

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
MEDICAL ASSISTANCE PROGRAM

State: UTAH

SECTION 4 - GENERAL PROGRAM ADMINISTRATION (Continued)

Citation

4.14 Utilization/Quality Control (Continued)

42 CFR 456.2
50 FR 15312

(d) The Medicaid agency meets the requirements of 42 CFR Part 456, Subpart E, for the control of utilization of skilled nursing facility services.

Utilization and medical review are performed by a Utilization and Quality Control Peer Review Organization designated under 42 CFR Part 462 that has a contract with the agency to perform those reviews.

Utilization review is performed in accordance with 42 CFR Part 456, Subpart H, that specifies the conditions of a waiver of the requirements of Subpart E for:

All skilled nursing facilities.

Those specified in the waiver.

No waivers have been granted.

T.N. # 85-24

Approval Date 10-24-85

Supersedes T.N. # 81-07

Effective Date 7-1-85

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
MEDICAL ASSISTANCE PROGRAM

State: UTAH

SECTION 4 - GENERAL PROGRAM ADMINISTRATION (Continued)

Citation

4.14 Utilization/Quality Control (Continued)

42 CFR 456.2
50 FR 15312

- (e) The Medicaid agency meets the requirements of 42 CFR Part 456, Subpart F, for control of the utilization of intermediate care facility services. Utilization review in facilities is provided through:
- Facility-based review.
 - Direct review by personnel of the medical assistance unit of the State agency.
 - Personnel under contract to the medical assistance unit of the State agency.
 - Utilization and Quality Control Peer Review Organizations.
 - Another method as described in ATTACHMENT 4.14-A.
 - Two or more of the above methods. ATTACHMENT 4.14-B describes the circumstances under which each method is used.
 - Not applicable. Intermediate care facility services are not provided under this plan.

T.N. # 85-24

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Effective Date 7-1-85

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
MEDICAL ASSISTANCE PROGRAM

State: UTAH

SECTION 4 - GENERAL PROGRAM ADMINISTRATION (Continued)

Citation

4.14 Utilization/Quality Control (Continued)

42 CFR 438.356(e)
45 CFR Part 74

(f) For each contract, the State must follow an open, competitive procurement process that is in accordance with State law and regulations and consistent with 45 CFR Part 74 as it applies to State procurement of Medicaid services.

42 CFR 438.354
42 CFR 438.356(b) and (d)

The State must ensure that an External Quality Review Organization and its subcontractors performing the External Quality Review or External Quality Review-related activities, meets the competence and independence requirements found in 42 CFR 438 Subpart E.

 Not Applicable

T.N. # 05-006

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Effective Date 1-1-05

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
MEDICAL ASSISTANCE PROGRAM

State: UTAH

SECTION 4 - GENERAL PROGRAM ADMINISTRATION (Continued)

| | |
|---|--|
| Citation | 4.15 <u>Inspection of Care in Intermediate Care Facilities for the Mentally Retarded, Facilities Providing Inpatient Psychiatric Services for Individuals Under 21, and Mental Hospitals</u> |
| 42 CFR Part | <input type="checkbox"/> The State has contracted with a Peer Review Organization |
| 456 Subpart I, and 1902(a)(31) and 1903(g) of the Act | (PRO) to perform inspection of care for: <ul style="list-style-type: none"> <input type="checkbox"/> ICFs/MR; <input type="checkbox"/> Inpatient psychiatric facilities for recipients under age 21; and <input type="checkbox"/> Mental Hospitals. |
| 42 CFR Part 456 Subpart A and 1902(a)(30) of the Act | <input checked="" type="checkbox"/> All applicable requirements of 42 CFR Part 456, Subpart I, are met with respect to periodic inspections of care and services. <input type="checkbox"/> Not applicable with respect to intermediate care facilities for the mentally retarded services; such services are not provided under this plan. <input type="checkbox"/> Not applicable with respect to services for individuals age 65 or over in institutions for mental disease; such services are not provided under this plan. <input type="checkbox"/> Not applicable with respect to inpatient psychiatric services for individuals under age 21; such services are not provided under this plan. |

T.N. # 93-35

Approval Date 12-6-93

Supersedes T.N. # 76-18

Effective Date 10-1-93

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
MEDICAL ASSISTANCE PROGRAM

State: UTAH

SECTION 4 - GENERAL PROGRAM ADMINISTRATION (Continued)

Citation

4.16 Relations with State Health and Vocational Rehabilitation Agencies and Title V Grantees

42 CFR 431.615(c)
AT-78-90

The Medicaid agency has cooperative arrangements with State health and vocational rehabilitation agencies and with title V grantees, that meet the requirements of 42 CFR 431.615.

ATTACHMENT 4.16-A describes the cooperative arrangements with the health and vocational rehabilitation agencies.

T.N. # 74-21

Approval Date 4-15-74

Supersedes T.N. #

Effective Date 4-15-74

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
MEDICAL ASSISTANCE PROGRAM

State: _____ UTAH _____

SECTION 4 - GENERAL PROGRAM ADMINISTRATION (Continued)

Citation

4.17 Liens and Adjustments or Recoveries

42 CFR 433.36(c)
1902(a)(18) and
1917(a) and (b) of
the Act

(a) Liens

___ The state imposes liens against an individual's real property on account of medical assistance paid or to be paid.

The State complies with the requirements of section 1917(a) of the Act and regulations at 42 CFR 433.36(c)(g) with respect to any lien imposed against the property of any individual prior to her death on account of medical assistance paid or to be paid on his or her behalf.

___ The State imposes liens on real property on account of benefits incorrectly paid.

___ The State imposes TEFRA liens 1917(a)(1)(B) on real property of an individual who is an inpatient of a nursing facility, ICF/MR, or other medical institution, where the individual is required to contribute toward the cost of institutional care all but a minimal amount of income required for personal needs.

The procedures by the State for determining that an institutionalized individual cannot reasonably be expected to be discharged are specified in Attachment 4.17-A. (NOTE: If the State indicates in its State plan that it is required to determine whether an institutionalized individual is permanently institutionalized and afford these individuals notice, hearing procedures, and due process requirements.)

X The State imposes liens on both real and personal property of an individual after the individual's death. The State will recover from personal effects only if there are no surviving heirs.

T.N. # _____ 95-17 _____

Approval Date _____ 1-11-96 _____

Supersedes T.N. # _____ 83-18 _____

Effective Date _____ 10-1-95 _____

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
 MEDICAL ASSISTANCE PROGRAM

State: UTAH

SECTION 4 - GENERAL PROGRAM ADMINISTRATION (Continued)

Citation 4.17 Liens and Adjustments or Recoveries (Continued)

(b) Adjustments or Recoveries

The State complies with the requirements of section 1917(b) of the Act and regulations at 42 CFR 433.36(h)(i).

Adjustments or recoveries for Medicaid claims correctly paid are as follows:

- (1) The permanently institutionalized individuals, adjustments or recoveries are made from the individual's estate or upon sale of the property subject to a lien imposed because of medical assistance paid on behalf of the individual for services provided in a nursing facility, ICF/MR, or other medical institution.
 - Adjustments or recoveries are made for all other medical assistance paid on behalf of the individual.

- (2) The State determines "permanent institutional status" of individuals under the age of 55 other than those with respect to whom it imposes liens on real property under §1917(a)(1)(B) (even if it does not impose those liens).

- (3) For any individual who received medical assistance at age 55 or older, adjustments or recoveries of payments are made from the individual's estate for nursing facility services, home and community-based services, and related hospital and prescription drug services.
 - X In addition to adjustment or recovery of payments for services listed above, payments are adjusted or recovered for other services under the State plan as listed below:

All services received and health premiums paid under the State plan.

