

State: WYOMING

INPATIENT HOSPITAL REIMBURSEMENT

Section 1. Authority.

This Attachment is prepared and submitted to CMS for approval pursuant to 42 U.S.C. §1396a (b) and 45 C.F.R. Part 201, Part 201, Subpart A.

Section 2. Purpose and Applicability.

(a) This Attachment shall apply to and govern Medicaid reimbursement of inpatient hospital services for individuals admitted on or after its effective date. Inpatient hospital services are also subject to the provisions of Wyoming Medicaid Rules Chapters 4, 8, 16, and 26, and Attachment 4.19A, Part 2, except as otherwise specified in this Attachment.

(b) The Department may issue Provider Manuals, Provider Bulletins, or both, to interpret the provisions of this Attachment. Such manuals and bulletins shall be consistent with and reflect the policies contained in this Attachment. The provisions contained in manuals or bulletins shall be subordinate to the provisions of this Attachment.

(c) The incorporation by reference of any external standard is intended to be the incorporation of that standard as it is in effect on the effective date of this Attachment.

Section 3. General Provisions.

(a) Terminology. Except as otherwise specified, the terminology used in this Attachment is the standard terminology and has the standard meaning used in accounting, health care, Medicaid and Medicare.

(b) General methodology.

(i) Except as otherwise specified in this Attachment, the Department pays for inpatient hospital services using a prospective per discharge system using APR DRGs for acute care services, a per diem-based reimbursement method for rehabilitation services, or a percent of billed charges for transplants.

(ii) Specialty services. The Department may, from time to time, designate certain services to be reimbursed based on negotiated rates as specialty services. In such an event, the Department shall disseminate to providers, through Provider Manuals or Provider Bulletins, a current list

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of which services are reimbursed as specialty services and which are reimbursed pursuant to this Attachment.

(iii) Disproportionate share payments. The Department reimburses disproportionate share hospitals additional annual payments pursuant to Attachment 4.19A.

(iv) Qualified Rate Adjustment (QRA) payments. The Department reimburses hospitals that qualify for QRA payments pursuant to 4.19A, Part 1, Addendum 1.

(v) Private Hospital Supplemental (PHS) payments. The Department reimburses hospitals that qualify for PHS payments pursuant to 4.19A, Addendum 3.

Section 4. Provider Medicaid Certification.

(a) No provider that furnishes inpatient hospital services to a recipient shall receive Medicaid funds unless the provider is certified, has signed a provider agreement and is enrolled in Wyoming Medicaid.

(b) Compliance with Wyoming Medicaid Rule Chapter 3. A provider that wishes to receive Medicaid reimbursement for inpatient hospital services furnished to a recipient must meet the requirements of Wyoming Medicaid Rule Chapter 3, Sections 4 through 6, which are incorporated by this reference.

Section 5. Provider Records.

(a) A provider must comply with Wyoming Medicaid Rule Chapter 3, Section 7, which is incorporated by this reference.

(b) Explanation of records. In the event of a field audit, the provider shall have available at the field audit location one or more knowledgeable persons who can explain to the auditors the provider's financial records, the accounting and control system and cost report preparation, including attachments and allocations.

(c) Failure to maintain records. A provider unable to satisfy all the requirements of this Section shall be given a written notice of deficiency and shall have sixty (60) days after the date of the written notice to correct such deficiency. If, at the end of the sixty (60) days, the Department determines that the deficiency has not been corrected, the Department shall reduce by twenty-five percent (25%) the Medicaid payment due for each of the provider's claims received by the Department on or after the sixtieth day. If at the end of one hundred and twenty days (120) after the mailing of the written notice of deficiency, the Department determines that the deficiency has not been corrected, the Department shall suspend all Medicaid payments to the provider for claims received by the Department on or after such

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date. The suspension of payments shall continue until the Department determines that adequate records are being maintained. After the deficiency is corrected, the Department shall release any withheld payments, without interest. This remedy shall not affect the Department's right to sanction the provider pursuant to applicable State or Federal rules or laws.

(d) Out-of-state records. If a provider maintains financial or medical records in a state other than the state where the provider is located, the provider shall either transfer the records to an in-state location that is suitable for the Department or reimburse the Department for reasonable costs, including travel, lodging and meals, incurred in performing the audit in an out-of-state location, unless otherwise agreed by the Department.

Section 6. Verification of Recipient Data. A provider must comply with Wyoming Medicaid Rule Chapter 3, Section 8, which is incorporated by this reference.

Section 7. Wyoming Medicaid Participating Providers. Participating providers are all in-state Wyoming providers and out-of-state providers that are currently enrolled in the Wyoming Medicaid program and received at least eight-hundred thousand (\$800,000) in Wyoming Medicaid payments for inpatient services during State Fiscal Years 2015 – 2017.

Section 8. Medicaid Allowable Payment for Inpatient Acute Care Hospital Services

(a) Inpatient acute care hospital services will be reimbursed using Wyoming Medicaid's All-Patient Refined Diagnosis Related Groups (APR DRG) reimbursement methodology.

(b) The Wyoming APR DRG reimbursement methodology shall apply to all inpatient stays for Wyoming Medicaid recipients at Wyoming Medicaid enrolled participating and non-participating hospitals except as specified in Subsection (m). This change shall be effective February 1, 2019.

(c) Wyoming's APR DRG system will use APR DRG version 33 DRGs and relative weights developed by 3M Health Information Systems (3M). 3M updates the APR DRG grouper annually and the Department shall periodically update the version of the APR DRG software that it uses.

(d) The APR DRG payment rate will be calculated as the base rate, multiplied by the APR DRG assigned relative weight and policy adjustor, plus an outlier payment as applicable, plus the prospective flat capital payment rate. Adjustments for patient transfers and one day stays are also made. Components of the APR DRG payment are described in the following sections:

- (i) Section 8(e) describes base rate determination
- (ii) Section 8(f) describes APR DRG relative weights

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- (iii) Section 8(g) describes APR DRG policy adjusters
- (iv) Section 8(h) describes outlier payments
- (v) Section 8(ii) describes capital payments
- (vi) Section 8(j) describes payments for patient transfers
- (vii) Section 8(k) describes payments for one-day stays
- (e) Calculation of APR DRG base rate
 - (i) The base period for development of the Wyoming APR DRG rates is State Fiscal Years 2016 and 2017.
 - (ii) Each certified hospital providing inpatient hospital services to Wyoming Medicaid recipients is assigned to one of the following three base rate categories for APR DRG services by the Department.
 - (A) Hospital-specific base rates for in-state Level II Trauma providers (applies to two facilities)
 - (B) In-state free-standing psychiatric providers
 - (C) All other providers
 - (iii) The Department established base rates so that projected APR DRG payments maintain budget neutrality for claim payments in the base period for participating providers with the exception of in-state free standing psychiatric providers for which the Wyoming legislature has allocated \$600,000, on an annual basis, to the base rate to maintain funding at levels prior to APR DRG implementation.
 - (iv) Only one base rate is available to each provider.
 - (v) A base rate represents a dollar amount used in the APR DRG calculation and is adjusted by a claim's APR DRG relative weight and relevant policy adjustor.
 - (vi) The Department will use transitional base rates for the first 12 months after the APR DRG implementation. During this transition period, provider-specific APR DRG base rates are calculated so that estimated APR DRG inpatient hospital payments in the base period do not increase more than five percent or decrease more than four percent as compared to payments under the pre-DRG model.
 - (vii) Following the 12-month transition period, providers will receive the base rate from their assigned base rate category.
 - (viii) During and after the APR DRG transition period non-participating providers will be paid the "all other provider" base rate as specified in Section 8(c)(ii)(C) for APR DRG payment calculations.

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(ix) The Department posts base rates for each provider category on the Department website. New rates will be posted with a provider notice sent by the Department when any changes are made to the APR DRG base rates. Base rates effective for dates of service on or after February 1, 2019 will be posted on the Department website at https://wymedicaid.portal.conduent.com/fee_schedule.html.

(f) APR DRG relative weights

(i) The Department assigns each claim a relative weight using APR DRG version 33 DRGs and relative weights calculated by 3M. Wyoming will update the APR DRG version and corresponding relative weights on an as-needed basis. The version 33 APR DRG is effective February 1, 2019.

(ii) The APR DRG Grouper assigns to each APR DRG a relative weight that reflects the relative resources that are used to deliver the services associated with the assigned APR DRG.

(iii) During the rate modeling for the provider base rates used in the initial year of the APR DRG implementation, the Department applied a documentation and coding improvement (DCI) factor of five percent to the relative weights to account for coding improvements made by providers following the implementation of APR DRGs. Following the first year of implementation, the Department will review coding improvement and may make future DCI adjustments to account for observed changes in provider coding in order to maintain budget neutrality, in aggregate, for inpatient hospital services. Any future adjustments that increase or decrease overall reimbursement for inpatient hospital services will be reflected within the plan language and implemented upon approval by CMS.

