

DMHF Rules Matrix 10-15-15

Rule; (What It Does); Comments.	File	Effective
<p>R382-10 Eligibility (CHIP); The purpose of the change is to clarify how the Department of Workforce Services (DWS) should address reportable changes during the Children's Health Insurance Program (CHIP) review process.</p>	<p>9-14-15</p>	<p>11-9-15</p>
<p>R414-1-5 Incorporations by Reference (Emergency Rule); The purpose of this change is to incorporate by reference and implement by rule the Medically Complex Children's Waiver Utah Medicaid Provider Manual, which contains waiver provisions the Department must implement by October 1, 2015, to comply with waiver approval from the Centers for Medicare & Medicaid Services (CMS).</p>	<p>9-30-15</p>	<p>10-1-15</p>
<p>R414-1-5 Incorporations by Reference; Subsection 26-18-3(2)(a) requires the Medicaid program to implement policy through administrative rules. The Department, in order to draw down federal funds, must have an approved State Plan with the Centers for Medicare and Medicaid Services (CMS). The purpose of this change, therefore, is to incorporate the most current Medicaid State Plan by reference and to implement by rule ongoing Medicaid policy described in the Medical Supplies Utah Medicaid Provider Manual, and the manual's attachment for Donor Human Milk Request Form; Hospital Services Utah Medicaid Provider Manual, with its attachments; Home Health Agencies Utah Medicaid Provider Manual, and the manual's attachment for the Private Duty Nursing Acuity Grid; Speech-Language Pathology and Audiology Services Utah Medicaid Provider Manual; Hospice Care Utah Medicaid Provider Manual, and the manual's attachment for the Utah Medicaid Prior Authorization Request for Hospice Services; Long Term Care Services in Nursing Facilities Utah Medicaid Provider Manual with its attachments; Utah Home and Community-Based Waiver Services for Individuals Age 65 or Older Utah Medicaid Provider Manual; Personal Care Utah Medicaid Provider Manual, and the manual's attachment for the Request for Prior Authorization: Personal Care and Capitated Programs; Utah Home and Community-Based Waiver Services for Individuals with an Acquired Brain Injury Utah Medicaid Provider Manual; Utah Community Supports Waiver for Individuals with Intellectual Disabilities or Other Related Conditions Utah Medicaid Provider Manual; Utah Home and Community-Based Services Waiver for Individuals with Physical Disabilities Utah Medicaid Provider Manual; Utah Home and Community-Based Waiver Services New Choices Waiver Utah Medicaid Provider Manual; Utah Home and Community-Based Services Waiver for Technology Dependent, Medically Fragile Individuals Utah Medicaid Provider Manual; Utah Home and Community-Based Waiver Services Medicaid Autism Waiver Utah Medicaid Provider Manual; Office of Inspector General (OIG) Administrative Hearings Procedures Manual; Pharmacy Services Utah Medicaid Provider Manual with its attachments; Coverage and Reimbursement Code Look-up Tool; CHEC Services Utah Medicaid Provider Manual with its attachments; Chiropractic Medicine Utah Medicaid Provider Manual; Dental, Oral Maxillofacial, and Orthodontia Services Utah Medicaid Provider Manual; General Attachments (All Providers) for the Utah Medicaid Provider Manual; Indian Health Utah Medicaid Provider Manual; Laboratory Services Utah Medicaid Provider Manual with its attachments; Medical Transportation Utah Medicaid Provider Manual; Non-Traditional Medicaid Plan Utah Medicaid Provider Manual with its attachments; Licensed Nurse Practitioner Utah Medicaid Provider Manual; Physical Therapy and Occupational Therapy Services Utah Medicaid Provider Manual, and the manual's attachment for Physical Therapy and Occupational Therapy Decision Tables; Physician Services, Anesthesiology and Laboratory Services Utah Medicaid Provider Manual with its attachments; Podiatric Services Utah Medicaid Provider Manual; Primary Care Network Utah Medicaid Provider Manual with its attachments; Psychology Services Utah Medicaid Provider Manual; Rehabilitative Mental Health and Substance Use Disorder Services Utah Medicaid Provider Manual; Rural Health Clinics and Federally Qualified Health Centers Services Utah Medicaid Provider Manual; School-Based Skills Development Services Utah Medicaid Provider Manual; Section I: General Information Utah Medicaid Provider Manual; Targeted Case Management for Individuals with Serious Mental Illness Utah Medicaid Provider Manual; Targeted Case Management for Early Childhood (Ages 0-4) Utah Medicaid Provider Manual; Vision Care Services Utah Medicaid Provider Manual; Women's Services Utah Medicaid Provider Manual; Medically Complex Children's Waiver Utah Medicaid Provider Manual; and Autism Spectrum Disorder Related Services for EPSDT Eligible Individuals Utah Medicaid Provider Manual (Updates to October 1, 2015).</p>	<p>10-1-15</p>	<p>11-23-15</p>