T.N. # 95-17

Approval Date 1-11-96

Supersedes T.N. # 83-09

Effective Date 10-1-95

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
MEDICAL ASSISTANCE PROGRAM

State: UTAH

SECTION 4 - GENERAL PROGRAM ADMINISTRATION (Continued)

Citation 4.17 Liens and Adjustments or Recoveries (Continued)

(b) (4) N/A The State disregards assets or resources for individuals who receive or are entitled to receive benefits under a long term care insurance policy as provided for in Attachment 2.6-A, Supplement 8b.

— The State adjusts or recovers from the individual's estate on account of all medical assistance paid for nursing facility and other long term care services provided on behalf of the individual. (States other than California, Connecticut, Indiana, Iowa, and New York which provide long term care insurance policy-based asset or resource disregard must select this entry. These five States may either check this entry or one of the following entries.)

— The State does not adjust or recover from the individual's estate on account of any medical assistance paid for nursing facility or other long term care services provided on behalf of the individual.

— The State adjusts or recovers from the assets or resources on account of medical assistance paid for nursing facility or other long term care services provided on behalf of the individual to the extent described below:

T.N. # 95-17

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STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
MEDICAL ASSISTANCE PROGRAM

State: UTAH

SECTION 4 - GENERAL PROGRAM ADMINISTRATION (Continued)

Citation 4.17 Liens and Adjustments or Recoveries (Continued)

(c) Adjustments or Recoveries: Limitations

The State complies with the requirements of section 1917(b)(2) of the Act and regulations at 42 CFR §433.36(h)(i).

- (1) Adjustment or recovery of medical assistance correctly paid will be made only after the death of the individual's surviving spouse, and only when the individual has no surviving child who is either under age 21, blind, or disabled.
- (2) With respect to liens on the home of any individual who the State determines is permanently institutionalized and who must as a condition of receiving services in the institution apply their income to the cost of care, the State will not seek adjustment or recovery of medical assistance correctly paid on behalf of the individual until such time as none of the following individuals are residing in the individual's home:
 - (a) a sibling of the individual (who was residing in the individual's home for at least one year immediately before the date that the individual was institutionalized), or
 - (b) a child of the individual (who was residing in the individual's home for at least two years immediately before the date that the individual was institutionalized) who establishes to the satisfaction of the State that the care the child provided permitted the individual to reside at home rather than become institutionalized.
- (3) No money payments under another program are reduces as a means of adjusting or recovering Medicaid claims incorrectly paid.
- (4) The State will recover from personal effects only if there are no surviving heirs.

T.N. # 95-17

Approval Date 1-11-96

Supersedes T.N. # New

Effective Date 10-1-95

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
MEDICAL ASSISTANCE PROGRAM

State: UTAH

SECTION 4 - GENERAL PROGRAM ADMINISTRATION (Continued)

Citation

4.17 Liens and Adjustments or Recoveries (Continued)

- (d) (4) Describes the standards and procedures for waiving estate recovery when it would cause undue hardship.
- (5) Defines when adjustment or recovery is not cost-effective. Defines cost-effective and includes methodology or thresholds used to determine cost-effectiveness.
- (6) Describes collection procedures. Includes advance notice requirements, specifies the method for applying for a waiver, hearing and appeals procedures, and the time frames involved.

T.N. # 95-17

Approval Date 1-11-96

Supersedes T.N. # New

Effective Date 10-1-95

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
MEDICAL ASSISTANCE PROGRAM

State: UTAH

SECTION 4 - GENERAL PROGRAM ADMINISTRATION (Continued)

Citation

4.18 Recipient Cost Sharing and Similar Charges

42 CFR 447.51
through 447.58

(a) Unless a waiver under 42 CFR 431.55(g) applies, deductibles, coinsurance rates, and copayments do not exceed the maximum allowable charges under 42 CFR 447.54.

1916(a) and (b)
of the Act

(b) Except as specified in items 4.18(b)(4), (5), and (6) below, with respect to individuals covered as categorically needy or as qualified Medicare beneficiaries (as defined in section 1905(p)(1) of the Act) under the plan:

(1) No enrollment fee, premium, or similar charge is imposed under the plan.

(2) No deductible, coinsurance, copayment, or similar charge is imposed under the plan for the following:

(i) Services to individuals under age 18, or under--

__ Age 19

__ Age 20

__ Age 21

Reasonable categories of individuals who are age 18 or older, but under age 21, to whom charges apply are listed below, if applicable.

(ii) Services to pregnant women related to the pregnancy or any other medical condition that may complicate the pregnancy.

T.N. # 91-20

Approval Date 11-13-91

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Effective Date 10-1-91

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
MEDICAL ASSISTANCE PROGRAM

State: UTAH

SECTION 4 - GENERAL PROGRAM ADMINISTRATION (Continued)

Citation 4.18 Recipient Cost Sharing and Similar Charges (Continued)

42 CFR 447.51
through
447.58

- (b) (2) (iii) All services furnished to pregnant women.
- Not applicable. Charges apply for services to pregnant women unrelated to the pregnancy.
- (iv) Services furnished to any individual who is an inpatient in a hospital, long-term care facility, or other medical institution, if the individual is required, as a condition of receiving services in the institution, to spend for medical care costs all but a minimal amount of his or her income required for personal needs.
- (v) Emergency services if the services meet the requirements in 42 CFR 447.53(b)(4).
- (vi) Family planning services and supplies furnished to individuals of childbearing age.

T.N. # 03-016

Approval Date 3-3-04

Supersedes T.N. # 91-20

Effective Date 10-1-03

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
MEDICAL ASSISTANCE PROGRAM

State: _____ UTAH _____

SECTION 4 - GENERAL PROGRAM ADMINISTRATION (Continued)

Citation

4.18 Recipient Cost Sharing and Similar Charges (Continued)

42 CFR 447.51
through 447.58

(b) (3) Unless a waiver under 42 CFR 431.55(g) applies, nominal deductible, coinsurance, copayment, or similar charges are imposed for services that are not excluded from such charges under item (b)(2) above.

Not applicable. No such charges are imposed.

(i) For any service, no more than one type of charge is imposed.

(ii) Charges apply to services furnished to the following age groups:

18 or older

19 or older

20 or older

21 or older

Charges apply to services furnished to the following reasonable categories of individuals listed below who are 18 years of age or older but under age 21.

T.N. # _____ 94-01 _____

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Effective Date 1-1-94

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
MEDICAL ASSISTANCE PROGRAM

State: UTAH

SECTION 4 - GENERAL PROGRAM ADMINISTRATION (Continued)

Citation 4.18 Recipient Cost Sharing and Similar Charges (Continued)

42 CFR 447.51
through 447.58

- (b) (3) (iii) For the categorically needy and qualified Medicare beneficiaries, ATTACHMENT 4.18-A specifies the:
- (A) Service(s) for which a charge(s) is applied;
 - (B) Nature of the charge imposed on each service;
 - (C) Amount(s) of and basis for determining the charge(s);
 - (D) Method used to collect the charge(s);
 - (E) Basis for determining whether an individual is unable to pay the charge and the means by which such an individual is identified to providers;
 - (F) Procedures for implementing and enforcing the exclusions from cost sharing contained in 42 CFR 447.53(b); and
 - (G) Cumulative maximum that applies to all deductible, coinsurance or copayment charges imposed on a specified time period.
- X Not applicable. There is no maximum.