(g) APR DRG policy adjustors

(i) One policy or age adjustor can be applied per claim; the adjustment factor with the highest value shall be applied to the APR DRG relative weight on the claim.

(A) A pediatric policy adjustor of 1.3 will be applied to pediatric claims where a recipient is younger than 19.

(B) A policy adjustor of 1.2 will be applied to Mental Health DRGs (as defined by the 3M APR DRG software).

(C) A policy adjustor of 1.2 will be applied to Substance Abuse DRGs (as defined by the 3M APR DRG software).

(D) A policy adjustor of 1.5 will be applied to Obstetrics DRGs (as defined by the 3M APR DRG software).

(E) A policy adjustor of 1.9 will be applied to Normal Newborn DRGs (as defined by the 3M APR DRG software).

(h) Outlier Payments

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(i) The Department will make outlier payments for high cost claims that exceed a predetermined fixed loss threshold.

(A) The fixed loss threshold is specific to each of the below peer groups. Each peer group's fixed loss threshold is equal to two times the standard deviation of claim cost for all APR DRG base period claims for the following four peer groups: acute care hospitals, critical access hospitals, freestanding psychiatric hospitals, and children's hospitals.

(B) If a provider's costs for a claim exceed their assigned fixed loss threshold the provider will receive an outlier payment.

(ii) The outlier payment is calculated as follows:

(A) Identify the cost of each claim by multiplying allowable charges on the claim by a hospital-specific cost-to-charge ratio.

(B) Participating providers are assigned the most recently available provider-specific cost-to-charge ratios developed annually by the Department as part of the QRA supplemental payment program.

(C) Non-participating hospitals are assigned the statewide average cost-to-charge ratio for the outlier calculation.

(D) If the calculated allowable costs less the DRG base payment exceed the provider's cost outlier threshold, an outlier payment will be added to the DRG base payment.

(E) The outlier payment shall be 75 percent of the calculated allowable costs that exceed the provider's cost outlier threshold.

(i) Capital Payments

(i) Wyoming will provide a per discharge capital payment to participating providers.

(ii) Capital payments are set at \$277.87 per discharge, as determined during the 2010 level of care rebasing, and will not be inflated.

(iii) A description of capital payment calculations is located in Section 13.

(j) Transfer Payment Adjustments

(i) Transfer payment adjustments are applied to claims for services provided to a patient who is transferred after admission from one acute care hospital to another hospital. Transfer payment adjustments do not apply when a patient is discharged from an acute care hospital to a skilled nursing or rehabilitation facility, or when a patient is moved to or from a distinct part hospital unit of the hospital or from one unit to another within a hospital.

(ii) Transfer claims are identified using a distinct list of patient discharge status codes as billed on the UB-04 claim form. The Department lists these codes in related provider policy manuals.

(A) For a provider transferring a Medicaid recipient, the claim payment is calculated as the lesser of the calculated final APR DRG payment or the calculated APR DRG per diem.

(B) Claims from providers transferring and from providers receiving transfers can receive outlier payments

(C) The APR DRG per diem is calculated as follows: *APR DRG Per diem = APR DRG Base Payment / 3M national APR DRG Average Length of Stay*

(D) Transfer payments do not impact the claim payment for the provider receiving a patient in cases where that provider does not in-turn transfer the patient.

(E) Transfer status is not considered for certain neonate transfer DRGs. In these cases, the transferring provider will receive the full APR DRG payment instead of a transfer adjusted payment.

(k) Reimbursement of Less Than One-day Stays

(i) The Department will review all inpatient stays lasting less than one day.

(ii) Reimbursement for less than one-day stays will be based on an APR DRG per-diem and does not include outlier reimbursement or capital payments.

(l) Final APR DRG Payment Calculation

(i) The final APR DRG claim payment is as follows:

(ii) Claim Payment = APR DRG Base Payment or (APR DRG Per Diem X actual length of stay) + Outlier Payment (if applicable) + Capital Payment (if applicable)

(iii) Final reimbursement amounts will be equal to a claim's allowed amount minus any deductions for recipient cost sharing, patient responsibility, third-party liability or hospital acquired conditions (HACs).

(iv) The Department will use the 3M APR DRG grouper to review for hospital acquired conditions based on present on admission (POA) indicators required for hospitals' submission on all APR DRG claims. The Department requires hospitals to document a valid Present on Admission (POA) indicator for each inpatient diagnosis, pursuant to CMS regulations in 42 CFR §412. The Department uses POA definitions as outlined by CMS, described in MLN Matters Number 5499. If the presence of a HAC would increase payments, the Department will not provide additional reimbursement for the treatment of the acquired conditions.

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(m) Exempted Services and Providers

(i) Wyoming's APR DRG system as implemented on February 1, 2019, will not apply to rehabilitation claims which will continue to be reimbursed using a per diem payment as described in Section 9 of this document.

(ii) Eligible transplant services will be reimbursed at a level that covers the provider's eligible costs for the transplant services as calculated using billed charges and the most recently available provider-specific cost-to-charge ratios developed annually by the Department as part of the Department's Medicaid hospital supplemental payment policy calculations.

(n) Interim Claims – Acute care hospitals will not be allowed to submit interim claims for APR DRG services.

(o) Prior Authorization. The Department will still require prior authorization for rehabilitation, psychiatric, transplant, and other services determined by the Department and communicated services through provider manuals or other updates.

Section 9. Payment for Rehabilitation Claims

(a) Rehabilitation services are covered services furnished to an individual with a primary diagnosis for rehabilitation therapy. All rehabilitation services must be prior authorized by the Department.

(b) Payment shall be comprised of a per diem rehabilitation operating cost payment and a per diem capital cost payment, as determined for purposes of the 2010 rehabilitation level of care rebasing.

(i) A description of the capital payment calculation is located in Section 13.

(ii) The Department determined the per diem rehabilitation operating cost payment as the hospital-specific average cost per diem as calculated for purposes of the 2010 rehabilitation level of care rebasing.

(c) The Department calculated the allowable cost of each rehabilitation claim for each participating hospital (as identified for purposes of the 2010 rehabilitation level of care rebasing) using hospitals' as-filed Medicare cost reports for hospital fiscal years ending in state fiscal years 2005 and 2006 and hospitals' inpatient claims paid in state fiscal years 2006 and 2007 (base period). Medical education costs were not considered allowable.

(d) The Department identified base period allowable costs as the sum of routine per diem costs and ancillary service costs.

(iii) Base period allowable costs were inflated forward from the date of service to the midpoint of SFY 2007 using the CMS-PPS Hospital Market Basket.

(iv) The Department determined the number of days of rehabilitation services provided by each hospital from the adjusted base period claims data.

(v) The Department calculated a cost per day for each hospital for rehabilitation services.

A. For each hospital, the Department divided total costs for rehabilitation services in the base period by total days from the base period claims data.

B. High and low-cost Medicaid outlier costs were identified for rehabilitation costs per diem.

C. The Department determined the base period allowable Medicaid cost per diem for rehabilitation services for each hospital by subtracting high and low-cost Medicaid outliers from the costs determined in paragraph (A).

(vi) The Department calculated a ventilator payment per day for qualifying services not to exceed a fixed amount per diem. The ventilator payment was calculated as an incremental cost of rehabilitation services when a patient is receiving ventilator services.

(vii) The Department calculated the ventilator payment per day to reflect the difference in resources used to provide rehabilitation services to patients with more intensive rehabilitation needs, as measured by an examination of prior year's claims, the relative weights for rehabilitation services under the Medicare MS-DRG methodology and research about other states' payment methodologies.

(e) Reimbursement of non-participating hospitals

i. The Medicaid payment rate for the rehabilitation services will be the average payment rate for all participating providers.

ii. The Medicaid payment rate for non-participating hospitals shall not include reimbursement for capital costs.

(f) The Department will accept interim claims for inpatient rehabilitation services.

Section 10. Reimbursement of New Hospitals.

(a) The Medicaid APR DRG base payment rate for new hospitals shall be the APR DRG base payment rate for "other providers" as described in Section 8(e)(ii)(C).

(b) The Medicaid rehabilitation payment rate for new hospitals shall be the average rehabilitation per diem payment for all participating providers.

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(c) The Medicaid payment rates for new hospitals shall remain in effect until the APR DRG system or the rehabilitation per diem payment is rebased.

(d) The Medicaid payment rate for new in-state hospitals shall include reimbursement for capital costs.

Section 11. Reimbursement of Merged Hospitals. The Medicaid allowable APR DRG and rehabilitation payment for a merged hospital shall be:

(a) The APR DRG and rehabilitation payment rates of the surviving hospital;

(b) A capital payment. The capital payment shall be the statewide capital payment per diem amount as described in section 13.