<p>R414-61 Home and Community Based Services Waivers (Emergency Rule); The purpose of this change is to incorporate by reference and implement by rule the Medically Complex Children's Waiver, which contains waiver provisions the Department must implement by October 1, 2015, to comply with waiver approval from the Centers for Medicare & Medicaid Services (CMS).</p>	<p>9-30-15</p>	<p>10-1-15</p>
<p>R414-61 Home and Community Based Services Waivers; This amendment incorporates by reference changes to the New Choices Waiver, Community Supports Waiver, and the Aging Waiver effective 07/01/2015. These changes implement new quality assurance standards that revise all performance measures within these waivers to further safeguard waiver participants. Effective 10/01/2015, this amendment also incorporates by reference changes to the Medicaid Autism Waiver that include the intended phase-out of the program over the five-year renewal period, and incorporates by reference the Medically Complex Children's Waiver effective 10/01/2015.</p>	<p>9-30-15</p>	<p>11-23-15</p>

UDOH ELECTRONIC RULEMAKING

I. General Information

A. Rule Number:	R382-10
B. Title of Rule or Section	Eligibility
C. Originating Division/Office:	Division of Medicaid and Health Financing
D. Contact person:	Dave Baldwin
E. Telephone:	(801) 538-7020

II. Notice of Proposed Rule or Change

3. Type of notice:			
Proposed rules	<input type="checkbox"/> New	<input checked="" type="checkbox"/> Amendment	<input type="checkbox"/> Repeal
	<input type="checkbox"/> Repeal and reenact		
Other rule types	<input type="checkbox"/> Change in proposed rule	(changes original proposed rule file no.:	<input type="text"/>)
4. Purpose of the rule or reason for the change: The purpose of the change is to clarify how the Department of Workforce Services (DWS) should address reportable changes during the Children's Health Insurance Program (CHIP) review process.			
5. This rule or change is a response to comments by the Administrative Rules Review Committee.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/>
6. Summary of the rule or change: This amendment clarifies reportable changes and how DWS should address those changes during the CHIP review process. It also makes other technical changes.			
7. AGGREGATE anticipated cost or savings to:			
State budget:	There is no impact to the state budget because this change only clarifies how DWS should address reportable changes during the CHIP review process.		
Local government:	There is no impact to local governments because they do not fund or provide CHIP services to CHIP recipients.		
Small businesses (fewer than 50 employees)	There is no impact to small businesses because this change only clarifies how DWS should address reportable changes during the CHIP review process.		
Businesses, individuals, local governments, and persons that are not small businesses:	There is no impact to CHIP providers and to CHIP recipients because this change only clarifies how DWS should address reportable changes during the CHIP review process.		
8. Compliance costs for affected persons ("person" means any SINGLE individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency): There is no impact to a single CHIP provider or to a CHIP recipient because this change only clarifies how DWS should address reportable changes during the CHIP review process.			
9. Comments by department head on the fiscal impact the rule may have on businesses: There is no impact to business because it clarifies how DWS should address reportable changes during the review process and does not affect the services of CHIP providers. – Joseph K. Miner, M.D., Executive Director			
10. This rule or change is authorized or mandated by state law, and implements or interprets the following state and federal laws.			
State code or constitution citations (required):	Section 26-1-5; Title 26, Chapter 40		
Federal citations (optional):	Pub. L. No. 111-148		
11. This rule or change adds or updates an incorporated reference (submit a copy to DAR):	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/>
	42 CFR 457.340, October 1, 2015 ed; 42 CFR 457.805(b), October 1, 2015 ed.		
12. The public may submit written or oral comments to the agency identified in I. General Information: Comments will be accepted until 5:00 p.m. on <input type="text" value="11/02/2015"/> (mm/dd/yyyy):			

A public hearing (optional) will be held on (mm/dd/yyyy):			at (time):		
at (place):					
13. This rule or change may become effective on (mm/dd/yyyy):		11/09/2015			
14. Indexing information - keywords (maximum of four, in lower case): children's health benefits					
Division approvals for publication (insert comment with date):		Michael Hales		9-14-15	
Legal approvals for publication:		Stephanie M. Saperstein, AAG		9/14/15	
Executive Director approval for publication:		Joseph K. Miner, MD		Date:	9-14-15

7/28/09 revision

DOH ELECTRONIC RULEMAKING 120-DAY EMERGENCY RULE

I. General Information

A. Rule Number:	R414-1-5
B. Title of Rule or Section	Incorporations by Reference
C. Originating Division/Office:	Division of Medicaid and Health Financing
D. Room no., building:	Cannon Health Building
E. Street address:	288 North 1460 West
F. Mailing address:	PO Box 143102
G. City, state ZIP:	Salt Lake City, Utah, 84114-3102
H. Contact person:	Craig Devashrayee
I. Telephone:	(801) 538-6641
J. FAX:	(801) 538-6412
K. Internet E-mail for contact person:	cdevashrayee@utah.gov

III. NOTICE OF 120-DAY RULE

2. Title of rule or section (catchline):

R414-1-5 Incorporations by Reference

3. Effective date: 10/01/2015

4. Purpose of the rule or reason for the change:

The purpose of this change is to incorporate by reference and implement by rule the Medically Complex Children's Waiver Utah Medicaid Provider Manual, which contains waiver provisions the Department must implement by October 1, 2015.