T.N. # 94-01

Approval Date 2-28-94

Supersedes T.N. # 91-20

Effective Date 1-1-94

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
MEDICAL ASSISTANCE PROGRAM

State: UTAH

SECTION 4 - GENERAL PROGRAM ADMINISTRATION (Continued)

| | |
|------------------------------------|---|
| Citation | 4.18 <u>Recipient Cost Sharing and Similar Charges</u> (Continued) |
| 1916(c) of the Act | (b) (4) A monthly premium is imposed on pregnant women and infants who are covered under section 1902(a)(10)(A)(ii)(IX) of the Act and whose income equals or exceeds 150 percent of the Federal poverty level applicable to a family of the size involved. The requirements of section 1916(c) of the Act are met. ATTACHMENT 4.18-D specifies the method the State uses for determining the premium and the criteria for determining what constitutes undue hardship for waiving payment of premiums by recipients. |
| 1902(a)(52) and 1925(b) of the Act | (5) For families receiving extended benefits during a second 6-month period under section 1925 of the Act, a monthly premium is imposed in accordance with sections 1925(b)(4) and (5) of the Act. |
| 1916(d) of the Act | (6) A monthly premium, set on a sliding scale, imposed on qualified disabled and working individuals who are covered under section 1902(a)(10)(E)(ii) of the Act and whose income exceeds 150 percent (but does not exceed 200 percent) of the Federal poverty level applicable to a family of the size involved. The requirements of section 1916(d) of the Act are met. ATTACHMENT 4.18-E specifies the method and standards the State uses for determining the premium. |

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Approval Date 11-13-91

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Effective Date 10-1-91

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
MEDICAL ASSISTANCE PROGRAM

State: UTAH

SECTION 4 - GENERAL PROGRAM ADMINISTRATION (Continued)

Citation

4.18 Recipient Cost Sharing and Similar Charges (Continued)

42 CFR 447.51
through 447.58

X (c) Individuals are covered as medically needy under the plan.

(1) An enrollment fee, premium or similar charge is imposed. ATTACHMENT 4.18-B specifies the amount of and liability period for such charges subject to the maximum allowable charges in 42 CFR 447.52(b) and defines the State's policy regarding the effect on recipients of non-payment of the enrollment fee, premium, or similar charge.

447.51 through
447.58

(2) No deductible, coinsurance, copayment, or similar charge is imposed under the plan for the following:

(i) Services to individuals under age 18, or under--

 Age 19

 Age 20

 Age 21

Reasonable categories of individuals who are age 18, but under age 21, to whom charges apply are listed below, if applicable:

T.N. # 91-20

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Effective Date 10-1-91

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
MEDICAL ASSISTANCE PROGRAM

State: UTAH

SECTION 4 - GENERAL PROGRAM ADMINISTRATION (Continued)

| | |
|---|--|
| Citation | 4.18 <u>Recipient Cost Sharing and Similar Charges</u> (Continued) |
| 42 CFR 447.51 through 447.58 | <ul style="list-style-type: none"> (c) (2) (ii) Services to pregnant women related to the pregnancy or any other medical condition that may complicate the pregnancy. (iii) All services furnished to pregnant women. <ul style="list-style-type: none"> <u> </u> Not applicable. Charges apply for services to pregnant women unrelated to the pregnancy. (iv) Services furnished to any individual who is an inpatient in a hospital, long-term care facility, or other medical institution, if the individual is required, as a condition of receiving services in the institution, to spend for medical care costs all but a minimal amount of his income required for personal needs. (v) Emergency services if the services meet the requirements in 42 CFR 447.53(b)(4). (vi) Family planning services and supplies furnished to individuals of childbearing age. |
| 1916 of the Act, P.L. 99-272 (Section 9505) | (vii) Services furnished to an individual receiving hospice care, as defined in section 1905(o) of the Act. |
| 447.51 through 447.58 | <ul style="list-style-type: none"> (viii) Services provided by a health maintenance organization (HMO) to enrolled individuals. <ul style="list-style-type: none"> <u> X </u> Not applicable. No such charges are imposed. |

T.N. # 91-20

Approval Date 11-13-91

Supersedes T.N. # 86-36

Effective Date 10-1-91

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
MEDICAL ASSISTANCE PROGRAM

State: UTAH

SECTION 4 - GENERAL PROGRAM ADMINISTRATION (Continued)

Citation

4.18 Recipient Cost Sharing and Similar Charges (Continued)

42 CFR 447.51
through 447.58

- (c) (3) Unless a waiver under 42 CFR 431.55(g) applies, nominal deductible, coinsurance, copayment, or similar charges are imposed for services that are not excluded from such charges under item (b)(2) above.

Not applicable. No such charges are imposed.

(i) For any service, no more than one type of charge is imposed.

(ii) Charges apply to services furnished to the following age groups:

18 or older

19 or older

20 or older

21 or older

Reasonable categories of individuals who are 18 years of age, but under 21, to whom charges apply are listed below, if applicable:

T.N. # 94-01

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Effective Date 1-1-94

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
MEDICAL ASSISTANCE PROGRAM

State: UTAH

SECTION 4 - GENERAL PROGRAM ADMINISTRATION (Continued)

Citation

4.18 Recipient Cost Sharing and Similar Charges (Continued)

42 CFR 447.51 through
through 447.58

- (c) (3) (iii) For the medically needy, and other optional groups, ATTACHMENT 4.18-C specifies the:
- (A) Service(s) for which charge(s) is applied;
 - (B) Nature of the charge imposed on each service;
 - (C) Amount(s) of and basis for determining the charge(s);
 - (D) Method used to collect the charge(s);
 - (E) Basis for determining whether an individual is unable to pay the charge(s) and the means by which such an individual is identified to providers;
 - (F) Procedures for implementing and enforcing the exclusions from cost sharing contained in 42 CFR 447.53(b); and
 - (G) Cumulative maximum that applies to all deductible, coinsurance, or copayment charges imposed on a family during a specified time period.

X Not applicable. There is no maximum.

T.N. # 94-01

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Effective Date 1-1-94

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
MEDICAL ASSISTANCE PROGRAM

State: UTAH

SECTION 4 - GENERAL PROGRAM ADMINISTRATION (Continued)

Citation

4.19 Payment for Services

42 CFR 447.252
1902(a)(13)
1902(e)(7)
and 1923 of
the Act

(a) The Medicaid agency meets the requirements of 42 CFR Part 447, Subpart C, and sections 1902(a)(13) and 1923 of the Act with respect to payment for inpatient hospital services.

ATTACHMENT 4.19-A describes the methods and standards used to determine rates for payment for inpatient hospital services.

— Inappropriate level of care days are covered and are paid under the State plan at lower rates than other inpatient hospital services, reflecting the level of care actually received, in a manner consistent with section 1861(v)(1)(G) of the Act.

— Inappropriate level of care days are not covered.

T.N. # 93-22

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Effective Date 4-1-93

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
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State: _____ UTAH _____

SECTION 4 - GENERAL PROGRAM ADMINISTRATION (Continued)

Citation

4.19 Payment for Services (Continued)

42 CFR 447.201
42 CFR 447.302
52 FR 28648
1902(a)(13)(E)
1903(a)(1) and
(n), 1920, and
1926 of the Act

(b) In addition to the services specified in paragraphs
4.19(a)(d)(k)(l) and (m), the Medicaid agency meets the
following requirements:

- (1) Section 1902(a)(13)(E) of the Act regarding payment
for services furnished by Federally qualified health
centers (FQHCs) under section 1905(a)(2)(C) of the
Act. The agency meets the requirements of section
6303 of the State Medicaid Manual (HCFA-Pub.
45-6) regarding payment for FQHC services.
ATTACHMENT 4.19-B describes the method of
payment and how the agency determines the
reasonable costs of the services (for example,
cost-reports, cost or budget reviews, or sample
surveys).
- (2) Sections 1902(a)(13)(E) and 1926 of the Act, and 42
CFR Part 447, Subpart D, with respect to payment for
all other types of ambulatory services provided by
rural health clinics under the plan.