Section 12. Exempt Hospitals.

(a) Exempt hospitals are defined as State-owned mental health institutes in Wyoming, for which the Department shall reimburse their reasonable costs.

(b) The Department shall reimburse State-owned mental health institutes using an all-inclusive per diem rate determined on an annual basis.

i. Interim rates. At the beginning of each State fiscal year, the Department shall determine an interim rate using the costs reported in the most recent available Medicare cost report. The rate shall be calculated by dividing total allowable costs by total days.

ii. Final rates. Upon receipt of the settled Medicare cost report for the same fiscal period covered by the most recently available cost report in (i), the Department shall calculate the final rates by dividing total allowable costs by total days.

iii. Retroactive adjustment. The final rates shall be established to cover one hundred per cent of the total allowable costs to treat Medicaid clients. If final rates are greater than the interim rates, the Department shall pay each hospital the difference between the final and interim rates. If final rates are less than the interim rates, the Department shall recover any overpayments pursuant to Section 21 of this Attachment.

Section 13. Reimbursement of Capital Costs.

(a) Capital payment for eligible APR DRG services

i. The Department will use the per discharge capital payment rate determined for non-rehabilitation levels of care during the 2010 level of care rebasing.

ii. The Department calculated the allowable capital cost for each participating hospital using hospitals' as-filed Medicare cost reports for hospital fiscal years ending in state fiscal years 2005 and 2006 and hospitals' inpatient claims paid in state fiscal years 2006 and 2007.

iii. The Department calculated a capital cost per discharge for each participating hospital included in the 2010 level for care rebasing by dividing total capital costs by total discharges based on the data identified in (i).

iv. The Department arrayed the average capital cost per discharge of all participating hospitals and selected the median capital cost per discharge for the capital payment rate for all participating hospitals.

(b) Capital payment for eligible rehabilitation services –

i. The Department will use the per discharge capital payment rate determined for the rehabilitation level of care during the 2010 level of care rebasing.

ii. The Department identified the per diem capital payment by dividing the median capital cost per discharge as calculated in subparagraph (a) by the average length of stay of all participating hospitals included in the 2010 level of care rebasing with rehabilitation services discharges.

iii. The capital payment amount for rehabilitation services shall not exceed the per discharge amount calculated in subparagraph (a),

(c) An adjustment to a provider's capital rate pursuant to subsection (e) will not result in the redetermination of the statewide average prospective capital rate.

(d) No capital payment shall be made to non-participating providers.

(e) Adjustments to capital rates. A provider may request an adjustment of its capital rate pursuant to Section 22 only to:

i. Compensate for capital expenditures resulting from extraordinary circumstances. Extraordinary circumstances result from a catastrophic occurrence, beyond the control of a hospital, which results in substantially higher costs and which meets the criteria of (A) through (E). An extraordinary circumstance includes, but is not limited to, fire, earthquakes, floods or other natural disasters, and which:

- (A) Is a one-time occurrence;
- (B) Could not have reasonably been predicted;
- (C) Is not insurable;
- (D) Is not covered by federal or state disaster relief; and

(E) Is not the result of intentional, reckless or negligent actions or inactions by any director, officer, employee or agent of the provider.

ii. A redetermination pursuant to this subsection will be effective thirty days after the Department issues a notice of rate adjustment.

iii. The statewide base year capital rate will not be adjusted to reflect adjustments to hospital-specific rates pursuant to this subsection.

(f) Capital rates shall not be inflated.

Section 14. Reimbursement of Swingbed Services. Reimbursement for swingbed services shall be pursuant to Wyoming Medicaid Rule Chapter 28.

Section 15. Third-Party Liability.

(a) Submission of claims. Claims for which third-party liability exists shall be submitted in accordance with Wyoming Medicaid Rule Chapter 35.

(b) Medicaid payment. The Medicaid payment for a claim for which third-party liability exists shall be the difference between the Medicaid allowable payment and the third-party payment. In no case shall the Medicaid payment exceed the payment otherwise allowable pursuant to this Attachment.

Section 16. Preparation and Submission of Cost Reports.

(a) Time of submission. Each hospital must submit a complete cost report to the Medicare intermediary in accordance with Medicare requirements.

(b) Preparation of cost reports. Cost reports shall be prepared in conformance with Medicare requirements.

(c) Submission of additional information. The Department may request, in writing, that a hospital submit information to supplement its cost report. The hospital shall submit the requested information within thirty days after the date of the request.

(d) Failure to comply with this Section. The failure of a hospital to comply with the provisions of this Section shall result in the immediate suspension of all Medicaid payments to the hospital and all Medicaid payments under review shall be repaid to the Department within ten days after written request for such payment. The suspension of payments shall continue until the hospital complies with this Section. Upon the Department's receipt of all information required by this Section, payments will be reinstated, without interest. This remedy does not affect the Department's right to withhold payments, terminate provider participation or invoke other remedies permitted by applicable statutes and

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rules. If the hospital cannot comply with this section because of delay caused by the intermediary, the hospital must submit verification of the delay from the intermediary on or before the designated date. In such a case, the Department shall not withhold payments.

Section 17. Audits.

(a) Field audits. The Department or CMS may perform a field audit of a provider at any time to determine the accuracy and reasonableness of cost reports, the accuracy of cost settlements or whether the hospital has received overpayments.

(b) Desk reviews. The Department or CMS may perform a desk review of a provider at any time to determine the accuracy and reasonableness of cost reports, the accuracy of cost settlements or whether the hospital has received overpayments.

(c) The Department or CMS may perform field audits or desk reviews through employees, agents, or through a third party. Audits shall be performed in accordance with Generally Accepted Auditing Standards (GAAS).

(d) Disallowances. If a field audit or desk review discloses non-allowable costs or overpayments, the Department shall recover any overpayments pursuant to Section 21 of this Attachment.

(e) Notice of overpayments. After determining that a provider has received overpayments, the Department shall send written notice to the provider, by certified mail, return receipt requested, stating the amount of the overpayments, the basis for the determination of overpayments and the provider's right to request reconsideration of that determination pursuant to Section 22. The reconsideration shall be limited to whether the Department has complied with the provisions of this Attachment.

(f) Recovery of overpayments. A provider must reimburse the Department for overpayments within thirty days after the provider receives written notice from the Department pursuant to subsection (e), even if the provider has requested reconsideration or an administrative hearing regarding the determination of overpayments. If the provider fails to timely repay overpayments, the Department shall recover the overpayments pursuant to Section 21.

(g) Reporting audit results. If at any time during a financial audit or a medical audit, the Department discovers evidence suggesting fraud or abuse by a provider, that evidence, in addition to HCF's final audit report regarding that provider, shall be referred to the Medicaid Fraud Control Unit of the Wyoming Attorney General's Office.

Section 18. Rebasing. The Department shall rebase rates when the rates determined pursuant to this Attachment no longer meet the requirements of the Social Security Act. The Department has the

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discretion to update rates based on changes to hospital peer groups, hospital billing practices or changes in hospital operations.

Section 19. Payment of Claims.

- (a) Payment of claims shall be pursuant to Wyoming Medicaid Rule Chapter 3, Section 11, which is incorporated by this reference.
- (b) The failure to obtain prior authorization or admission certification shall result in a technical denial.

Section 20. Partial Eligibility

- (a) The Department maintains a partial eligibility policy in which providers submit claims only for days the recipient is an eligible Medicaid recipient.
- (b) The claim admit date is the actual admit date, and the number of days billed includes only the dates for which the recipient is eligible even if s/he stayed longer.

Section 21. Recovery of Overpayments. The Department shall recover overpayments pursuant to Wyoming Medicaid Rule Chapter 16, which is incorporated by this reference. The Federal share of payments made in excess will be returned to CMS in accordance with 42 CFR Part 433, Subpart F.

Section 22. Reconsideration. A provider may request reconsideration of the decision to recover overpayments pursuant to the provisions of Wyoming Medicaid Rule Chapter 16.

Section 23. Delegation of Duties. The Department may delegate any of its duties under this rule to the Wyoming Attorney General, HHS, any other agency of the federal, state or local government, or a private entity which is capable of performing such functions, provided that the Department shall retain the authority to impose sanctions, recover overpayments or take any other final action authorized by this Attachment.

Section 24. Interpretation of Attachment.

- (a) The order in which the provisions of this Attachment appear is not to be construed to mean that any one provision is more or less important than any other provision.
- (b) The text of this Attachment shall control the titles of various provisions.

Section 25. Superseding Effect. This Attachment supersedes all prior Attachments or policy statements issued by the Department, including manuals and bulletins, which are inconsistent with this Attachment, except as otherwise specified in this Attachment.

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Section 26. Severability. If any portion of this Attachment is found to be invalid or unenforceable, the remainder shall continue in effect.