5. Summary of the rule or change:

This amendment incorporates by reference and implements by rule the Medically Complex Children's Waiver Utah Medicaid Provider Manual, effective October 1, 2015.

6. Regular rulemaking would:

- cause an imminent peril to the public health, safety, or welfare;
- cause an imminent budget reduction because of budget restraints or federal requirements; or
- place the agency in violation of federal or state law.

Specific reason and justification:

The Department must implement by rule provisions of the Medically Complex Children's Waiver by October 1, 2015, to comply with waiver approval from the Centers for Medicare & Medicaid Services for implementation on that date.

7. Aggregate anticipated cost or savings to:

State Budget	There is no impact to the state budget because this amendment does not affect the amount of funds the Legislature previously appropriated for waiver services during the 2015 General Session.
Local government	There is no impact to local governments because they neither fund nor provide waiver services to Medicaid recipients.
Small business	There is no impact to small businesses because this amendment does not affect the amount of funds the Legislature previously appropriated for waiver services during the 2015 General Session.
Other Persons	There is no impact to Medicaid providers and to Medicaid recipients because this amendment does not affect the amount of funds the Legislature previously appropriated for waiver services during the 2015 General Session.

8. Compliance costs for affected persons ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):

There are no compliance costs to a single Medicaid provider or to a Medicaid recipient because this amendment does not affect the amount of funds the Legislature previously appropriated for waiver services during the 2015 General Session.

9. Comments by department head on the fiscal impact the rule may have on businesses:

This amendment does not fiscally impact business because it does not decrease or add any regulation requirements governing business, and funds for the waiver were previously appropriated during the 2015 General Session. – Dr. Joseph K. Miner, M.D., Executive Director

10. This rule or change is authorized or mandated by state law, and implements or interprets the following state and federal laws.

State code or constitution citations (required): Sections 26-1-5 and 26-18-3

Federal citations (optional): Subsection 1915(c) of the Social Security Act

11. This rule or change adds or updates an incorporated reference (submit a copy to DAR):

Medically Complex Children's Waiver Utah Medicaid Provider Manual, October 1, 2015

12. Indexing information - keywords (maximum of four, in lower case):

Medicaid

Division approval to make effective (insert comment with date):	Michael Hales	9-25-15
Legal approval to make effective:	Stephanie M. Saperstein, AAG	9/29/15
Executive Director approval to make effective:	Joseph K. Miner, MD	Date: 9-29-15

UDOH ELECTRONIC RULEMAKING

I. General Information

Rule Number:	R414-1-5
Title of Rule or Section	Incorporations by Reference
Originating Division/Office:	Division of Medicaid and Health Financing
Contact person:	Craig Devashrayee
Telephone:	(801) 538-6641

II. Notice of Proposed Rule or Change

3. Type of notice:			
Proposed rules	<input type="checkbox"/> New	<input checked="" type="checkbox"/> Amendment	<input type="checkbox"/> Repeal
	<input type="checkbox"/> Repeal and reenact		
Other rule types	<input type="checkbox"/> Change in proposed rule)	