Sections 13606, 13631
OBRA '93

The definition of Federally Qualified Health Centers is
treated in accordance with §1905(1)(2)(B) of the Act.

ATTACHMENT 4.19-B describes the methods and standards
used for the payment of each of these services except for
inpatient hospital, nursing facility services and services in
intermediate care facilities for the mentally retarded that are
described in other attachments.

1902(a)(10) and
1902(a)(30) of
the Act

SUPPLEMENT 1 to ATTACHMENT 4.19-B describes
general methods and standards used for establishing
payment for Medicare Part A and B deductible/coinsurance.

T.N. # _____ 94-15 _____

Approval Date _____ 7-13-94 _____

Supersedes T.N. # _____ 92-01 _____

Effective Date _____ 4-1-94 _____

Revision: HCFA-AT-80-38 (BPP)
May 22, 1980

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STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
MEDICAL ASSISTANCE PROGRAM

State: UTAH

SECTION 4 - GENERAL PROGRAM ADMINISTRATION (Continued)

Citation

4.19 Payment for Services (Continued)

42 CFR 447.40
AT-78-90

(c) Payment is made to reserve a bed during a recipient's temporary absence from an inpatient facility.

Yes. The State's policy is described in ATTACHMENT 4.19-C.

No.

T.N. # 77-33

Approval Date 2-1-78

Supersedes T.N. # _____

Effective Date 12-1-77

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
MEDICAL ASSISTANCE PROGRAM

State: UTAH

SECTION 4 - GENERAL PROGRAM ADMINISTRATION (Continued)

Citation

4.19 Payment for Services (Continued)

42 CFR 447.252
47 FR 47964
48 FR 56046
42 CFR 447.280
47 FR 31518
52 FR 28141

- (d) (1) The Medicaid agency meets the requirements of 42 CFR Part 447, Subpart C, with respect to payments for skilled nursing and intermediate care facility services.
ATTACHMENT 4.19-D describes the methods and standards used to determine rates for payment for skilled nursing and intermediate care facility services.
- (2) The Medicaid agency provides payment for routine skilled nursing facility services furnished by a swing-bed hospital.
 - At the average rate per patient day paid to SNFs for routine services furnished during the previous calendar year.
 - At a rate established by the State, which meets the requirements of 42 CFR Part 447, Subpart C, as applicable.
 - Not applicable. The agency does not provide payment for SNF services to a swing-bed hospital.
- (3) The Medicaid agency provides payment for routine intermediate care facility services furnished by a swing-bed hospital.
 - At the average rate per patient day paid to ICFs, other than ICFs for the mentally retarded, for routine services furnished during the previous calendar year.
 - At a rate established by the State, which meets the requirements of 42 CFR Part 447, Subpart C, as applicable.
 - Not applicable. The agency does not provide payment for ICF services to a swing-bed hospital.
- (4) Section 4.19(d)(1) of this plan is not applicable with respect to intermediate care facility services; such services are not provided under this State plan.

T.N. # 87-41
Supersedes T.N. # 84-04

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May 22, 1980

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STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
MEDICAL ASSISTANCE PROGRAM

State: UTAH

SECTION 4 - GENERAL PROGRAM ADMINISTRATION (Continued)

Citation

4.19 Payment for Services (Continued)

42 CFR 447.45(c)
AT-79-50

(e) The Medicaid agency meets all requirements of 42 CFR 447.45 for timely payment of claims.

ATTACHMENT 4.19-E specifies, for each type of service, the definition of a claim for purposes of meeting these requirements.

T.N. # 80-07

Approval Date 3-11-80

Supersedes T.N. # New

Effective Date 1-1-80

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
MEDICAL ASSISTANCE PROGRAM

State: UTAH

SECTION 4 - GENERAL PROGRAM ADMINISTRATION (Continued)

Citation

4.19 Payment for Services (Continued)

42 CFR 447.15
AT-78-90
AT-80-34
48 FR 5730

(f) The Medicaid agency limits participation to providers who meet the requirements of 42 CFR 447.15.

No provider participating under this plan may deny services to any individual eligible under the plan on account of the individual's inability to pay a cost sharing amount imposed by the plan in accordance with 42 CFR 431.55(g) and 447.53. This service guarantee does not apply to an individual who is able to pay, nor does an individual's inability to pay eliminate his or her liability for the cost sharing change.

T.N. # 87-32

Approval Date 7-9-87

Supersedes T.N. # 83-39

Effective Date 4-1-87

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 May 22, 1980

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STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
 MEDICAL ASSISTANCE PROGRAM

State: _____ UTAH _____

SECTION 4 - GENERAL PROGRAM ADMINISTRATION (Continued)

Citation

4.19 Payment for Services (Continued)

42 CFR 447.201
 42 CFR 447.202
 AT-78-90

(g) The Medicaid agency assures appropriate audit of records when payment is based on costs of services or on a fee plus cost of materials.

T.N. # _____ HOD-07

Approval Date 11-7-79

Supersedes T.N. # _____

Effective Date 8-6-79

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August 12, 1980

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STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
MEDICAL ASSISTANCE PROGRAM

State: UTAH

SECTION 4 - GENERAL PROGRAM ADMINISTRATION (Continued)

Citation

4.19 Payment for Services (Continued)

42 CFR 447.201
42 CFR 447.203
AT-78-90

(h) The Medicaid agency meets the requirements of 42 CFR 447.203 for documentation and availability of payment rates.

T.N. # 80-30

Approval Date 10-3-80

Supersedes T.N. # HOD-07

Effective Date 10-1-80

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
MEDICAL ASSISTANCE PROGRAM

State: UTAH

SECTION 4 - GENERAL PROGRAM ADMINISTRATION (Continued)

Citation 4.19 Payment for Services (Continued)

1903 (i)(14) of the Act (l) The Medicaid agency meets the requirements of section 1903(i)(14) of the Act with respect to payment for physician services furnished to children under 21 and pregnant women. Payment for physician services furnished by a physician to a child or a pregnant woman is made only to physicians who meet one of the requirements listed under this section of the Act.

Section 13624 OBRA '03 Limitation on payment for designated health services is treated in accordance with §1903(s) of the Act.

T.N. # 94-15

Approval Date 7-1-94

Supersedes T.N. # 93-06

Effective Date 4-1-94

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
MEDICAL ASSISTANCE PROGRAM

State: UTAH

SECTION 4 - GENERAL PROGRAM ADMINISTRATION (Continued)

Citation

4.19 Payment for Services (Continued)

(m) Medicaid Reimbursement for Administration of Vaccines Under the Pediatric Immunization Program

1928(c)(2)
(C)(ii) of the Act

(1) A provider may impose a charge for the Administration of a qualified pediatric vaccine as stated in 1928(c)(2)(ii) of the Act. Within this overall provision, Medicaid reimbursement to providers will be administered as follows:

- (2) The State:
- sets a payment rate at the level of the regional maximum established by the DHHS Secretary.
 - is a Universal Purchase State and sets a payment rate at the level of the regional maximum established in accordance with State law.
 - sets a payment rate below the level of the regional maximum established by the DHHS Secretary.
 - is a Universal Purchase State and sets a payment rate below the level of the regional maximum established by the Universal Purchase State.