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Citation

42 CFR 447, 434, 438, and 1902(a)(4), 1902(a)(6), and 1903

Payment Adjustment for Provider Preventable Conditions

Wyoming Medicaid meets the requirements of 42 CFR Part 447, Subpart A, and sections 1902(a)(4), 1902(a)(6), and 1903 with respect to non-payment for provider-preventable conditions

Health Care-Acquired Conditions

The State identifies the following Health Care-Acquired Conditions for non-payment under Section 4 19 (A)

 X Hospital-Acquired Conditions as Identified by Medicare other than Deep Vein Thrombosis (DVT)/Pulmonary Embolism (PE) following total knee replacement or hip replacement surgery in pediatric and obstetric patients

Wyoming Medicaid will adopt the baseline health care-acquired conditions as described above for inpatient hospital reimbursement

(i) For any Wyoming Medicaid claims with dates of service after October 1, 2011, Wyoming Medicaid will follow the minimum CMS regulations in 42 CFR §447 and deny payment for all of the health care-acquired conditions identified in 42 CFR §447 Denial of payment shall be limited to the additional care required by the provider preventable condition

(ii) Wyoming Medicaid will review discharges relating to provider preventable conditions and make use of the "Present on Admission" indicator to identify health care-acquired conditions and deny reimbursement for any service associated with treating the health care-acquired condition For discharges with a health care-acquired condition, Wyoming Medicaid will request that the hospital resubmit the claim identifying all charges associated with the health care-acquired condition as non-covered Wyoming Medicaid will determine the total

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(iii) payment (discharge payment plus outlier payment) for the covered portion of the claim and compare this payment to prior payment of the claim. If the total payment is less than what was originally paid for the claim, then Wyoming Medicaid will request a refund from the hospital for the difference. Denial of payment shall be limited to the additional care required by the provider preventable condition. Wyoming Medicaid requires hospitals to document a valid Present on Admission (POA) indicator for each inpatient diagnosis, pursuant to CMS regulations in 42 CFR §412. Wyoming Medicaid uses POA definitions as outlined by CMS, described in MLN Matters Number 5499, and detailed at <http://cms.hhs.gov/Transmittals/downloads/R1240CP.pdf>

(iv) Wyoming Medicaid shall not pay the approved inpatient hospital rates, or any other hospital payments including disproportionate share and qualified rate adjustments pursuant to Attachment 4 19A, Parts 1 and 2, for provider preventable conditions that are identified as non-payable by CMS. Wyoming Medicaid shall not be liable for payment of any services related to provider preventable conditions that are identified as non-payable by CMS.

(v) Wyoming Medicaid shall review from time to time the list of provider preventable conditions and add to the list in the event that Wyoming Medicaid makes a medical finding using evidence-based guidelines. In such an event, the Department shall disseminate to providers, through manuals or bulletins, a current list of provider preventable conditions pursuant to this Attachment.

In compliance with 42 CFR 447.26(c), Wyoming Medicaid provides

1) That no reduction in payment for a provider preventable condition will be imposed on a provider when the condition defined as a PPC for a particular patient existed prior to the initiation of treatment for that patient by that provider.

2) That reductions in provider payment may be limited to the extent that the following apply

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(i) The identified provider-preventable conditions would otherwise result in an increase in payment

(ii) The State can reasonably isolate for nonpayment the portion of the payment directly related to treatment for, and related to, the provider-preventable conditions

3) Assurance that non-payment for provider-preventable conditions does not prevent access to services for Medicaid beneficiaries

Other Provider-Preventable Conditions

The State identifies the following Other Provider-Preventable Conditions (OPPCs) for non-payment under Section(s) 4 19(A)

 X Wrong surgical or other invasive procedure performed on a patient, surgical or other invasive procedure performed on the wrong body part, surgical or other invasive procedure performed on the wrong patient

Wyoming Medicaid will adopt the baseline for other provider-preventable conditions as described above. The following reimbursement changes will apply

Payment will be denied for these conditions in any Health Care Setting as identified in Attachments 4 19(A) and any other settings where these events may occur. For any Wyoming Medicaid claims with dates of service after July 1, 2012, Wyoming Medicaid will follow the minimum CMS regulations in 42 CFR §447 and deny payment for all of the OPPCs identified in 42 CFR §447. In the event that individual cases are identified throughout the PPC implementation period, the State will adjust reimbursements according to the methodology above. Denial of payment shall be limited to the additional care required by the provider preventable condition. Wyoming Medicaid shall review from time to time the list of OPPCs and add to the list in the event that Wyoming Medicaid makes a medical finding using evidence-based guidelines. In such an event, the Department shall disseminate to providers, through manuals or bulletins, a current list of provider preventable conditions pursuant to this Attachment.

TN No WY 11-009

Supersedes

TN No NEW

CMS ID 7982E

MAR - 6 2012
Approval Date _____ Effective Date October 1, 2011

____ Additional Other Provider-Preventable Conditions Identified below (please indicate the section(s) of the plan and specific service type and provider type to which the provisions will be applied For example – 4 19(d) nursing facility services, 4 19(b) physician services) of the plan

PRA Disclosure Statement

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-New The time required to complete this information collection is estimated to average 7 hours per response, including the time to 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

TN No WY 11-009

Supersedes

TN No NEW

CMS ID 7982E

MAR -6 2012

Approval Date _____ **Effective Date** October 1, 2011

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

STATE: Wyoming

Qualified Rate Adjustment (QRA) Payments

A hospital located in Wyoming may be eligible for an inpatient Qualified Rate Adjustment (QRA) payment if:

1. It is owned or operated by a non-state governmental entity; and
2. Its calculated inpatient Medicaid costs for the payment period are greater than its projected pre-QRA inpatient Medicaid payments for the same period.

A hospital's calculated Medicaid costs for the payment period are determined by applying the cost-to-charge ratios developed from the hospital's most recently available Medicare cost report to the hospital's billed charges for ancillary services for Medicaid claims paid during the most recently ended State fiscal year (inflated to the midpoint of the payment period) and on the basis of the hospital's routine costs per day developed from the hospital's most recently available cost report (inflated to the midpoint of the payment period). Reimbursable costs are calculated using Medicare payment principles. Billed charges and per diem costs are inflated using the most currently available CMS Prospective Payment System Hospital Input Price Index.

A hospital's projected pre-QRA Medicaid payments for the payment period are the total of Medicaid payments to the hospital for claims paid during the most recently ended State fiscal year, with each payment inflated from its effective period to the midpoint of the payment period using the CMS Prospective Payment System Hospital Input Price Index.

The QRA payment is an annual lump sum supplemental payment equal to a portion of the difference between a qualifying hospital's calculated Medicaid costs for the payment period and its pre-QRA Medicaid payments for the same period, minus amounts payable by other third parties and beneficiaries. Qualified Rate Adjustment payments are made after the qualifying hospital's data for the most recently ended state fiscal year become available. For purposes of the first QRA payments calculated under the provision, the first fiscal year treated as the most recently ended state fiscal year is the July 1, 2003 – June 30, 2004 fiscal year. QRA payments will not be subject to cost settlement. The Medicaid payments and the QRA payments will not exceed Medicare Upper Payment Limits according to 42 CFR, Section 447.272

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

STATE: Wyoming

The State has in place a public process which complies with the requirements of Section 1902 (a) (13) (A) of the Social Security Act. W.S. § 16-3-103 meets or exceeds these requirements.

No. 09-002

Supersedes:

TN NO. 93-015; 04-001; 97-010; 97-09; 03-002

Approval Date

DEC 22 2009

Effective Date: September 1, 2009

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
WYOMING
REIMBURSEMENT OF DISPROPORTIONATE SHARE HOSPITALS

Section 1 Authority

This Chapter is promulgated by the Department of Health pursuant to the Medical Assistance and Services Act at W.S. §42-4-101 et seq and the Wyoming Administrative Procedures Act at W. S. 16-3-101 et seq.

Section 2. Purpose and Applicability.

(a) These rules have been adopted to govern disproportionate share payments made on or after its effective date. This Chapter is intended to implement the Department's responsibility to make disproportionate share payments under Section 1923 of the Social Security Act, codified at 42 U.S.C. § 1396r-4. Hospital services are also subject to the provisions of Chapters 4, 8, 9, 30, 31 and 33 of the Department's Medicaid Rules, and Attachment 4.19A, except as otherwise specified in this Attachment.

(b) The Department may issue manuals, bulletins, or both to interpret the provisions of these rules and regulations. Such manuals and bulletins shall be consistent with and reflect the policies contained in these rules and regulations. The provisions contained in manuals or bulletins shall be subordinate to the provisions of these rules and regulations.

(c) The incorporation by reference of any external standard is intended to be the incorporation of that standard as it is in effect on the effective date of these rules and regulations

Section 3. General Provisions.

