



Division of Healthcare Financing
Home and Community Based Services Section
122 West 25th Street, 4 West
Cheyenne, WY 82002
(307) 777-7531 • 800-510-0280
[www./health.wyo.gov/healthcarefin/hcbs/](http://www.health.wyo.gov/healthcarefin/hcbs/)



Stefan Johansson
Interim Director

Mark Gordon
Governor

DELIVERED VIA EMAIL

September 3, 2021

Ref.: TG-2021-012

Department of Health and Human Services
Centers for Medicare and Medicaid Services
7500 Security Boulevard, Mail Stop S2-26-12
Baltimore, MD 21244-1850

RE: Updated Wyoming Response to Request for Additional Information - Initial Spending Plan and Narrative Partial Approval

Dear Director Bowdoin:

The Wyoming Department of Health, Division of Healthcare Financing (Division) is in receipt of CMS' partial approval of Wyoming's initial spending plan and narrative. The Division is appreciative of the time and consideration that went into granting this partial approval.

In order to obtain full approval of Wyoming's initial spending plan and narrative, the Division would like to offer the following responses to additional information requested by CMS.

Ongoing compliance with requirements set forth in State Medicaid Director Letter (SMDL) #21-003

- Wyoming is using the federal funds attributable to the increased Federal Medical Assistance Percentage (FMAP) to supplement and not supplant existing state funds expended for Medicaid HCBS in effect as of April 1, 2021;
- Wyoming is using the state funds equivalent to the amount of federal funds attributable to the increased FMAP to implement or supplement the implementation of one or more activities to enhance, expand, or strengthen HCBS under the Medicaid program;
- Wyoming is not imposing stricter eligibility standards, methodologies, or procedures for HCBS programs and services than were in place on April 1, 2021;
- Wyoming is preserving covered HCBS, including the services themselves and the amount, duration, and scope of those services, in effect as of April 1, 2021; and
- Wyoming is maintaining HCBS provider payments at a rate no less than those in place as of April 1, 2021.

Information requested for determination of activities approved under ARP Section 9817

- **CMS:** If Wyoming intends to implement the Functional Assessment Standardized Items (FASI) during the time period the state is expending state funds equivalent to the amount of federal funds attributable to the increased FMAP, explain how the FASI implementation will not impose stricter eligibility standards, methodologies, or procedures for HCBS programs and services than were in place on April 1, 2021.

Division Response: The Division intends to evaluate and plan for the implementation of the FASI. The FASI will not be implemented prior to April 1, 2024. This is a long term strategic planning activity. This information has been added to the initial spending plan and narrative, which will be resubmitted concurrently with this response.

- **CMS:** Identify the specific waiver programs through which the state will be providing institutional transition services and the specific services that will be covered, including whether the services are listed in Appendix B of the SMDL or could be listed in Appendix B, and whether the services include room and board. If the state intends to cover these services under a section 1915(c) waiver program, Wyoming will need to ensure that it complies with CMS requirements related to providing community transition services to individuals receiving section 1915(c) waiver services, section 1915(i) state plan benefits, or section 1915(k) Community First Choice (CFC) state plan benefits, particularly related to first and last month's rent and pantry stocking. Please note that room and board are not permissible uses of funds under section 9817 of the ARP.

Division Response: Transition services will be covered under §1915(c) Home and Community-Based Waiver services, which are listed in Appendix of SMDL #21-003. In accordance with the Technical Guide and Review Criteria [Version 3.6, January 2019], room and board costs, including food and rent costs, will not be covered under this service. This information has been added to the initial spending plan and narrative, which will be resubmitted concurrently with this response.

- **CMS:** Clearly indicate whether the payments to HCBS providers under the "Expanding Provider and Workforce Capacity" activity will be made to providers that are not delivering services that are listed in Appendix B of the SMDL or could be listed in Appendix B (e.g., behavioral health services that are covered under another benefit but could be covered under the rehabilitative services benefit). If the providers are not delivering services that are listed in Appendix B or that could be listed in Appendix B, please explain how those payments expand, enhance, or strengthen HCBS under Medicaid.

Division Response: Increased provider payments explained under the "Expanding Provider and Workforce Capacity" activity will only be made to providers delivering services that are specifically categorized as HCBS, which are outlined in SMDL #21-003, Appendix B. This information has been added to the initial spending plan and narrative, which will be resubmitted concurrently with this response.

- **CMS:** Please provide dollar amounts, as opposed to percentages, for the anticipated expenditures for the activities the state intends to implement to enhance, expand, or strengthen HCBS under the state Medicaid program between April 1, 2021, and March 31, 2024.

Division Response: Dollar amounts for anticipated expenditures have been added to the initial spending plan and narrative, which will be resubmitted concurrently with this response.

General Considerations

- The Division will notify CMS as soon as possible if Wyoming's activities to expand, enhance, or strengthen HCBS under ARP section 9817 are focused on services other than those listed in Appendix B or that could be listed in Appendix B. This includes activities that are not directly related to the services listed in Appendix B or services that could be listed in Appendix B, activities that include room and board, or activities other than those listed in Appendices C and D. The Division will provide an explanation of how those activities expand, enhance, or strengthen HCBS under Medicaid.
- The Division understands that increases to HCBS provider payments funded through the 10 percent temporary increased FMAP will require an updated rate methodology. The Division will submit a waiver amendment for any rate methodology change, except as permitted in the Appendix K.
- The state plan methodology adopted by the Division will be consistent with regulations at 42 C.F.R. § 447.252(b), and will specify the methods and standards used by the Division to set payment rates. The state plan methodology will be comprehensive enough to determine the required level of payment and the federal financial participation (FFP) to allow interested parties to understand the rate setting process and the items and services that are paid through these rates. Claims for federal matching funds will not be based upon estimates or projections, and the reimbursement methodology will be based upon actual historical utilization and actual trend factors.
- Wyoming does not provide HCBS through a managed care delivery system.
- As the Division implements transition services for the Community Choices Waiver, the Division will clearly communicate with stakeholders. This will continue to be accomplished through the State's ARPA spending plan and narrative as well as necessary waiver amendments. Ongoing stakeholder communications will include discussion of how these changes enhance the availability of integrated services and continue to comply with and fulfill the purpose of home and community-based settings criteria related to increased community integration.

The Division is available to answer any additional questions and address concerns. Please contact Lee Grossman at lee.grossman1@wyo.gov if additional clarification is needed on the Division's responses.

Sincerely,



Teri Green, State Medicaid Agent and Senior Administrator
Division of Healthcare Financing

cc: Lee Grossman, Home and Community-Based Services Section Administrator
Shirley Pratt, HCBS Policy and Communications Unit Manager
Jan Stall, Provider and Benefit Management Administrator