4. Purpose of the rule or reason for the change:

Subsection 26-18-3(2)(a) requires the Medicaid program to implement policy through administrative rules. The Department, in order to draw down federal funds, must have an approved State Plan with the Centers for Medicare and Medicaid Services (CMS). The purpose of this change, therefore, is to incorporate the most current Medicaid State Plan by reference and to implement by rule ongoing Medicaid policy described in the Medical Supplies Utah Medicaid Provider Manual, and the manual's attachment for Donor Human Milk Request Form; Hospital Services Utah Medicaid Provider Manual, with its attachments; Home Health Agencies Utah Medicaid Provider Manual, and the manual's attachment for the Private Duty Nursing Acuity Grid; Speech-Language Pathology and Audiology Services Utah Medicaid Provider Manual; Hospice Care Utah Medicaid Provider Manual, and the manual's attachment for the Utah Medicaid Prior Authorization Request for Hospice Services; Long Term Care Services in Nursing Facilities Utah Medicaid Provider Manual with its attachments; Utah Home and Community-Based Waiver Services for Individuals Age 65 or Older Utah Medicaid Provider Manual; Personal Care Utah Medicaid Provider Manual, and the manual's attachment for the Request for Prior Authorization: Personal Care and Capitated Programs; Utah Home and Community-Based Waiver Services for Individuals with an Acquired Brain Injury Utah Medicaid Provider Manual; Utah Community Supports Waiver for Individuals with Intellectual Disabilities or Other Related Conditions Utah Medicaid Provider Manual; Utah Home and Community-Based Services Waiver for Individuals with Physical Disabilities Utah Medicaid Provider Manual; Utah Home and Community-Based Waiver Services New Choices Waiver Utah Medicaid Provider Manual; Utah Home and Community-Based Services Waiver for Technology Dependent, Medically Fragile Individuals Utah Medicaid Provider Manual; Utah Home and Community-Based Waiver Services Medicaid Autism Waiver Utah Medicaid Provider Manual; Office of Inspector General (OIG) Administrative Hearings Procedures Manual; Pharmacy Services Utah Medicaid Provider Manual with its attachments; Coverage and Reimbursement Code Look-up Tool; CHEC Services Utah Medicaid Provider Manual with its attachments; Chiropractic Medicine Utah Medicaid Provider Manual; Dental, Oral Maxillofacial, and Orthodontia Services Utah Medicaid Provider Manual; General Attachments (All Providers) for the Utah Medicaid Provider Manual; Indian Health Utah Medicaid Provider Manual; Laboratory Services Utah Medicaid Provider Manual with its attachments; Medical Transportation Utah Medicaid Provider Manual; Non-Traditional Medicaid Plan Utah Medicaid Provider Manual with its attachments; Licensed Nurse Practitioner Utah Medicaid Provider Manual; Physical Therapy and Occupational Therapy Services Utah Medicaid Provider Manual, and the manual's attachment for Physical Therapy and Occupational Therapy Decision Tables; Physician Services, Anesthesiology and Laboratory Services Utah Medicaid Provider Manual with its attachments; Podiatric Services Utah Medicaid Provider Manual; Primary Care Network Utah Medicaid Provider Manual with its attachments; Psychology Services Utah Medicaid Provider Manual; Rehabilitative Mental Health and Substance Use Disorder Services Utah Medicaid Provider Manual; Rural Health Clinics and Federally Qualified Health Centers Services Utah Medicaid Provider Manual; School-Based Skills Development Services Utah Medicaid Provider Manual; Section I: General Information Utah Medicaid Provider Manual; Targeted Case Management for Individuals with Serious Mental Illness Utah Medicaid Provider Manual; Targeted Case Management for Early Childhood (Ages 0-4) Utah Medicaid Provider Manual; Vision Care Services Utah Medicaid Provider Manual; Women's Services Utah Medicaid Provider Manual; Medically Complex Children's Waiver Utah Medicaid Provider Manual; and Autism Spectrum Disorder Related Services for EPSDT Eligible Individuals Utah Medicaid Provider Manual.

5. This rule or change is a response to comments by the Administrative Rules Review Committee	Yes	<input checked="" type="checkbox"/>	No
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6. Summary of the rule or change:

The Department incorporates by reference the Utah Medicaid State Plan and approved State Plan Amendments (SPAs) to 10/01/2015. Specifically, the Department incorporates by reference the following: SPA 15-0002-UT Inpatient Hospital Services, which removes duplicative details for Utah specific diagnosis related groups, removes prior authorization requirements that already exist, and removes provisions of the Superior System Waiver based on consultation with CMS; SPA 15-0019-UT Reimbursement for Dental Services and Dentures, which updates the effective date of rates for dental services and dentures to 10/01/ 2015 and increases these rates through additional legislative appropriations. This amendment also removes reimbursement methodology that no longer applies to children and pregnant women; SPA 15-0020-UT ICD-10-CM Code Updates, which updates the State Plan to implement International Classification of Diseases, Clinical Modification (ICD-10-CM) codes that become effective 10/01/2015; and SPA 15-0021-UT Outpatient Hospital Supplemental Payments, which updates the utilization trend the Department uses for the outpatient hospital upper payment limit. This proposed rule also incorporates by reference the Medical Supplies Utah Medicaid Provider Manual, and the manual's attachment for Donor Human Milk Request Form, effective 10/01/2015; incorporates by reference the Hospital Services Utah Medicaid Provider Manual with its attachments, effective 10/01/2015; incorporates by reference the Home Health Agencies Utah Medicaid Provider Manual, and the manual's attachment for the Private Duty Nursing Acuity Grid, effective 10/01/2015; incorporates by reference the Speech-Language Pathology and Audiology Services Utah Medicaid Provider Manual, effective 10/01/2015; incorporates by reference the Hospice Care Utah Medicaid Provider Manual, and the manual's attachment for the Utah Medicaid Prior Authorization Request for Hospice Services, effective 10/01/2015; incorporates by reference the Long Term Care Services in Nursing Facilities Utah Medicaid Provider Manual, with its attachments, effective 10/01/2015; incorporates by reference the Utah Home and Community-Based Waiver Services for Individuals Age 65 or Older Utah Medicaid Provider Manual, effective 10/01/2015; incorporates by reference the Personal Care Utah Medicaid Provider Manual, and the manual's attachment for the Request for Prior Authorization: Personal Care and Capitated Programs effective 10/01/2015; incorporates by reference the Utah Home and Community-Based Waiver Services for Individuals with an Acquired Brain Injury Utah Medicaid Provider Manual, effective 10/01/2015; Utah Community Supports Waiver for Individuals with Intellectual Disabilities or Other Related Conditions Utah Medicaid Provider Manual, effective 10/01/2015; incorporates by reference the Utah Home and Community-Based Services Waiver for Individuals with Physical Disabilities Utah Medicaid Provider Manual, effective 10/01/2015; incorporates by reference the Utah Home and Community-Based Waiver Services New Choices Waiver Utah Medicaid Provider Manual, effective 10/01/2015; incorporates by reference the Utah Home and Community-Based Services Waiver for Technology Dependent, Medically Fragile Individuals Utah Medicaid Provider Manual, effective 10/01/2015; incorporates by reference the Utah Home and Community-Based Waiver Services Medicaid Autism Waiver Utah Medicaid Provider Manual, effective 10/01/2015; incorporates by reference the Office of Inspector General (OIG) Administrative Hearings Procedures Manual, effective 10/01/2015; incorporates by reference the Pharmacy Services Utah Medicaid Provider Manual with its attachments, effective 10/01/2015; incorporates by reference the Coverage and Reimbursement Code Look-up Tool, effective 10/01/2015; incorporates by reference the CHEC Services Utah Medicaid Provider Manual with its attachments, effective 10/01/2015; incorporates by reference the Chiropractic Medicine Utah Medicaid Provider Manual, effective 10/01/2015; incorporates by reference the Dental, Oral Maxillofacial, and Orthodontia Services Utah Medicaid Provider Manual, effective 10/01/2015; incorporates by reference the General Attachments (All Providers) for the Utah Medicaid Provider Manual, effective 10/01/2015; incorporates by reference the Indian Health Utah Medicaid Provider Manual, effective 10/01/2015; incorporates by reference the Laboratory Services Utah Medicaid Provider Manual with its attachments, effective 10/01/2015; incorporates by reference the Medical Transportation Utah Medicaid Provider Manual, effective 10/01/2015; incorporates by reference the Non-Traditional Medicaid Plan Utah Medicaid Provider Manual with its attachments, effective 10/01/2015; incorporates by reference the Licensed Nurse Practitioner Utah Medicaid Provider Manual, effective 10/01/2015; incorporates by reference the Physical Therapy and Occupational Therapy Services Utah Medicaid Provider Manual, and the manual's attachment for Physical Therapy and Occupational Therapy Decision Tables, effective 10/01/2015; incorporates by reference the Physician Services, Anesthesiology and Laboratory Services Utah Medicaid Provider Manual with its attachments, effective 10/01/2015; incorporates by reference the Podiatric Services Utah Medicaid Provider Manual, effective 10/01/2015; incorporates by reference the Primary Care Network Utah Medicaid Provider Manual with its attachments, effective 10/01/2015; incorporates by reference the Psychology Services Utah Medicaid Provider Manual, effective 10/01/2015; incorporates by reference the Rehabilitative Mental Health and Substance Use Disorder Services Utah Medicaid Provider Manual, effective 10/01/2015; incorporates by reference the Rural Health Clinics and Federally Qualified Health Centers Services Utah Medicaid Provider Manual, effective 10/01/2015; incorporates by reference the School-Based Skills Development Services Utah Medicaid Provider Manual, effective 10/01/2015; incorporates by reference Section I: General Information Utah Medicaid Provider Manual, effective 10/01/2015; incorporates by reference the Targeted Case Management for Individuals with Serious Mental Illness Utah Medicaid Provider Manual, effective 10/01/2015; Targeted Case Management for Early Childhood (Ages 0-4) Utah Medicaid Provider Manual, effective 10/01/2015; Vision Care Services Utah Medicaid Provider Manual, effective 10/01/2015; Women's Services Utah Medicaid Provider Manual, effective 10/01/2015; Medically Complex Children's Waiver Utah Medicaid Provider Manual, effective 10/01/2015; and Autism Spectrum Disorder Related Services for EPSDT Eligible Individuals Utah Medicaid Provider Manual, effective 10/01/2015.

7. AGGREGATE anticipated cost or savings to:	
State budget:	There is no budget impact because this change only fulfills the requirement to incorporate the State Plan by reference. Implementation of the State Plan is within legislative budget allotments. Further, the rule's incorporation of ongoing Medicaid policy described in the provider manuals and in the Look-up Tool, and hearings procedures described in the OIG manual do not create costs or savings to the Department or other state agencies.
Local government:	There is no budget impact because this change only fulfills the requirement to incorporate the State Plan by reference. Implementation of the State Plan is within legislative budget allotments. Further, the rule's incorporation of ongoing Medicaid policy described in the provider manuals and in the Look-up Tool, and hearings procedures described in the OIG manual do not create costs or savings to local governments.