(a) Terminology Except as otherwise specified, the terminology used in this Chapter is the standard terminology and has the standard meaning used in accounting, health care, Medicaid and Medicare.

(b) General methodology. Disproportionate share hospitals receive an annual payment after the year end settlement of the hospital's cost report. The hospital's eligibility for and the amount of any disproportionate share payment shall be determined pursuant to this Chapter

(c) The Department shall calculate disproportionate share payments after the state fiscal year end and make payments prior to the end of that same calendar year.

(d) Disproportionate share payments shall not be redetermined because of changes that result from a reopening, redetermination, administrative hearing, settlement agreement, or other change in a hospital's allowable costs.

Section 4. Disproportionate share payment.

(a) In addition to the payment rates established pursuant to Chapters 30 and 49, a disproportionate share hospital shall be entitled to a disproportionate share payment computed pursuant to this section.

(b) Determination of eligibility for disproportionate share hospital payment. To be eligible for disproportionate share hospital payment a hospital must meet both of the following criteria:

(i) Have a Wyoming Medicaid utilization rate of not less than five percent (5%), defined as the percentage resulting from dividing Medicaid patient days by total patient days, based on the most current available information; and

(ii) Have at least two (2) obstetricians with staff privileges at the hospital who have agreed to provide obstetric services to individuals entitled to such services under the Medicaid State Plan. In the case of a hospital located in a rural area (that is, an area located outside of a Metropolitan Statistical Area as defined by the Executive Office of Management and Budget), the "obstetrician" includes any physician with staff privileges at the hospital to perform nonemergency obstetric procedures.

(c) Determination of the Medicaid payment deficit.

(i) For each disproportionate share hospital, the Department shall determine total hospital payments for covered services as follows:

(A) Calculate a hospital's inpatient and outpatient Medicaid payments for furnishing covered services during a payment period;

(B) Calculate any amounts payable to the hospital by other third parties and beneficiaries for Medicaid covered services during a payment period;

(C) Calculate QRA payments pursuant to Chapter 49.

(D) The results of (A), (B) and (C) shall be summed to determine the total payments for covered services for each hospital.

(ii) For each disproportionate share hospital, the Department shall determine hospital Medicaid costs as follows:

(A) Calculate the hospital-specific ancillary department cost-to-charge ratios using the hospital's most recently available Medicare cost report;

(B) Inflate hospital ancillary billed charges to the midpoint of the payment period using the CMS-PPS Hospital Market Basket index.

(C) Multiply the cost-to-charge ratios by the hospital's inflated billed charges reported on Medicaid claims paid during the most recently ended State fiscal year.

(D) Calculate hospital-specific routine department per diems using the hospital's most recently available Medicare cost report;

(E) Inflate hospital-specific routine department per diems to the midpoint of the payment period using the CMS-PPS Hospital Market Basket Index.

(F) Multiply the inflated routine per diems by the number of days reported on Medicaid claims paid during the most recently ended State fiscal year.

(G) Sum the product determined in (c)(11)(C) and (c)(11)(F) to determine a hospital's allowable Medicaid costs for furnishing covered services during the most recently completed payment period.

(111) For each disproportionate share hospital, the Department shall determine the Medicaid payment deficit as the difference between total payments in (c)(1)(D) and Medicaid costs of services in (c)(11)(G)

(d) Determination of hospital-specific preliminary disproportionate share hospital payment allocation For each disproportionate share hospital, the Department will calculate a preliminary disproportionate share hospital payment as follows

(i) Calculate the ratio of the hospital's Medicaid payment deficit to the hospital's total payments to determine the hospital-specific Medicaid payment deficit percentage

(ii) Calculate a percentage, to represent each disproportionate share hospital's payment deficit as a percentage of all disproportionate share hospitals' payment deficits, by dividing the hospital-specific Medicaid payment deficit percentage by the sum of all disproportionate share hospitals' Medicaid payment deficit percentages.

(111) Multiply the percentage obtained in (d)(ii) by Wyoming's federal fiscal year allotment for disproportionate share hospital to determine a hospital's preliminary disproportionate share hospital allocation

(e) Determination of preliminary hospital-specific disproportionate share hospital upper limit. For each disproportionate share hospital, the Department will test hospital-specific disproportionate share hospital payment allocations using the hospital-specific disproportionate share hospital upper limit as follows

(i) Sum total payments from (c)(1)(D) and the initial disproportionate share hospital allocation from (d)(111) and compare the total to Medicaid costs determined in (c)(11)(G)

(A) If a disproportionate share hospital's Medicaid costs as calculated in (c)(11)(G) are greater than the sum of total payments as calculated in (c)(1)(D) and the disproportionate share hospital allocation for the hospital as calculated in (d)(111), then the hospital has not exceeded the hospital-specific disproportionate share hospital upper limit

(B) If a disproportionate share hospital's Medicaid costs as calculated in (c)(11)(G) are less than the sum of total payments as calculated in (c)(1)(D) and the disproportionate share hospital allocation for the hospital as calculated in (d)(111),

then the hospital has exceeded the hospital-specific disproportionate share hospital upper limit.

(f) Determination of final hospital-specific disproportionate share hospital payment allocations. For each disproportionate share hospital, the Department shall determine the final disproportionate share hospital payment allocation as follows:

(i) Use the Medicaid payment deficit amount as calculated in (c)(iii) to substitute the disproportionate share hospital allotment amount determined in (d)(iii) for disproportionate share hospitals that reach the hospital-specific disproportionate share hospital upper limit in (e)(i)(B).

(ii) Distribute unallocated disproportionate share hospital payments. The Department shall distribute any disproportionate share hospital allotment amounts that are not allocated due to the hospital-specific disproportionate share hospital upper limit test to the remaining disproportionate share hospitals that have not exceeded the hospital-specific disproportionate share hospital upper limit as follows:

(A) The Department shall sum the disproportionate share hospital payments allocated to each disproportionate share hospital and,

(B) Subtract the amount determined in (f)(ii)(A) from Wyoming's federal fiscal year allotment for disproportionate share hospital payments to calculate the unallocated disproportionate share hospital payments.

(C) For each hospital that has not exceeded its hospital-specific disproportionate share hospital upper limit, allocate any remaining disproportionate share hospital payment allotment as calculated from subparagraph (f)(ii)(B) as follows:

(1) Calculate a percentage to represent each disproportionate share hospital's payment deficit as a percentage of all disproportionate share hospitals' payment deficits, by dividing the hospital-specific Medicaid payment deficit percentage by the sum of all disproportionate share hospitals' Medicaid payment deficit percentages, excluding the payment deficits for each disproportionate share hospital that has reached the hospital-specific disproportionate share hospital upper limit.

(2) Multiply (f)(ii)(C)(1) by the unallocated disproportionate share hospital allotment pursuant to subparagraph (f)(ii)(B) to determine the additional disproportionate share hospital allocation.

(3) Sum total payments from (c)(i)(D), the initial disproportionate share hospital allocation from (d)(iii) and the additional disproportionate share hospital allocation from (f)(ii)(C)(2) and compare the total to Medicaid costs from (c)(i)(G) to perform the hospital-specific upper payment limit test described in (e)

(iii) The Department shall follow the steps outlined in (f) until the entire disproportionate share hospital allotment is distributed to disproportionate share hospitals or until each disproportionate share hospital has been allocated disproportionate

share hospital payments up to its hospital-specific disproportionate share hospital upper limit.

(g) In conformity with OBRA '93, the Department will establish disproportionate share payments not greater than each hospital's unreimbursed costs for services rendered to Title XIX patients and uninsured patients. The Department will review cost and payment information annually for each hospital receiving disproportionate share hospital payments to determine conformity with this OBRA '93 requirement. The annual OBRA '93 review will consist of comparing providers' proposed disproportionate share hospital payments to their unreimbursed costs for services rendered to Title XIX patients and uninsured patients. If a provider's proposed disproportionate share payments are less than unreimbursed costs, then the provider's disproportionate share payments conform with OBRA '93. If a provider's proposed disproportionate share payments are greater than the provider's unreimbursed costs, the State will reduce the provider's proposed disproportionate share payments to equal the unreimbursed costs. The Department will calculate unreimbursed costs by applying provider-specific cost-to-charge ratios to charges for services provided to Title XIX and uninsured patients, and subtracting payments from the costs of those services. For purposes of the cost-to-charge ratio calculation, the Department will use cost and charge data from the same cost reports as those used to calculate the disproportionate share hospital payments.

(h) Disproportionate share payments for hospitals located outside Wyoming

(i) Request. Hospitals certified as disproportionate share hospitals by the Medicaid agency in their home state and meet criteria in subparagraph (b) that wish to be considered for disproportionate share payments, must submit a request for consideration of disproportionate share payments.