1926 of
the Act

- (3) Medicaid beneficiary access to immunizations is assured through the following methodology:
- (i) The State may do a comparison of the Medicaid fees for administration of pediatric vaccines to the administration fees paid by a major insurance company. In order for the State to use this guideline as an equal access assurance, the Medicaid rates for the administration of pediatric vaccines would have to be set at a rate equal to or greater than the private insurance company's rates up to the established State Maximum fee.

T.N. # 94-28

Approval Date 12-27-94

Supersedes T.N. # New

Effective Date 10-1-94

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
MEDICAL ASSISTANCE PROGRAM

State: UTAH

SECTION 4 - GENERAL PROGRAM ADMINISTRATION (Continued)

Citation

4.19 Payment for Services (Continued)

- (m) (3) (ii) The State may compare the number of Medicaid pediatric practitioners (which includes practitioners listed in section 1926(a)(14)(B) of the Act, who are Medicaid program-registered providers and who have submitted pediatric immunization claims, and the total number of pediatric practitioners providing immunizations to children. The program-registered providers must have at least one Medicaid pediatric immunization claim per month or an average of 12 such claims during the year. The State would need 50 percent participation to show equal access through the use of this guideline.

T.N. # 94-28

Approval Date 12-27-94

Supersedes T.N. # New

Effective Date 10-1-94

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
MEDICAL ASSISTANCE PROGRAM

State: UTAH

SECTION 4 - GENERAL PROGRAM ADMINISTRATION (Continued)

Citation

4.20 Direct Payments to Certain Recipients for Physicians' or Dentists' Services

42 CFR 447.25(b)
AT-78-90

Direct payments are made to certain recipients as specified by, and in accordance with, the requirements of 42 CFR 447.25.

Yes, for physicians' services
 dentists' services

ATTACHMENT 4.20-A specifies the conditions under which such payments are made.

Not applicable. No direct payments are made to recipients.

T.N. # 77-33

Approval Date 2-1-78

Supersedes T.N. # _____

Effective Date 12-1-77

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
MEDICAL ASSISTANCE PROGRAM

State: UTAH

SECTION 4 - GENERAL PROGRAM ADMINISTRATION (Continued)

Citation

4.21 Prohibition Against Reassignment of Provider Claims

42 CFR 447.10(c)
AT-78-90
46 FR 42699

Payment for Medicaid services furnished by any provider under this plan is made only in accordance with the requirements of 42 CFR 447.10.

T.N. # 81-28

Approval Date 12-17-81

Supersedes T.N. # 78-08

Effective Date 12-1-81

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
MEDICAL ASSISTANCE PROGRAM

State: UTAH

SECTION 4 - GENERAL PROGRAM ADMINISTRATION (Continued)

Citation

4.22 Third Party Liability

433.137(a)
50 FR 46652
55 FR 1423

(a) The Medicaid agency meets all requirements of 42 CFR 433.138 and 433.139.

433.138(f)
52 FR 5967

(b) ATTACHMENT 4.22-A --
(1) Specifies the frequency with which the data exchanges required in §433.138(d)(1), (d)(3) and (d)(4) and the diagnosis and trauma code edits required in §433.138(e) are conducted;

433.138(g)(1)(ii)
and (2)(ii)
52 FR 5967

(2) Describes the methods the agency uses for meeting the followup requirements contained in §433.138(g)(1)(i) and (g)(2)(i);

433.138(g)(3)(i)
and (iii)
52 FR 5967

(3) Describes the methods the agency uses for following up on information obtained through the State motor vehicle accident report file data exchange required under §433.138(d)(4)(ii) and specifies the time frames for incorporation into the eligibility case file and into its third party data base and third party recovery unit of all information obtained through the followup that identifies legally liable third party resources; and

433.138(g)(4)(i)
through (iii)
52 FR 5967

(4) Describes the methods the agency uses for following up on paid claims identified under under §433.138(e) (methods include a procedure for periodically identifying those trauma codes that yield the highest third party collections and giving priority to following up on those codes) and specifies the time frames for incorporation into the eligibility case file and into its third party data base and third party recovery unit of all information obtained through the followup that identifies legally liable third party resources.

T.N. # 90-06

Approval Date 4-17-90

Supersedes T.N. # 87-41

Effective Date 4-1-90

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
MEDICAL ASSISTANCE PROGRAM

State: UTAH

SECTION 4 - GENERAL PROGRAM ADMINISTRATION (Continued)

Citation

4.22 Third Party Liability (Continued)

433.139(b)(3)
(ii)(A)
55 FR 1423

X (c) Providers are required to bill liable third parties when services covered under the plan are furnished on an individual on whose behalf child support enforcement is being carried out by the State IV-D agency.

(d) ATTACHMENT 4.22-B specifies the following:

433.139(b)(3)
(ii)(C)
55 FR 46652

(1) The method used in determining a provider's provider's compliance with the third party billing requirements at §433.139(b)(3)(ii)(C).

433.139(f)(2)
50 FR 46652

(2) The threshold amount or other guideline used in determining whether to seek recovery of reimbursement from a liable third party, or the process by which the agency determines that seeking recovery of reimbursement would not be cost effective.

433.139(f)(3)
50 FR 46652

(3) The dollar amount or time period the State used to accumulate billings from a particular liable third party in making the decision to seek recovery of reimbursement.

42 CFR 447.20
55 FR 1423

(e) The Medicaid agency ensures that the provider furnishing a service for which a third party is liable follows the restrictions specified in 42 CFR 447.20.

T.N. # 93-40

Approval Date 2-22-94

Supersedes T.N. # 90-06

Effective Date 10-1-93

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
MEDICAL ASSISTANCE PROGRAM

State: UTAH

SECTION 4 - GENERAL PROGRAM ADMINISTRATION (Continued)

| | |
|---------------------|---|
| Citation | 4.22 <u>Third Party Liability</u> (Continued) |
| 1902(a) of the Act | (f) The Medicaid agency prohibits insurers from denying or reducing benefits otherwise payable in behalf of a person because that person is Medicaid eligible. |
| 1902(a) of the Act | (g) The Medicaid agency provides that to the extent that other parties are legally liable to pay for medical services for a Medicaid recipient, those parties must repay the State for expenditures it has made in behalf of the recipient. |
| 1902(a) of the Act. | (h) The Medicaid agency ascertains the liability of third parties, including service benefit plans, HMOs, and group health plans under ERISA. |
| 1903(o) of the Act | (i) FFP is not available for expenditures that would otherwise, but for limiting contract provisions, be paid by service benefit plans, HMOs, and group health plans under ERISA. |

T.N. # 93-40

Approval Date 2-22-94

Supersedes T.N. # 90-06

Effective Date 10-1-93

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
MEDICAL ASSISTANCE PROGRAM

State: UTAH

SECTION 4 - GENERAL PROGRAM ADMINISTRATION (Continued)

Citation

4.23 Use of Contracts

42 CFR Part 434.4
48 FR 54013

The Medicaid agency has contracts of the type(s) listed in 42 CFR Part 434. All contracts meet the requirements of 42 CFR Part 434.

Not applicable. The State has no such contracts.

42 CFR Part 438

The Medicaid agency has contracts of the type(s) listed in 42 CFR Part 438. All contracts meet the requirements of 42 CFR Part 438. The contracts are with:

A Managed Care organization that meets the definition of 1903(m) of the Act and 42 CFR 438.2.

A Prepaid Inpatient Health Plan that meets the definition of 42 CFR 438.2.

A Prepaid Ambulatory Health Plan that meets the definition of 42 CFR 438.2.

Not applicable.