<p>Small businesses (fewer than 50 employees)</p> <p>Businesses, individuals, local governments, and persons that are not small businesses:</p>	<p>There is no budget impact because this change only fulfills the requirement to incorporate the State Plan by reference. Implementation of the State Plan is within legislative budget allotments. Further, the rule's incorporation of ongoing Medicaid policy described in the provider manuals and in the Look-up Tool, and hearings procedures described in the OIG manual do not create costs or savings to small businesses.</p> <p>There is no budget impact because this change only fulfills the requirement to incorporate the State Plan by reference. Implementation of the State Plan is within legislative budget allotments. Further, the rule's incorporation of ongoing Medicaid policy described in the provider manuals and in the Look-up Tool, and hearings procedures described in the OIG manual do not create costs or savings to Medicaid recipients and to Medicaid providers.</p>
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8. Compliance costs for affected persons ("person" means any **SINGLE** individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):

There are no compliance costs because this change only fulfills the requirement to incorporate the State Plan by reference. Implementation of the State Plan is within legislative budget allotments. Further, the rule's incorporation of ongoing Medicaid policy described in the provider manuals and in the Look-up Tool, and hearings procedures described in the OIG manual do not create costs or savings to a single Medicaid recipient or to a Medicaid provider.

9. Comments by department head on the fiscal impact the rule may have on businesses:

There is no additional impact on business because all changes are already in the State Plan. – Dr. Joseph K. Miner, M.D., Executive Director

10. This rule or change is authorized or mandated by state law, and implements or interprets the following state and federal laws.

State code or constitution citations (required):	Sections 26-1-5 and 26-18-3
Federal citations (optional):	

11. This rule or change adds or updates an incorporated reference (submit a copy to DAR): Yes No

Reference title and date of issue or edition:

Utah Medicaid State Plan, 10/01/2015; Medical Supplies Utah Medicaid Provider Manual, and the manual's attachment for Donor Human Milk Request Form, 10/01/2015; Hospital Services Utah Medicaid Provider Manual with its attachments, 10/01/2015; Home Health Agencies Utah Medicaid Provider Manual, and the manual's attachment for the Private Duty Nursing Acuity Grid, 10/01/2015; Speech-Language Pathology and Audiology Services Utah Medicaid Provider Manual, 10/01/2015; Hospice Care Utah Medicaid Provider Manual, and the manual's attachment for the Utah Medicaid Prior Authorization Request for Hospice Services, 10/01/2015; Long Term Care Services in Nursing Facilities Utah Medicaid Provider Manual, with its attachments, 10/01/2015; Utah Home and Community-Based Waiver Services for Individuals Age 65 or Older Utah Medicaid Provider Manual, 10/01/2015; Personal Care Utah Medicaid Provider Manual, and the manual's attachment for the Request for Prior Authorization: Personal Care and Capitated Programs effective, 10/01/2015; Utah Home and Community-Based Waiver Services for Individuals with an Acquired Brain Injury Utah Medicaid Provider Manual, 10/01/2015; Utah Community Supports Waiver for Individuals with Intellectual Disabilities or Other Related Conditions Utah Medicaid Provider Manual, 10/01/2015; Utah Home and Community-Based Services Waiver for Individuals with Physical Disabilities Utah Medicaid Provider Manual, 10/01/2015; Utah Home and Community-Based Waiver Services New Choices Waiver Utah Medicaid Provider Manual, 10/01/2015; Utah Home and Community-Based Services Waiver for Technology Dependent, Medically Fragile Individuals Utah Medicaid Provider Manual, 10/01/2015; Utah Home and Community-Based Waiver Services Medicaid Autism Waiver Utah Medicaid Provider Manual, 10/01/2015; Office of Inspector General Administrative Hearings Procedures Manual, 10/01/2015; Pharmacy Services Utah Medicaid Provider Manual with its attachments, 10/01/2015; Coverage and Reimbursement Code Look-up Tool, 10/01/2015; CHEC Services Utah Medicaid Provider Manual with its attachments, 10/01/2015; Chiropractic Medicine Utah Medicaid Provider Manual, 10/01/2015; Dental, Oral Maxillofacial, and Orthodontia Services Utah Medicaid Provider Manual, 10/01/2015; General Attachments (All Providers) for the Utah Medicaid Provider Manual, 10/01/2015; Indian Health Utah Medicaid Provider Manual, 10/01/2015; Laboratory Services Utah Medicaid Provider Manual with its attachments, 10/01/2015; Medical Transportation Utah Medicaid Provider Manual, 10/01/2015; Non-Traditional Medicaid Plan Utah Medicaid Provider Manual with its attachments, 10/01/2015; Licensed Nurse Practitioner Utah Medicaid Provider Manual, 10/01/2015; Physical Therapy and Occupational Therapy Services Utah Medicaid Provider Manual, and the manual's attachment for Physical Therapy and Occupational Therapy Decision Tables, 10/01/2015; Physician Services, Anesthesiology and Laboratory Services Utah Medicaid Provider Manual with its attachments, 10/01/2015; Podiatric Services Utah Medicaid Provider Manual, 10/01/2015; Primary Care Network Utah Medicaid Provider Manual with its attachments, 10/01/2015; Psychology Services Utah Medicaid Provider Manual, 10/01/2015; Rehabilitative Mental Health and Substance Use Disorder Services Utah Medicaid Provider Manual, 10/01/2015; Rural Health Clinics and Federally Qualified Health Centers Services Utah Medicaid Provider Manual, 10/01/2015; School-Based Skills Development Services Utah Medicaid Provider Manual, 10/01/2015; Section I: General Information Utah Medicaid Provider Manual, 10/01/2015; Targeted Case Management for Individuals with Serious Mental Illness Utah Medicaid Provider Manual, 10/01/2015; Targeted Case Management for Early Childhood (Ages 0-4) Utah Medicaid Provider Manual, 10/01/2015; Vision Care Services Utah Medicaid Provider Manual, 10/01/2015; Women's Services Utah Medicaid Provider Manual, effective 10/01/2015; Medically Complex Children's Waiver Utah Medicaid Provider Manual, effective 10/01/2015; and Autism Spectrum Disorder Related Services for EPSDT Eligible Individuals Utah Medicaid Provider Manual, effective 10/01/2015.

