clinic Services	3.1-A	4	9
Physical Therapy and Related Services	3.1-A	4	11
Prescribed Drugs	3.1-A	5	12



State: Nevada

Citation	Condition or Requirement		
Diagnostic Services	3.1-A	5	13.a
Screen Services	3.1-A	6	13.b
Preventive Services	3.1-A	6	13.c
Rehabilitative Services	3.1-A	6	13.d
Inpatient Psychiatric Services	3.1-A	7	16
Nurse-Midwife Services	3.1-A	7	17
Case Management	3.1-A	8	19.a
Respiratory Care Services	3.1-A	8a	22
Certified Pediatric or Family Nurse Practitioners' Services	3.1-A	8a	23
Emergency Hospital Services	3.1-A	9	24.d
Personal Care Services	3.1-A	10	26
Freestanding Birth Center Services	3.1-A	11	28

The MCOs are responsible for providing their members all Medicaid State Plan benefits, except the following services:

**All services provided at Indian Health Service Facilities and Tribal Clinics:**

Native Americans may access and receive covered medically necessary services at Indian Health Service (IHS) facilities and Tribal Clinics. If a Native American voluntarily enrolls with an MCO and seeks covered services from IHS, the MCO should request and receive medical records regarding those covered services/treatments provided by IHS. The MCO is required to coordinate all services with IHS.

**Non-emergency transportation**

The DHCFP or its designee will authorize and arrange for all medically necessary non-emergency transportation. The MCO must verify medical appointments upon request by the DHCFP or its designee.

**School Health Services (SHS)**

The DHCFP has provider contracts with several school districts to provide EPSDT medically necessary covered services to eligible Title XIX Medicaid and Title XXI Nevada Check Up (NCU) recipients. School Based Health Clinics are separate and distinct from School Health Services. The school districts can provide, through school district employees or contract personnel, medically necessary covered services. Medicaid reimburses the school districts for these services in accordance with the school districts' provider contract. The MCO will provide covered medically necessary services beyond those available through school districts, or document why the services are not medically necessary. Services may be obtained through the MCO rather than the school district if requested by the parent/legal guardian. The MCO case manager shall coordinate with the school district in obtaining any services which are not covered by the plan or the school district.

**All Pre-Admissions Screening and Resident Review (PASRR) and Level of Care (LOC)**

Assessments are performed by the State's Fiscal Agent. Conducting a PASRR and LOC will not prompt MCO disenrollment, however, if the beneficiary is admitted to a nursing facility as the result of a PASRR and LOC, the MCO is responsible for the first 45 days of admission.

**Adult Day Health Care**

Adult Day Health Care (ADHC) services for eligible managed care beneficiaries are covered under fee-for-service. The Vendor is responsible for ensuring referral and coordination of care for ADHC services.

State: Nevada

Citation

Condition or Requirement

**Habilitation Services**

Habilitation services for eligible managed care enrollees who have a traumatic brain injury (TBI) or acquired brain injury (ABI) are covered under fee-for-service pursuant to the MSM Chapter 1800.

**Targeted Case Management**

Targeted Case Management (TCM) has a specific meaning for Nevada Medicaid and Nevada Check Up. TCM, as defined by Chapter 2500 in the Medicaid Services Manual is carved out of the managed care contracts. Case management, with differs from TCM, is required from the contracted Vendors.

**Residential Treatment Centers (Medicaid Members)**

The MCO vendor is responsible for reimbursement of all RTC charges including admission, bed day rate, and ancillary charges until properly disenrolled from managed care. MCO vendors must notify DHCFP within five days of member’s RTC admission. Once disenrolled from the managed care vendor, then the RTC bed day rate and ancillary services will be reimbursed through FFS.

**Residential Treatment Centers (Nevada Check Up Members)**

The MCO vendor is responsible for reimbursement of all ancillary services for Nevada Check Up members throughout their RTC admission. The vendor must notify DHCFP of the member’s admission within 5 calendar days. The RTC admission and bed day rate will be covered by Fee-for-Service (FFS) from the first date of admission.

**Hospice**

Once admitted into hospice care, Medicaid Managed Care recipients will be disenrolled immediately. Nevada Check Up recipients will not be disenrolled, however payment for Nevada Check Up hospice services will be carved out and FFS should be billed.

**Orthodontic Services**

The contracted PAHP is required to provide all covered medically necessary dental services with the exception of orthodontic services, which are covered under FFS.

**Dental Services**

The contracted PAHP provides all covered medically necessary dental services under a 1915(b) waiver for managed care members residing in Washoe and Clark counties.