T.N. # 03-016

Approval Date 3-3-04

Supersedes T.N. # 84-04

Effective Date 10-1-03

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
MEDICAL ASSISTANCE PROGRAM

State: UTAH

SECTION 4 - GENERAL PROGRAM ADMINISTRATION (Continued)

Citation

4.24 Standards for Payments for Nursing Facility and Intermediate
Care Facility Services for the Mentally Retarded Services

42 CFR 442.10
and 442.100
AT-78-90
AT-79-18
AT-80-25
AT-80-34
52 FR 32544
P.L. 100-203
(Sec. 4211)
54 FR 5316
56 FR 48826

With respect to nursing facilities and intermediate care facilities for the mentally retarded, all applicable requirements of 42 CFR Part 442, Subparts B and C are met.

— Not applicable to intermediate care facilities for the mentally retarded; such services are not provided under this plan.

T.N. # 94-11

Approval Date 4-21-94

Supersedes T.N. # 81-18

Effective Date 4-1-94

Revision: HCFA-AT-80-38 (BPP)
May 22, 1980

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STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
MEDICAL ASSISTANCE PROGRAM

State: _____ UTAH _____

SECTION 4 - GENERAL PROGRAM ADMINISTRATION (Continued)

Citation

4.25 Program for Licensing Administrators of Nursing Homes

42 CFR 431.702
AT-78-90

The State has a program that, except with respect to Christian Science sanatoria, meets the requirements of 42 CFR Part 431, Subpart N, for the licensing of nursing home administrators.

T.N. # _____ 74-5 _____

Approval Date 12-3-73

Supersedes T.N. # _____

Effective Date 12-3-73

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
 MEDICAL ASSISTANCE PROGRAM

State: _____ UTAH _____

SECTION 4 - GENERAL PROGRAM ADMINISTRATION (Continued)

| Citation | 4.26 <u>Drug Utilization Review Program</u> |
|--|---|
| 1927(g) 42 CFR 456.700 | (a) (1) The Medicaid agency meets the requirements of Section 1927(g) of the Act for a drug use review (DUR) program for outpatient drug claims. |
| 1927(g)(1)(A) | (2) The DUR program assures that prescriptions for outpatient drugs are: <ul style="list-style-type: none"> - Appropriate - Medically necessary - Are not likely to result in adverse medical results |
| 1927(g)(1)(a) 42 CFR 456.705(b) and 456.709(b) | (b) The DUR program is designed to educate physicians and pharmacists to identify and reduce the frequency of patterns of fraud, abuse, gross overuse, or inappropriate or medically unnecessary care among physicians, pharmacists, and patients or associated with specific drugs as well as: <ul style="list-style-type: none"> - Potential and actual adverse drug reactions - Therapeutic appropriateness - Overutilization and underutilization - Appropriate use of generic products - Therapeutic duplication - Drug disease contraindications - Drug-drug interactions - Incorrect drug dosage or duration of drug treatment - Drug-allergy interactions - Clinical abuse/misuse |
| 1927(g)(1)(B) 42 CFR 456.703 (d)and(f) | (c) The DUR program shall assess data use against predetermined standards whose source materials for their development are consistent with peer-reviewed medical literature which has been critically reviewed by unbiased independent experts and the following compendia: <ul style="list-style-type: none"> - American Hospital Formulary Service Drug Information - United States Pharmacopeia-Drug Information - American Medical Association Drug Evaluations |

T.N. # _____ 93-13 _____

Approval Date _____ 7-13-93 _____

Supersedes T.N. # _____ New _____

Effective Date _____ 4-1-93 _____

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
MEDICAL ASSISTANCE PROGRAM

State: UTAH

SECTION 4 - GENERAL PROGRAM ADMINISTRATION (Continued)

| Citation | 4.26 <u>Drug Utilization Review Program</u> (Continued) |
|--|---|
| 1927(g)(1)(D) 42 CFR 456.703(b) | (d) DUR is not required for drugs dispensed to residents of nursing facilities that are in compliance with drug regimen review procedures set forth in 42 CFR 483.60. The State has never-the-less chosen to include nursing home drugs in: <input checked="" type="checkbox"/> Prospective DUR <input checked="" type="checkbox"/> Retrospective DUR |
| 1927(g)(2)(A) 42 CFR 456.705(b) | (e) (1) The DUR program includes prospective review of drug therapy at the point of sale or point of distribution before each prescription is filled or delivered to the Medicaid recipient. |
| 1927(g)(2)(A)(i) 42 CFR 456.705(b), (1)-(7) | (2) Prospective DUR includes screening each prescription filled or delivered to an individual receiving benefits for potential drug therapy problems due to: - Therapeutic duplication - Drug-disease contraindications - Drug-drug interactions - Drug-interactions with non-prescription or over-the-counter drugs - Incorrect drug dosage or duration of drug treatment - Drug allergy interactions - Clinical abuse/misuse |
| 1927(g)(2)(A)(ii) 42 CFR 456.705 (c) and (d) | (3) Prospective DUR includes counseling for Medicaid recipients based on standards established by State law and maintenance of patient profiles. |
| 1927(g)(2)(B) 42 CFR 456.709(a) | (f) (1) The DUR program includes retrospective DUR through its mechanized drug claims processing and information retrieval system or otherwise which undertakes ongoing periodic examination of claims data and other records to identify: - Patterns of fraud and abuse - Gross overuse - Inappropriate or medically unnecessary care among physicians, pharmacists, Medicaid recipients, or associated with specific drugs or groups of drugs. |
| <hr/> | |
| T.N. # <u>93-13</u> | Approval Date <u>7-13-93</u> |
| Supersedes T.N. # <u>New</u> | Effective Date <u>4-1-93</u> |

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
MEDICAL ASSISTANCE PROGRAM

State: UTAH

SECTION 4 - GENERAL PROGRAM ADMINISTRATION (Continued)

Citation

4.26 Drug Utilization Review Program (Continued)

927(g)(2)(C)
42 CFR 456.709(b)

- (f) (2) The DUR program assesses data on drug use against explicit predetermined standards including but not limited to monitoring for:
- Therapeutic appropriateness
 - Overutilization and underutilization
 - Appropriate use of generic products
 - Therapeutic duplication
 - Drug-disease contraindications
 - Drug-drug interactions
 - Incorrect drug dosage/duration of drug treatment
 - Clinical abuse/misuse

1927(g)(2)(D)
42 CFR 456.711

- (3) The DUR program through its State DUR Board, using data provided by the Board, provides for active and ongoing educational outreach programs to educate practitioners on common drug therapy problems to improve prescribing and dispensing practices.

1927(g)(3)(A)
42 CFR 456.716(a)

- (g) (1) The DUR program has established a State DUR Board either:

Directly, or
 Under contract with a private organization

1927(g)(3)(B)
42 CFR 456.716
(A) AND (B)

- (2) The DUR Board membership includes health professionals (one-third licensed actively practicing pharmacists and one-third but no more than 51 percent licensed and actively practicing physicians) with knowledge and experience in one or more of the following:
- Clinically appropriate prescribing of covered outpatient drugs.
 - Clinically appropriate dispensing and monitoring of covered outpatient drugs.
 - Drug use review, evaluation and intervention.
 - Medical quality assurance.

927(g)(3)(C)
42 CFR 456.716(d)

- (3) The activities of the DUR Board include:
- Retrospective DUR,
 - Application of Standards as defined in section 1927(g)(2)(C), and
 - Ongoing interventions for physicians and pharmacists targeted toward therapy problems or individuals identified in the course of retrospective DUR.