12. The public may submit written or oral comments to the agency identified in I. General Information:

Comments will be accepted until 5:00 p.m. on:

11/16/2015

13. This rule or change may become effective on (mm/dd/yyyy):

11/23/2015

Division approvals for publication:

Michael Hales

9-23-15

Legal approvals for publication:

Stephanie M. Saperstein

9/24/15

Executive Director Approval for Publication:

Joseph K. Miner, MD

9-25-15

DOH ELECTRONIC RULEMAKING 120-DAY EMERGENCY RULE

I. General Information

A. Rule Number:	R414-61
B. Title of Rule or Section	Home and Community-Based Services Waivers
C. Originating Division/Office:	Division of Medicaid and Health Financing
D. Room no., building:	Cannon Health Building
E. Street address:	288 North 1460 West
F. Mailing address:	PO Box 143102
G. City, state ZIP:	Salt Lake City, Utah, 84114-3102
H. Contact person:	Craig Devashrayee
I. Telephone:	(801) 538-6641
J. FAX:	(801) 538-6412
K. Internet E-mail for contact person:	cdevashrayee@utah.gov

III. NOTICE OF 120-DAY RULE

2. Title of rule or section (catchline):

R414-61 Home and Community-Based Services Waivers

3. Effective date: 10/01/2015

4. Purpose of the rule or reason for the change:

The purpose of this change is to incorporate by reference and implement by rule the Medically Complex Children's Waiver, which contains waiver provisions the Department must implement by October 1, 2015.

5. Summary of the rule or change:

This amendment incorporates by reference and implements by rule the Medically Complex Children's Waiver, effective October 1, 2015.

6. Regular rulemaking would:

cause an imminent peril to the public health, safety, or welfare;

cause an imminent budget reduction because of budget restraints or federal requirements; or

place the agency in violation of federal or state law.

Specific reason and justification:

The Department must implement by rule provisions of the Medically Complex Children's Waiver by October 1, 2015, to comply with waiver approval from the Centers for Medicare & Medicaid Services for implementation on that date.

7. Aggregate anticipated cost or savings to:

State Budget	There is no impact to the state budget because this amendment does not affect the amount of funds the Legislature previously appropriated for waiver services during the 2015 General Session.
Local government	There is no impact to local governments because they neither fund nor provide waiver services to Medicaid recipients.
Small business	There is no impact to small businesses because this amendment does not affect the amount of funds the Legislature previously appropriated for waiver services during the 2015 General Session.
Other Persons	There is no impact to Medicaid providers and to Medicaid recipients because this amendment does not affect the amount of funds the Legislature previously appropriated for waiver services during the 2015 General Session.

8. Compliance costs for affected persons ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):

There are no compliance costs to a single Medicaid provider or to a Medicaid recipient because this amendment does not affect the amount of funds the Legislature previously appropriated for waiver services during the 2015 General Session.

9. Comments by department head on the fiscal impact the rule may have on businesses:

This amendment does not fiscally impact business because it does not decrease or add any regulation requirements governing business, and funds for the waiver were previously appropriated during the 2015 General Session. – Dr. Joseph K. Miner, M.D., Executive Director

10. This rule or change is authorized or mandated by state law, and implements or interprets the following state and federal laws.