**Ground Emergency Medical Transportation (GEMT)**

GEMT Services are available to eligible managed care members; however, the services are reimbursed under FFS pursuant to MSM Chapter 1900. The vendor is not responsible for payment of any GEMT service received by an enrolled recipient. The GEMT provider will submit their claims directly to the DHCFP’s Fiscal Agent and will be paid by the DHCFP through the Medicaid FFS fee schedule. The MCO is responsible for ensuring referral and coordination of care for GEMT services.

**Community Centered Behavioral Health Clinics (CCBHC)**

Services furnished in a CCBHC are available to eligible managed care members; however, the services are reimbursed under FFS pursuant to MSM Chapter 2700. The vendor is not responsible for payment of any services received by an enrolled recipient at a CCBHC. The CCBHC will submit their claims directly to DHCFP’s Fiscal Agent and will be paid by DHCFP through the Medicaid FFS fee schedule. The MCO is responsible for ensuring referral and coordination of care for CCBHC services.

**Pharmacy Drug Limitations**

Zolgensma® is a high-cost gene therapy drug used to treat children less than 2 years old with spinal muscular atrophy (SMA). Recipients receiving this drug will not be disenrolled from managed care; however, payment for the drug will be

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Approval Date: September 02, 2021

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Supersedes

TN No. 20-0011

State: Nevada

Citation	Condition or Requirement
reimbursed under FFS.	
1932(a)(5)(D)(b)(4) 42 CFR 438.228	J. <input checked="" type="checkbox"/> The state assures that each MCO has established an internal grievance and appeal system for enrollees.
1932(a)(5)(D)(b)(5) 42 CFR 438.62 42 CFR 438.68 42 CFR 438.206 42 CFR 438.207 42 CFR 438.208	<p>K. <u>Services, including capacity, network adequacy, coordination, and continuity.</u></p> <p><input checked="" type="checkbox"/> The state assures that all applicable requirements of 42 CFR 438.62, regarding continued service to enrollees, will be met.</p> <p><input checked="" type="checkbox"/> The state assures that all applicable requirements of 42 CFR 438.68, regarding network adequacy standards, will be met.</p> <p><input checked="" type="checkbox"/> The state assures that all applicable requirements of 42 CFR 438.206, regarding availability of services, will be met.</p> <p><input checked="" type="checkbox"/> The state assures that all applicable requirements of 42 CFR 438.207, regarding assurances of adequate capacity and services, will be met.</p> <p><input checked="" type="checkbox"/> The state assures that all applicable requirements of 42 CFR 438.208, regarding coordination and continuity of care, will be met.</p> <p>The state has contract language that requires the MCOs to demonstrate that the capacity of their PCP network meets the FTE requirements for accepting eligible beneficiaries per service area. The MCOs are required to use geo-mapping and data-driven analyses to ensure compliance with access standards and take appropriate corrective action, if necessary, to comply with such access standards. The contract includes appointment access standards. If a recipient is having access to care issues, they can contact their MCO for assistance, which must ensure timely access to covered services. The MCOs partner actively with the DHCFP, community providers and stakeholders to identify and address issues and opportunities to improve health care access and availability for Medicaid and CHIP members.</p>
1932(c)(1)(A)  42 CFR 438.330 42 CFR 438.340	L. <input checked="" type="checkbox"/> The state assures that all applicable requirements of 42 CFR 438.330 and 438.340, regarding a quality assessment and performance improvement program and State quality strategy, will be met.
1932(c)(2)(A)  42 CFR 438.350	M. <input checked="" type="checkbox"/> The state assures that all applicable requirements of 42 CFR 438.350, 438.354, and 438.364 regarding an annual external independent review conducted by a qualified independent entity, will be met.

State: Nevada

Citation	Condition or Requirement
42 CFR 438.354 42 CFR 438.364	
1932 (a)(1)(A)(ii)	<p data-bbox="470 462 1153 504">N. <u>Selective Contracting Under a 1932 State Plan Option.</u></p> <p data-bbox="568 525 1445 588">To respond to items #1 and #2, place a check mark. The third item requires a brief narrative.</p> <ol data-bbox="568 609 1477 903" style="list-style-type: none"> <li data-bbox="568 609 1477 682">1. The state will <input checked="" type="checkbox"/>/will not <input type="checkbox"/> intentionally limit the number of entities it contracts under a 1932 state plan option.</li> <li data-bbox="568 703 1477 777">2. <input checked="" type="checkbox"/> The state assures that if it limits the number of contracting entities, this limitation will not substantially impair beneficiary access to services.</li> <li data-bbox="568 798 1477 903">3. Describe the criteria the state uses to limit the number of entities it contracts under a 1932 state plan option. <i>(Example: a limited number of providers and/or enrollees.)</i></li> </ol> <p data-bbox="617 924 1461 1291">The DHCFP contracts with 3 managed care entities: Health Plan of Nevada, Silver Summit Health Plan, and Anthem Blue Cross Blue Shield. These entities were contracted through the state’s Request for Proposal procurement process based off evaluation criteria and scoring of submissions. During the procurement process, the DHCFP received 7 proposals. The DHCFP opted to increase the number of selected plans from the prior procurement to ensure that if any plan left the market, members would not be rolled back into fee-for-service. Proposals were evaluated for demonstrated competence, experience in performance of comparable engagements, conformance with the terms of the RFP, expertise and availability of key personnel and cost. Four plans were selected; however, in August 2017, one of the plans voluntarily terminated their contract.</p> <ol data-bbox="568 1312 1396 1354" style="list-style-type: none"> <li data-bbox="568 1312 1396 1354">4. <input type="checkbox"/> The selective contracting provision in not applicable to this state plan.</li> </ol>