T.N. # 93-13

Approval Date 7-13-93

Supersedes T.N. # New

Effective Date 4-1-93

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
MEDICAL ASSISTANCE PROGRAM

State: UTAH

SECTION 4 - GENERAL PROGRAM ADMINISTRATION (Continued)

Citation

4.29 Conflict of Interest Provisions

Sec. 1902(a)(4)(C)
of the Act
P.L. 105-33

The Medicaid agency meets the requirements of Section 1902(a)(4)(C) of the Act concerning the prohibition against acts, with respect to any activity under the plan, that are prohibited by Section 207 or 208 of Title 18, United States Code.

1902(a)(4)(D)
of the Act
P.L. 105-33
1932(d)(3)
42 CFR 438.58

The Medicaid agency meets the requirements of Section 1902(a)(4)(D) of the Act concerning the safeguards against conflicts of interest that are at least as stringent as the safeguards that apply under Section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423).

T.N. # 03-016

Approval Date 3-3-04

Supersedes T.N. # 99-007

Effective Date 10-1-03

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
MEDICAL ASSISTANCE PROGRAM

State: UTAH

SECTION 4 - GENERAL PROGRAM ADMINISTRATION (Continued)

| | |
|--|---|
| Citation | 4.30 <u>Exclusion of Providers and Suspension of Practitioners and Other Individuals</u> (Continued) |
| 1902(a)(39) of the Act P.L. 100-93 (Sec. 8(f)) | (b) (2) Section 1902(a)(39) of the Act by -- (i) Excluding an individual or entity from participation for the period specified by the Secretary, when required by the Secretary to do so in accordance with sections 1128 or 1128A of the Act; and (ii) Providing that no payment will be made with respect to any item or service furnished by an individual or entity during this period. |
| | (c) The Medicaid agency meets the requirements of -- |
| 1902(a)(41) of the Act P.L. 96-272 (Sec 308(c)) | (1) Section 1902(a)(41) of the Act with respect to prompt notification to HCFA whenever a provider is terminated, suspended, sanctioned, or otherwise excluded from participating under this State plan; and |
| 1902(a)(49) of the Act P.L. 100-93 (Sec.5(a)(4)) | (2) Section 1902(a)(49) of the Act with respect to providing information and access to information regarding sanctions taken against health care practitioners and providers by State licensing authorities in accordance with section 1921 of the Act. |

T.N. # 87-42

Approval Date 12-29-87

Supersedes T.N. # _____

Effective Date 10-1-87

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
MEDICAL ASSISTANCE PROGRAM

State: UTAH

SECTION 4 - GENERAL PROGRAM ADMINISTRATION (Continued)

Citation

4.33 Medicaid Eligibility Cards for Homeless Individuals

1902(a)(48)
of the Act,
P.L. 99-570
(Section 11005)
P.L. 100-93
(Sec. 5(a)(3))

- (a) The Medicaid agency has a method for making cards evidencing eligibility for medical assistance available to an individual eligible under the State's approved plan who does not reside in a permanent dwelling or does not have a fixed home or mailing address.

- (b) ATTACHMENT 4.33-A specifies the method for issuance of Medicaid eligibility cards to homeless individuals.

T.N. # 87-42

Approval Date 12-29-87

Supersedes T.N. # 87-32

Effective Date 10-1-87

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
MEDICAL ASSISTANCE PROGRAM

State: _____ UTAH _____

SECTION 4 - GENERAL PROGRAM ADMINISTRATION (Continued)

Citation

4.35 Enforcement of Compliance for Nursing Facilities

42 CFR
§488.402(f)

(a) Notification of Enforcement Remedies

When taking an enforcement action against a non-State operated NF, the State provides notification in accordance with 42 CFR 488.402(f).

(i) The notice (except for civil money penalties and State monitoring) specifies the:

- (1) nature of noncompliance,
- (2) which remedy is imposed,
- (3) effective date of the remedy, and
- (4) right to appeal the determination leading to the remedy.

42 CFR
§488.434

(ii) The notice for civil money penalties is in writing and contains the information specified in 42 CFR 488.434.

42 CFR
§488.402(f)(2)

(iii) Except for civil money penalties and State monitoring, notice is given at least 2 calendar days before the effective date of the enforcement remedy for immediate jeopardy situations and at least 15 calendar days before the effective date of the enforcement remedy when immediate jeopardy does not exist.

42 CFR
§488.456(c)(d)

(iv) Notification of termination is given to the facility and to the public at least 2 calendar days before the remedy's effective date if the noncompliance constitutes immediate jeopardy and at least 15 calendar days before the remedy's effective date if the noncompliance does not constitute immediate jeopardy. The State must terminate the provider agreement of an NF in accordance with procedures in parts 431 and 442.

42 CFR
§488.404(b)(1)

(b) Factors to be Considered in Selecting Remedies

(1) In determining the seriousness of deficiencies, the State considers the factors specified in 42 CFR 488.404(b)(1) & (2).

— The State considers additional factors. Attachment 4.35-A describes the State's other factors.

T.N. # _____ 95-13

Approval Date _____ 9-28-95

Supersedes T.N. # _____ New

Effective Date _____ 7-1-95

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
MEDICAL ASSISTANCE PROGRAM

State: UTAH

SECTION 4 - GENERAL PROGRAM ADMINISTRATION (Continued)

| | |
|---|--|
| Citation | 4.35 <u>Enforcement of Compliance for Nursing Facilities</u> (Continued) |
| 42 CFR §488.410 | (c) <u>Application of Remedies</u> (i) If there is immediate jeopardy to resident health or safety, the State terminates the NF's provider agreement within 23 calendar days from the date of the last survey or immediately imposes temporary management to remove the threat within 23 days. |
| 42 CFR §488.417(b) §1919(h)(2)(C) of the Act | (ii) The State imposes the denial of payment (or its approved alternative) with respect to any individual admitted to an NF that has not come into substantial compliance within 3 months after the last day of the survey. |
| 42 CFR §488.414 §1919(h)(2)(D) of the Act | (iii) The State imposes the denial of payment for new admissions remedy as specified in §488.417 (or its approved alternative) and a State monitor as specified at §488.422, when a facility has been found to have provided substandard quality of care on the last three consecutive standard surveys. |
| 42 CFR §488.408 1919(h)(2)(A) of the Act | (iv) The State follows the criteria specified at 42 CFR §488.408(c)(2), §488.408(d)(2), and §488.408(e)(2), when it imposes remedies in place of or in addition to termination. |
| 42 CFR §488.412(a) | (v) When immediate jeopardy does not exist, the State terminates an NF's provider agreement no later than 6 months from the finding of noncompliance, if the conditions of 42 CFR 488.412(a) are not met. |
| 42 CFR §488.406(b) §1919(h)(2)(A) of the Act | (d) <u>Available Remedies</u> (1) The State has established the remedies defined in 42 CFR 488.406(b). <u>X</u> (1) Termination <u>X</u> (2) Temporary Management <u>X</u> (3) Denial of Payment for New Admissions <u>X</u> (4) Civil Money Penalties <u>X</u> (5) Transfer of Residents; Transfer of Residents with Closure of Facility <u>X</u> (6) State Monitoring |

Attachments 4.35-B through 4.35-G describe the criteria for applying the above remedies.

Our state statute Section 26-18-3, UCA, and Utah Administrative Rule R414-7C give Utah the authority to impose the remedies as outlined in our State Plan.

T.N. # 95-13

Approval Date 9-28-95

Supersedes T.N. # New

Effective Date 7-1-95

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
MEDICAL ASSISTANCE PROGRAM

State: UTAH

SECTION 4 - GENERAL PROGRAM ADMINISTRATION (Continued)

Citation 4.35 Enforcement of Compliance for Nursing Facilities (Continued)

42 CFR (d) (ii) The State uses alternative remedies.
§488.406(b) The State has established alternative remedies that
§1919(h)(2)(B)(ii) of the Act the State will impose in place of a remedy specified
in 42 CFR 488.406(b).