State code or constitution citations (required): Sections 26-1-5 and 26-18-3

Federal citations (optional): Subsection 1915(c) of the Social Security Act

11. This rule or change adds or updates an incorporated reference (submit a copy to DAR):

Medically Complex Children's Waiver, October 1, 2015

12. Indexing information - keywords (maximum of four, in lower case):

Medicaid

Division approval to make effective (insert comment with date):	Michael Hales	9-25-15
Legal approval to make effective:	Stephanie M. Saperstein, AAG	9/29/15
Executive Director approval to make effective:	Joseph K. Miner, MD	Date: 9-29-15

DOH ELECTRONIC RULEMAKING

I. General Information

A. Rule Number:	R414-61
B. Title of Rule or Section	Home and Community-Based Services Waivers
C. Originating Division/Office:	Division of Medicaid and Health Financing
D. Contact person:	Josip Ambrenac
E. Telephone:	(801) 538-6090

II. Notice of Proposed Rule or Change

3. Type of notice:				
Proposed rules	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amendment <input type="checkbox"/> Repeal <input type="checkbox"/> Repeal and reenact			
Other rule types	Change in proposed rule (changes original proposed rule file no.: _____)			
4. Purpose of the rule or reason for the change: The purpose of this amendment is to incorporate by reference changes to the New Choices Waiver, Community Supports Waiver, and Aging Waiver effective 07/01/2015; and to incorporate by reference changes to the Medicaid Autism Waiver and Medically Complex Children's Waiver effective 10/01/2015.				
5. This rule or change is a response to comments by the Administrative Rules Review Committee.	<table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="width: 30px;">Yes</td> <td style="width: 30px; text-align: center;"><input checked="" type="checkbox"/></td> <td style="width: 30px;">No</td> </tr> </table>	Yes	<input checked="" type="checkbox"/>	No
Yes	<input checked="" type="checkbox"/>	No		
6. Summary of the rule or change: This amendment incorporates by reference changes to the New Choices Waiver, Community Supports Waiver, and the Aging Waiver effective 07/01/2015. These changes implement new quality assurance standards that revise all performance measures within these waivers to further safeguard waiver participants. Effective 10/01/2015, this amendment also incorporates by reference changes to the Medicaid Autism Waiver that include the intended phase-out of the program over the five-year renewal period, and incorporates by reference the Medically Complex Children's Waiver effective 10/01/2015.				
7. AGGREGATE anticipated cost or savings to:				
State budget:	There is no impact to the state budget because this amendment does not affect the amount of funds the Legislature previously appropriated for waiver services during the 2015 General Session.			
Local government:	There is no impact to local governments because they neither fund nor provide waiver services to Medicaid recipients.			
Small businesses (fewer than 50 employees)	There is no impact to small businesses because this amendment does not affect the amount of funds the Legislature previously appropriated for waiver services during the 2015 General Session.			
Businesses, individuals, local governments, and persons that are not small businesses:	There is no impact to Medicaid providers and to Medicaid recipients because this amendment does not affect the amount of funds the Legislature previously appropriated for waiver services during the 2015 General Session.			
8. Compliance costs for affected persons ("person" means any SINGLE individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency): There are no compliance costs to a single Medicaid provider or to a Medicaid recipient because this amendment does not affect the amount of funds the Legislature previously appropriated for waiver services during the 2015 General Session.				
9. Comments by department head on the fiscal impact the rule may have on businesses: There is no impact to business because the changes do not affect the amount of appropriated funds for these programs. – Dr. Joseph K. Miner, M.D., Executive Director				
10. This rule or change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):				
	Sections 26-1-5 and 26-18-3			

Federal citations (optional):		Subsection 1915(c) of the Social Security Act			
11. This rule or change adds or updates an incorporated reference (submit a copy to DAR):		<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
Reference title and date of issue or edition:		New Choices Waiver, effective July 1, 2015; Community Supports Waiver for Individuals with Intellectual Disabilities and Other Related Conditions, effective July 1, 2015; Waiver for Individuals Age 65 or Older, effective July 1, 2015; Medicaid Autism Waiver, effective October 1, 2015; Medically Complex Children's Waiver, effective October 1, 2015.			
12. The public may submit written or oral comments to the agency identified in I. General Information:					
Comments will be accepted until 5:00 p.m. on		11/16/2015			
(mm/dd/yyyy):					
A public hearing (optional) will be held on (mm/dd/yyyy):				at (time):	
at (place):					
13. This rule or change may become effective on (mm/dd/yyyy):		11/23/2015			
14. Indexing information - keywords (maximum of four, in lower case):					
Medicaid					
Division approvals for publication (insert comment with date):		Michael Hales		9-25-15	
Legal approvals for publication:		Stephanie M. Saperstein, AAG		9/28/15	
Executive Director approval for publication:		Joseph K. Miner, MD		Date: 9-28-15	