(ii) Time and contents of request. A request for disproportionate share payments must be sent to the Department, by certified mail, on or before October 1st of each year. The hospital must submit the correct cost report with the request, if it is available. The hospital must contact the Department before that date to determine which fiscal year's cost report to submit with the request. The failure to timely submit a request, including the correct cost report, if available, shall preclude the hospital from requesting or receiving disproportionate share payment.

(iii) Determination of amount of payment. The amount of the disproportionate share payment shall be that proportion of the amount determined pursuant to subsection (f).

Section 5. Provider Records.

(a) A hospital must comply with Chapter 4, Section 7, which is incorporated by this reference.

(b) Out-of-state records. If a provider maintains financial records or medical records in a state other than Wyoming, the provider shall either transfer the records to an in-state location that is suitable for the Department or reimburse the Department for

reasonable costs, including travel, lodging and meals, incurred in performing the audit in an out-of-state location, unless otherwise agreed by the Department.

Section 6. Audits.

(a) The Department may perform audits pursuant to Chapter 30, which is incorporated by this reference.

(b) Reporting audit results. If at anytime during a financial audit or a medical audit, HCF discovers evidence suggesting fraud or abuse by a provider, that evidence, in addition to HCF's final audit report regarding that provider, shall be referred to the Medicaid Fraud Unit of the Wyoming Attorney General's Office

(c) The Department shall submit an independent certified audit to CMS for each completed Medicaid State plan rate year, consistent with 42 CFR 455 Subpart D Independent Certified Audit of State Disproportionate Share Hospital Payment Adjustments.

a. If based on the audit, the Department determines that there was an overpayment to a provider, the Department immediately shall:

i. Recover the overpayment from the provider pursuant to Section 7.

ii. Redistribute the amount in overpayment to providers that had not exceeded the hospital-specific upper payment limit during the period in which the DSH payments were determined. The payments will be distributed pursuant to Section 4 and will be subject to hospital-specific upper payment limits.

Section 7. Recovery of Overpayments. The Department shall recover overpayments pursuant to the provisions of Chapter 16, which are incorporated by this reference.

Section 8. Reconsideration. A provider may request reconsideration of the decision to recover overpayments pursuant to Chapter 16 which is incorporated by this reference

Section 9. Automatic expiration of rule. This Chapter shall automatically expire upon the elimination of Section 1923 of the Social Security Act and/or any other relevant provisions of Federal statutes or regulations.

Section 10. Limitations on DSH payments. Disproportionate share payments shall not exceed the DSH state allotment, except as otherwise required by the Social Security Act. In no event shall the Department be obligated to use State Medicaid funds to pay more than the State Medicaid percentage of DSH payments due a provider.

Section 11. Delegation of Duties. The Department may delegate any of its duties under this rule to the Wyoming Attorney General, HHS, any other agency of the federal, state or local government, or a private entity which is capable of performing such

functions, provided that the Department shall retain the authority to impose sanctions, recover excess payments or take any other final action authorized by this Chapter.

Section 12. Interpretation of Chapter.

(a) The order in which the provisions of this Chapter appear is not to be construed to mean that any one provision is more or less important than any other provision.

(b) The text of this Chapter shall control the titles of various provisions.

Section 14. Superseding effect. This Chapter supersedes all prior rules or policy statements issued by the Department, including provider manuals and/or bulletins, which are inconsistent with this Chapter.

Section 15. Severability. If any portion of these rules is found to be invalid or unenforceable, the remainder shall continue in effect.

STATE: Wyoming

SELECTIVE CONTRACTING OF SERVICES

Section 1. Authority

This Attachment is prepared and submitted to HCFA for approval pursuant to 42 U.S.C. @ 1396a (b) and 45 C.F.R. Part 201, Subpart A.

Section 2. Purpose and Applicability.

(a) This Attachment shall apply to and govern Medicaid reimbursement of specialty services on or after its effective date.

(b) The Department may issue Provider Manuals, Provider Bulletins, or both, to providers and/or other affected parties to interpret the provisions of this Attachment. Such Provider Manuals and Provider Bulletins shall be consistent with and reflect the policies contained in this Attachment. The provisions contained in Provider Manuals or Provider Bulletins shall be subordinate to the provisions of this Attachment.

Section 3. General Provisions.

(a) Terminology. Except as otherwise specified, the terminology used in this Attachment is the standard terminology and has the standard meaning used in accounting, health care, Medicaid and Medicare.

(b) General methodology. The Department reimburses providers of specialty services pursuant to contracts with selected providers. Except as otherwise specified by contract, selective services must be provided pursuant to this Attachment.

Section 4. Definitions.

(a) "Admission" or "admitted." The act by which an individual is admitted to a hospital as an inpatient. "Admission" or "admitted" does not include an individual that is transferred from one unit of a hospital to another unit in the hospital or to a distinct part hospital unit.

(b) "Admission certification." The determination of the Division that all or part of a recipient's inpatient hospitalization is or was medically necessary and that Medicaid funds may be used to pay the attending physician, hospital, and other providers of inpatient hospital services for providing medically necessary services, subject to the Department's normal procedures and standards and subject to withdrawal of certification.

(c) "Attachment 4.19A, Part I." Attachment 4.19A, Part 1, Level of Care Inpatient Hospital Reimbursement, of the Wyoming Medicaid State Plan.

(d) "Certified." Approved by the survey agency as in compliance with applicable statutes and rules.

- (e) "Chapter I." Chapter 1, Rules for Medicaid Administrative Hearings, of the Wyoming Medicaid rules.
- (f) "Chapter 3." Chapter 3, Provider Participation, of the Wyoming Medicaid Rules.
- (g) "Chapter 4." Chapter 4, Third Party Liability, of the Wyoming Medicaid Rules.
- (h) "Chapter 8." Chapter 8, Inpatient Admission Certification, of the Wyoming Medicaid Rules.
- (i) "Chapter 9." Chapter 9, Hospital Services, of the Wyoming Medicaid Rules.
- (j) "Claim." A request by a provider for Medicaid payment for covered services provided to a recipient.
- (k) "Contract." A written agreement between a provider and the Department in which the provider agrees to provide specialty services pursuant to this Attachment.
- (l) "Covered service." A health service or supply eligible for Medicaid reimbursement pursuant to the rules and policies of the Department.
- (m) "Department." The Wyoming Department of Health, its agent, designee or successor.
- (n) "Director." The Director of the Department or the Director's designee.
- (o) "Division." The Division of Health Care Financing of the Department, its agent, designee or successor.
- (p) "Emergency." The sudden onset of a medical condition manifesting itself by acute symptoms of sufficient severity (including pain) that referral or transfer of the individual to a contracting provider is impractical, and the absence of immediate medical attention could reasonably be expected to result in:
 - (i) Placing the patient's health in serious jeopardy;
 - (ii) Serious impairment to bodily functions; or
 - (iii) Serious dysfunction of any bodily organ or part
- (q) "Enrolled." A provider that has signed a provider agreement and has been enrolled as a provider with the Division.
- (r) "Excess payments." Medicaid funds received by a provider which exceed the Medicaid allowable payment established by the Department.

(s) "HCFA." The Health Care Financing Administration of the United States Department of Health and Human Services, its agent, designee or successor.

(t) "HHS." The United States Department of Health and Human Services, its agent, designee or successor.

(u) "Hospital." An institution that: (i) is approved to participate as a hospital under Medicare; (ii) is maintained primarily for the treatment and care of patients with disorders other than mental diseases or tuberculosis; (iii) has a provider agreement; (iv) is enrolled in the Medicaid program; and (v) is licensed to operate as a hospital by the State of Wyoming or, if the institution is out-of-state, licensed as a hospital by the state in which the institution is located.

(v) "Inpatient." An "inpatient" as defined by 42 C.F.R. §440.10, which is incorporated by this reference.

(w) "Inpatient hospital service." "Inpatient hospital services" as defined by 42 C.F.R. § 440.10, which is incorporated by this reference.

(x) "JCAHO." The Joint Commission on Accreditation of Healthcare Organizations.

(y) "Maintenance psychiatric services." Covered extended psychiatric services identified by revenue code 680.

(z) "Medicaid." Medical assistance and services provided pursuant to Title XIX of the Social Security Act and/or the Wyoming Medical Assistance and Services Act. "Medicaid" includes any successor or replacement program created by Congress and/or the Wyoming Legislature.

(aa) "Medical record." All documents, in whatever form, in the possession of or subject to the control of the hospital which describe the recipient's diagnosis, condition or treatment, including, but not limited to, the plan of care for the recipient.

(bb) "Patient." An individual admitted to a hospital or other provider of inpatient hospital services.

(cc) "Physician." A person licensed to practice medicine or osteopathy by the Wyoming State Board of Medical Examiners or a comparable agency in another state, or a person licensed to practice dentistry by the Wyoming Board of Dental Examiners or a comparable agency in another state.