- ___ (1) Temporary Management
- ___ (2) Denial of Payment for New Admissions
- ___ (3) Civil Money Penalties
- ___ (4) Transfer of Residents; Transfer of Residents with Closure of Facility
- ___ (5) State Monitoring

Attachments 4.35-B through 4.35-G describe the alternative remedies and the criteria for applying them.

42 CFR (e) State Incentive Programs
§488.303(b) ___ (1) Public Recognition
1910(h)(2)(F) ___ (2) Incentive Payments
of the Act

N/A

T.N. # 95-13

Approval Date 9-28-95

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August 1991

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STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
MEDICAL ASSISTANCE PROGRAM

State: UTAH

SECTION 4 - GENERAL PROGRAM ADMINISTRATION (Continued)

Citation

4.36 Required Coordination Between the Medicaid and WIC Programs

1902(a)(11)(C)
and 1902(a)(53)
of the Act

The Medicaid agency provides for the coordination between the Medicaid program and the Special Supplemental Food Program for Women, Infants, and Children (WIC) and provides timely notice and referral to WIC in accordance with section 1902(a)(53) of the Act.

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STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
MEDICAL ASSISTANCE PROGRAM

State: UTAH

SECTION 4 - GENERAL PROGRAM ADMINISTRATION (Continued)

Citation

42 CFR 483.75; 42
CFR 483 Subpart D;
Secs. 1902(a)(28),
1919(e)(1) and (2),
and 1919(f)(2),
P.L. 100-203 (Sec.
4211(a)(3)); P.L.
101-239 (Secs.
6901(b)(3) and
(4)); P.L. 101-508
(Sec.4801(a))

4.38 Nurse Aide Training and Competency Evaluation for Nursing
Facilities

- (a) The State assures that the requirements of 42 CFR 483.150(a), which relate to individuals deemed to meet the nurse aide training and competency evaluation requirements, are met.
- (b) The State waives the competency evaluation requirements for individuals who meet the requirements of 42 CFR 483.150(b)(1).
- X (c) The State deems individuals who meet the requirements of 42 CFR 483.150(b)(2) to have met the nurse aide training and competency evaluation requirements.
- (d) The State specifies any nurse aide training and competency evaluation programs it approves as meeting the requirements of 42 CFR 483.152 and competency evaluation programs it approves as meeting the requirements of 42 CFR 483.154.
- X (e) The State offers a nurse aide training and competency evaluation program that meets the requirements of 42 CFR 483.152.
- X (f) The State offers a nurse aide competency evaluation program that meets the requirements of 42 CFR 483.154.

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STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
MEDICAL ASSISTANCE PROGRAM

State: UTAH

SECTION 4 - GENERAL PROGRAM ADMINISTRATION (Continued)

Citation

4.38 Nurse Aide Training and Competency Evaluation for Nursing Facilities (Continued)

42 CFR 483.75; 42 CFR 483 Subpart D; Secs. 1902(a)(28) 1919(e)(1) and (2) and 1919(f)(2) P.L. 100-203 (Sec 4211(a)(3)); P.L. 101-239 (Secs. 6901(b)(3) and (4)); P.L. 101-508 (Sec. 4801(a)).

- (s) When the State withdraws approval from a nurse aide training and competency evaluation program or competency evaluation program, the State notifies the program in writing, indicating the reasons for withdrawal of approval.
- (t) The State permits students who have started a training and competency evaluation program from which approval is withdrawn to finish the program.
- (u) The State provides for the reimbursement of costs incurred in completing a nurse aide training and competency evaluation program or competency evaluation program for nurse aides who become employed by or who obtain an offer of employment from a facility within 12 months of completing such program.
- (v) The State provides advance notice that a record of successful completion of competency evaluation will be included in the State's nurse aide registry.
- (w) Competency evaluation programs are administered by the State or by a State-approved entity which is neither a skilled nursing facility participating in Medicare nor a nursing facility participating in Medicaid.
- (x) The State permits proctoring of the competency evaluation in accordance with 42 CFR 483.154(d).
- (y) The State has a standard for successful completion of competency evaluation programs.

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STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
MEDICAL ASSISTANCE PROGRAM

State: UTAH

SECTION 4 - GENERAL PROGRAM ADMINISTRATION (Continued)

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|---|---|
| Citation | 4.38 <u>Nurse Aide Training and Competency Evaluation for Nursing Facilities</u> (Continued) |
| 42 CFR 483.75; 42 CFR 483 Subpart D; Secs. 1902(a)(28), 1919(e)(1) and (2), and 1919(f)(2), P.L. 100-203 (Sec. 4211(a)(3)); P.L. 101-239 (Secs. 6901(b)(3) and (4)); P.L. 101-508 (Sec.4801(a)) | <p>(z) The State includes a record of successful completion of a competency evaluation within 30 days of the date an individual is found competent.</p> <p><u>X</u> (aa) The State imposes a maximum upon the number of times an individual may take a competency evaluation program (any maximum imposed is not less than 3).</p> <p>(bb) The State maintains a nurse aide registry that meets the requirements in 42 CFR 483.156.</p> <p><u>X</u> (cc) The State includes home health aides on the registry.</p> <p><u> </u> (dd) The State contracts the operation of the registry to a non State entity.</p> <p><u>X</u> (ee) <u>ATTACHMENT 4.38</u> contains the State's description of registry information to be disclosed in addition to that required in 42 CFR 483.156(c)(1)(iii) and (iv).</p> <p><u>X</u> (ff) <u>ATTACHMENT 4.38-A</u> contains the State's description of information included on the registry in addition to the information required by 42 CFR 483.156(c).</p> |

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STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
MEDICAL ASSISTANCE PROGRAM

State: UTAH

SECTION 4 - GENERAL PROGRAM ADMINISTRATION (Continued)

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|---|---|
| Citation | 4.39 <u>Preadmission Screening and Annual Resident Review in Nursing Facilities</u> |
| Secs. 1902(a)(28)(D)(i) and 1919(e)(7) of the Act; P.L. 100-203 (Sec. 4211(c)); P.L. 101-508 (Sec. 4801(b)). | (a) The Medicaid agency has in effect a written agreement with the State mental health and mental retardation authorities that meet the requirements of 42 CFR 431.621(c). (b) The State operates a preadmission and annual resident review program that meets the requirements of 42 CFR 483.100-138. (c) The State does not claim as "medical assistance under the State Plan" the cost of services to individuals who should receive preadmission screening or annual resident review until such individuals are screened or reviewed. (d) With the exception of NF services furnished to certain NF residents defined in 42 CFR 483.118(c)(1), the State does not claim as "medical assistance under the State plan" the cost of NF services to individuals who are found not to require NF services. <u>X</u> (e) <u>ATTACHMENT 4.39</u> specifies the State's definition of specialized services. |

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STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
MEDICAL ASSISTANCE PROGRAM

State: UTAH

SECTION 4 - GENERAL PROGRAM ADMINISTRATION (Continued)

Citation

4.39 Preadmission Screening and Annual Resident Review in
Nursing Facilities (Continued)

- (f) Except for residents identified in 42 CFR 483.118(c)(1), the State mental health or mental retardation authority makes categorical determinations that individuals with certain mental conditions or levels of severity of mental illness would normally require specialized services of such an intensity that a specialized services program could not be delivered by the State in most, if not all, NFs and that a more appropriate placement should be utilized.
- (g) The State describes any categorical determinations it applies in ATTACHMENT 4.39-A.

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