State: Nevada

Citation Condition or Requirement

**Appendix A: Compliance Dates (from Supplementary Information in 81 FR 27497, published 5/6/2016)**

**States must comply with all provisions in effect as of the issuance of this preprint. Additionally, the following compliance dates apply:**

Compliance Dates	Sections
<p>For rating periods for Medicaid managed care contracts beginning before July 1, 2017, States will not be held out of compliance with the changes adopted in the following sections so long as they comply with the corresponding standard(s) codified in 42 CFR part 438 contained in 42 CFR parts 430 to 481, edition revised as of October 1, 2015. <b>States must comply with these requirements no later than the rating period for Medicaid managed care contracts starting on or after July 1, 2017.</b></p>	<p>§§ 438.3(h), 438.3(m), 438.3(q) through (u), 438.4(b)(7), 438.4(b)(8), 438.5(b) through (f), 438.6(b)(3), 438.6(c) and (d), 438.7(b), 438.7(c)(1) and (2), 438.8, 438.9, 438.10, 438.14, 438.56(d)(2)(iv), 438.66(a) through (d), 438.70, 438.74, 438.110, 438.208, 438.210, 438.230, 438.242, 438.330, 438.332, 438.400, 438.402, 438.404, 438.406, 438.408, 438.410, 438.414, 438.416, 438.420, 438.424, 438.602(a), 438.602(c) through (h), 438.604, 438.606, 438.608(a), and 438.608(c) and (d)</p>
<p>For rating periods for Medicaid managed care contracts beginning before July 1, 2018, states will not be held out of compliance with the changes adopted in the following sections so long as they comply with the corresponding standard(s) codified in 42 CFR part 438 contained in the 42 CFR parts 430 to 481, edition revised as of October 1, 2015. <b>States must comply with these requirements no later than the rating period for Medicaid managed care contracts starting on or after July 1, 2018.</b></p>	<p>§§ 438.4(b)(3), 438.4(b)(4), 438.7(c)(3), 438.62, 438.68, 438.71, 438.206, 438.207, 438.602(b), 438.608(b), and 438.818</p>
<p><b>States must be in compliance with the requirements at § 438.4(b)(9) no later than the rating period for Medicaid managed care contracts starting on or after July 1, 2019.</b></p>	<p>§ 438.4(b)(9)</p>
<p><b>States must be in compliance with the requirements at § 438.66(e) no later than the rating period for Medicaid managed care contracts starting on or after the date of the publication of CMS guidance.</b></p>	<p>§ 438.66(e)</p>
<p><b>States must be in compliance with § 438.334 no later than 3 years from the date of a final notice published in the Federal Register.</b></p>	<p>§ 438.334</p>
<p><b>Until July 1, 2018</b>, states will not be held out of compliance with the changes adopted in the following sections so long as they comply with the corresponding standard(s) codified in 42</p>	<p>§§ 438.340, 438.350, 438.354, 438.356, 438.358, 438.360, 438.362, and 438.364</p>

State: Nevada

Citation Condition or Requirement

Compliance Dates	Sections
CFR part 438 contained in the 42 CFR parts 430 to 481, edition revised as of October 1, 2015.	
States must begin conducting the EQR-related activity described in § 438.358(b)(1)(iv) (relating to the mandatory EQR-related activity of validation of network adequacy) <b>no later than one year from the issuance of the associated EQR protocol.</b>	§ 438.358(b)(1)(iv)
States may begin conducting the EQR-related activity described in § 438.358(c)(6) (relating to the optional EQR-related activity of plan rating) <b>no earlier than the issuance of the associated EQR protocol.</b>	§ 438.358(c)(6)

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0938-0933. The time required to complete this information collection is estimated to average 10 hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. If you have comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to: CMS, 7500 Security Boulevard, Attn: PRA Reports Clearance Officer, Mail Stop C4-26-05, Baltimore, Maryland 21244-1850

CMS-10120 (exp. TBD – currently 4/30/17)