(dd) "Prior authorized." Approval by the Division pursuant to Chapter 3, Section 9, which is incorporated by this reference.

(ee) "Provider." A provider as defined by Chapter 3, Section 3(y), which is incorporated by this reference.

(ff) "Readmission." The act by which an individual is:

(i) Admitted to a provider from which the individual had been discharged;

(ii) On or before the thirty-first day after the previous discharge; and

(iii) For treatment of any diagnosis.

(gg) "Recipient." A person who has been determined eligible for Medicaid.

(hh) "Services." Health services, medical supplies, or equipment.

(ii) "Specialty services." Services identified for selective contracting by the Department and approved by HCFA through appropriate waivers.

(jj) "Survey agency." The Health Facilities Survey, Certification and Licensure Office of the Department, its agent, designee or successor, or a comparable agency in another state.

(kk) "Third party liability." Third party liability as determined pursuant to Chapter 4, which is incorporated by this reference.

Section 5. Provider Participation.

(a) Payments only to providers. Except as otherwise specified in this Attachment, no provider that furnishes specialty services to a recipient shall receive Medicaid funds unless the

provider is certified, unless otherwise specified pursuant to Section 9, has signed a provider agreement, is enrolled, and has signed a contract with the Department.

(b) Compliance with Chapter 3. A provider that wishes to receive Medicaid reimbursement for specialty services furnished to a recipient must meet the requirements of Chapter 3, Sections 4 through 6, which are incorporated by this reference.

(c) Qualified provider. A provider or group of providers that contracts to provide specialty services must meet the criteria that the Department establishes as part of the selective contracting process.

Section 6. Provider Records.

(a) A provider must comply with Chapter 3, Section 7, which is incorporated by this reference.

(b) Out-of-state records. If a provider maintains financial or medical records in a state other than the state where the provider is located, the provider shall either transfer the records to an in-state location that is suitable for the Department or reimburse the Department for reasonable costs, including travel, lodging and meals, incurred in performing the audit in an out-of-state location, unless otherwise agreed by the Department.

Section 7. Verification of recipient data. A provider must comply with Chapter 3, Section 8, which is incorporated by this reference.

Section 8. Medicaid allowable payment for specialty services.

(a) The Department shall reimburse specialty services through selective contracting with qualified providers. Except as otherwise provided in this Section, only providers that enter a contract with the Department shall be reimbursed for providing specialty services.

(b) All-inclusive rate. Providers of specialty services shall not receive Medicaid reimbursement for furnishing specialty services in addition to the contract rate.

(c) Services that require prior authorization or admission certification. The Division may, as part of the selective contracting process, require prior authorization or admission certification as a prerequisite to Medicaid payment. Failure to obtain prior authorization or admission certification shall result in the denial of Medicaid payment.

Section 9. Contracting process.

(a) Contracting process. The Department shall contract for specialty services as follows:

- (i) Identify covered services to be reimbursed as specialty services;
- (ii) Identify interested, qualified providers;
- (iii) Develop a selective contracting model;
- (iv) Solicit proposals using the selective contracting model;
- (v) Evaluate proposals and negotiate contracts.

(b) Duration of contracts. Contracts for selective services shall be for twelve months, and may be extended pursuant to the applicable contract.

Section 10. Reimbursement of readmissions. Medicaid shall not reimburse for a readmission if the readmission is for the continuation of treatment begun in the initial admission and the Department determines that the treatment should have been provided during the initial admission.

Section 11. Reimbursement to non-contracting providers.

(a) Medicaid reimbursement for specialty services furnished by non-contracting providers shall be limited to reimbursement for services provided in response to an emergency.

(b) The Medicaid reimbursement rate for specialty services furnished by a non-contracting provider in response to an emergency shall be the average Medicaid rate paid to contracting providers for such services.

(c) Retroactive eligibility. Specialty services furnished by a non-contracting provider to an individual that becomes eligible for Medicaid after the date of admission shall be reimbursed at the average Medicaid rate paid to a contracting provider for the same or similar services.

Section 12. Third party liability.

(a) Submission of claims. Claims for which third party liability exists shall be submitted in accordance with Chapter 4, which is incorporated by this reference.

(b) Medicaid payment. The Medicaid payment for a claim for which third party liability exists shall be the difference between the Medicaid allowable payment and the third party payment. In no case shall the Medicaid payment exceed the payment otherwise allowable pursuant to this Attachment.

Section 13. Payment of Claims. Payment of claims shall be pursuant to Chapter 3, Section 11, which is incorporated by this reference.

Section 14. Recovery of excess payments. The Department shall recover excess payments pursuant to Chapter 3, Section 12, which is incorporated by this reference.

Section 15. Reconsideration.

(a) Request for reconsideration. A provider may request reconsideration of a request to recover excess payments. Such a request must be mailed to the Department, by certified mail,

return receipt requested, within twenty days after the date the provider receives notice pursuant to Section 14. The request must state with specificity the reasons for the request. Failure

to provide such a statement shall result in the dismissal of the request with prejudice.

(b) Reconsideration. The Department shall review the matter and send written notice by certified mail, return receipt requested, to the provider of its final decision within forty-

five days after receipt of the request for reconsideration or the receipt of any additional information requested pursuant to (c), whichever is later.

(c) Request for additional information. The Department may request additional information from the provider as apart of the reconsideration process. Such a request shall be made in writing by certified mail, return receipt requested. The provider must provide the requested information within the time specified in the request. Failure to provide the requested information shall result in the dismissal of the request with prejudice.

(d) Matters subject to reconsideration. A provider may request reconsideration of a decision to recover excess payments.

(e) Reconsideration shall be limited to whether the Department has complied with the provisions of this Attachment.

(f) Matters not subject to reconsideration.

(i) A provider may not challenge the use or reasonableness of the provisions of this Attachment.

(ii) The Department's refusal to enter into a contract with a provider to furnish specialty services.

(g) Informal resolution. The provider or the Department may request an informal meeting before the final decision on reconsideration to determine whether the matter may be resolved. The substance of the discussions and/or settlement offers made pursuant to an attempt at informal resolution shall not be admissible as part of a subsequent administrative hearing or judicial proceeding.

(h) Administrative hearing. A provider may request an administrative hearing regarding the final agency decision pursuant to Chapter 1 of the Department's Medicaid rules by mailing by certified mail, return receipt requested or personally delivering a request for hearing to the Department within twenty days after the date the provider receives notice of the final agency decision. At the hearing, the burden shall be on the provider to show that the agency's final decision does not comply with this Attachment.

(i) Failure to request reconsideration. A provider which fails to request reconsideration pursuant to this Section may not subsequently request an administrative hearing pursuant to

Chapter 1.

(j) Confidentiality of settlement agreements. If the Division and a provider enter into a settlement agreement as part of a reconsideration or an administrative hearing, such agreement shall be confidential, except as otherwise required by law. A breach of confidentiality by the provider shall, at the Division's option, result in the settlement agreement becoming

null and void.

Section 16. Interpretation of Attachment.

(a) The order in which the provisions of this Attachment appear is not to be construed to mean that any one provision is more or less important than any other provision.

(b) The text of this Attachment shall control the titles of various provisions.

Section 17. Superseding effect. This Attachment supersedes all prior Attachments or policy statements issued by the Department, including provider manuals and provider bulletins, which are inconsistent with this Attachment, except as otherwise specified in this Attachment.

Section 18. Severability. If any portion of this Attachment is found to be invalid or unenforceable, the remainder shall continue in full force and effect.

Reimbursement of Psychiatric Residential Treatment Facilities For Individuals 21 and Under (PRTF)

Section 1. Authority.

This Attachment is prepared and submitted to CMS for approval pursuant to 42 U.S.C. §1396a (b) and 45 C.F.R. Part 201, Part 201, Subpart A.

Section 2. Purpose and Applicability.

(a) This Attachment shall apply to and govern Medicaid reimbursement of Psychiatric Residential Treatment Facilities (PRTF).

(b) The Department may issue manuals, bulletins, or both, to interpret the provisions of this Attachment. Such manuals and bulletins shall be consistent with and reflect the policies contained in this Attachment. The provisions contained in manuals or bulletins shall be subordinate to the provisions of this Attachment.

(c) The incorporation by reference of any external standard is intended to be the incorporation of that standard as it is in effect on the effective date of this Attachment.

Section 3. General Provisions.

(a) Terminology. Except as otherwise specified, the terminology used in this Attachment is the standard terminology and has the standard meaning used in accounting, health care, Medicaid and Medicare.

(b) General methodology.

(i) All-inclusive rate. Payments for services provided in a Psychiatric Residential Treatment Facility (PRTF) will be made using a prospective per diem rate. The rates will be established by the Department of Health based on reasonable, actual costs for services and treatment of residents in the facility. Rates are provider-specific, all-inclusive for room and board and the treatment services specified in the treatment plan. There is no retroactive cost settlement based on actual costs.

(ii) Other medical and ancillary services paid through Medicaid fee schedules. The costs of medical and ancillary services not provided by the PRTF, excluding those services in the treatment plan, shall not be included in the all-inclusive prospective per diem rate, and shall be billed as a

separate service by the provider of those services and Medicaid shall pay for those covered services using the appropriate Medicaid fee schedule.

Section 4: Determination of PRTF Costs – This section summarizes the use of reported costs and adjustments to reported costs required to develop the data needed to calculate the room and board and licensed treatment rate components described in Section 5.

(a) Reported costs and days. Reported costs and days data from providers using Medicaid's PRTF cost report.

(i) Room and board costs. Reported on the provider cost report as room and board and non-licensed treatment costs.

(ii) Licensed treatment costs. Reported on the provider cost report as licensed treatment costs. These services are specified in the individual plan of care and include psychiatric and counseling services provided by licensed mental health professionals, and might also include physical, occupational and speech therapies if specified in the individual plan of care.

(iii) Administrative costs. The sum of administrative office employee salaries, contracted administrative office services, total administrative expenses and total liability and other insurance costs reported on provider costs reports.

(iv) Occupied bed days. Reported on the provider cost report as the total number of days beds were occupied during the provider's fiscal year.

(b) Adjustments to reported costs. Reported costs shall be adjusted to standardize data for analysis and remove non-allowable costs.

(i) Adjustment for National School Lunch funding. The revenues associated with the school lunch program shall be subtracted from reported room and board costs if a provider reported such revenue. Excluded National School Lunch costs shall be capped at the lower of food service-related costs or the revenue from the National School Lunch program.

(ii) Adjustment for services paid through a Medicaid fee schedule, as determined through a review of Medicaid paid claims data. Costs of services billed and paid on a fee-for-service basis shall be subtracted from total costs as these are not part of the services paid through the per

diem rate. Medicaid revenue for these payments shall be subtracted from the provider's reported treatment costs, not to exceed the costs reported on the cost report for that service.

(iii) Adjustments for inflation. Reported costs shall be inflated to the midpoint of the SFY of the rate-setting period, for those providers who reported costs for a reporting period different than the period immediately prior to the rate-setting period (i.e., if the current SFY is 2012, providers who submitted cost reports based on Calendar Year 2011 or SFY 2011). Inflation factors shall be determined using publicly available Wyoming-specific data from the National Bureau of Labor Statistics' Quarterly Census of Employment and Wages for Wyoming Nursing and Residential Care.

(c) Administrative costs adjustments.

(i) In-state median licensed treatment administrative costs. The licensed treatment administrative rate for instate PRTFs shall be calculated as the ratio of inflated licensed treatment administrative costs to total inflated costs and arrayed from high to low to determine the median value.

(ii) In-state median room and board administrative costs. The room and board administrative rate for instate PRTFs shall be calculated as the ratio of inflated room and board administrative costs to total inflated costs and arrayed from high to low to determine the median value.

(iii) Adjusted licensed treatment administrative costs. A provider's inflated licensed treatment administrative costs shall be adjusted if a provider's inflated licensed treatment administrative percentage exceeds the benchmark percentage (i.e., the median licensed treatment administrative percentage). The provider's inflated licensed treatment administrative costs shall be capped to equal administrative costs at the benchmark percentage.

(iv) Adjusted room and board administrative costs. A provider's inflated room and board administrative costs shall be adjusted if a provider's inflated room and board administrative percentage exceeds the benchmark percentage (i.e., the median room and board administrative percentage). The provider's inflated room and board administrative costs shall be capped to equal administrative costs at the benchmark percentage.

(d) Adjustments to reported days.

(i) In-state median occupancy level. The occupancy rate for in-state PRTFs shall be calculated as the ratio of reported occupied days to total days and arrayed from high to low to determine the median value. Total days shall be calculated as the number of beds multiplied by the number of days the facility was open.

(ii) Adjusted days. The total number of residential days shall be adjusted to reflect in-state PRTF median occupancy levels. If a provider's occupancy rate was lower than the benchmark occupancy rate (i.e., the median), the residential days shall be recalculated as the number of days that equals the median occupancy rate of in-state PRTF providers.

(e) Final costs and days for rate setting.

(i) Final room and board costs. Final room and board costs shall be calculated by subtracting adjusted room and board administrative costs (Section 4(c)(iii)) from adjusted room and board costs (Section 4(b)).

(ii) Final licensed treatment costs. Final licensed treatment costs shall be calculated by subtracting adjusted licensed treatment administrative costs (Section 4(c)(iv)) from adjusted licensed treatment costs (Section 4(b)).

(iii) Final occupancy days. Final occupancy days shall be determined as reported days for providers with occupancy rates above the instate median occupancy level. For providers below the instate median occupancy level, adjusted days determined in Section 4(d)(ii) shall be used.

(iv) Median room and board per diem cap. Calculate the median room and board per diem cap for instate and out-of-state providers.

(A) In-state median room and board per diem cap. For each in-state provider, the room and board per diem shall be calculated as final room and board costs divided by final occupancy days and arrayed from high to low to determine the median value.

(B) Out-of-state median room and board per diem cap. For each out-of-state provider, the room and board per diem shall be calculated as final room and board costs divided by final occupancy days and arrayed from high to low to determine the median value.

Section 5: Determination of PRTF Rates

(a) The PRTF payment rate shall be comprised of a room and board per diem component and a licensed treatment per diem component.

(i) Room and board per diem component. The Department shall determine the room and board per diem component for each PRTF. Each PRTF's room and board per diem calculated in Section 4(e)(iv) is compared to the in-state median room and board cost per day (for in-state providers) or the out of state median (for out of state providers); the lower of the provider-specific room and board per diem or median shall be assigned as the final room and board per diem component.

(ii) Licensed treatment per diem component. The Department shall determine the licensed treatment per diem component for each PRTF. The licensed treatment per diem component is provider-specific, and shall be calculated as final licensed treatment costs divided by final occupancy days.

(iii) The Department shall determine the provider-specific, all-inclusive PRTF rate as the sum of the room and board per diem component and the licensed treatment per diem component.

(b) The rate shall not exceed the amount that would have been paid for such services under Medicare principles of reimbursement using publication 15-1.

Section 6. Preparation and Submission of Cost Reports.

(a) Time of submission. Each PRTF must submit a complete cost report to the Department or its designee annually by January 15. Providers shall submit cost reports based on their most recently audited financial statements, for the period immediately prior to the rate-setting period. If financial audits are not available for the period immediately prior to the rate-setting period, then the most recently available audited financial statements should be used to complete the cost report. .

(b) Preparation of cost reports. Cost reports shall be prepared in conformance with Medicaid's cost report instructions and allowable cost guidelines.

(c) Requirements of participation. Wyoming Medicaid requires all Wyoming and out-of-state PRTFs enrolled with the Medicaid program to complete a cost report if:

(i) The number of unduplicated clients served in the previous State Fiscal Year (i.e., July 1 to June 30) by the provider was at least five (5) Wyoming Medicaid clients; or

(ii) The total Wyoming Medicaid payments to the provider in the previous State Fiscal Year (i.e., July 1 to June 30) were at least \$50,000.

Section 7. Audits.

(a) Desk reviews. The Department may perform a desk review of a provider at any time to determine the accuracy and reasonableness of cost reports or whether the PRTF has received overpayments.

(b) Adjustments. If any adjustments are made as a result of a desk audit, the facility will be notified immediately upon determination of the finding and adjustment.

Section 7. Rebasing. The Department shall rebase the all-inclusive PRTF per diem periodically using the most recent provider cost report data.

Section 8. Payment of Claims. The timing and frequency of payments to PRTF providers is monthly.

Section 9. Recovery of Overpayments. The Department shall recover overpayments pursuant to Chapter 16, which is incorporated by this reference.

Section 10. Reconsideration. A provider may request reconsideration of the decision to recover overpayments pursuant to the provisions of Chapter 16.

Section 11. Delegation of Duties. The Department may delegate any of its duties under this rule to the Wyoming Attorney General, HHS, any other agency of the federal, state or local government, or a private entity which is capable of performing such functions, provided that the Department shall retain the authority to impose sanctions, recover overpayments or take any other final action authorized by this Attachment.

Section 12. Interpretation of Attachment.

(a) The order in which the provisions of this Attachment appear is not to be construed to mean that any one provision is more or less important than any other provision.

(b) The text of this Attachment shall control the titles of various provisions.

Section 13. Superseding Effect. This Attachment supersedes all prior Attachments or policy statements issued by the Department, including manuals and bulletins, which are inconsistent with this Attachment, except as otherwise specified in this Attachment.

Section 14. **Severability**. If any portion of this Attachment is found to be invalid or unenforceable, the remainder shall continue in effect.

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