

State of Hawaii
Department of Human Services
MED-QUEST DIVISION

MEDICAID STATE PLAN

SPA MEMO NO.: 21-17

DATE: 01/25/22

ORIGINATOR: POLICY AND PROGRAM DEVELOPMENT OFFICE

TO: Custodian of Med-QUEST Division Medicaid State Plan

FROM: Judy Mohr Peterson, PhD ^{JMP}
Med-QUEST Division Administrator

SUBJECT: APPROVAL OF AMENDMENT UNDER THE MEDICAID STATE PLAN

EXPLANATION:

The State of Hawaii received approval from the Centers for Medicare & Medicaid Services for State Plan Amendment (SPA) Number 21-0017.

This amendment allows for third-party liability payment up to 100 days instead of 90 days for claims related to medical support enforcement.

FILING INSTRUCTIONS:

Review and file the NEW Medicaid State Plan pages in your Medicaid State Plan Manual as follows:

Attachment 4.22-B pg. 3

Add NEW Attachment 4.22-B pg. 3

Section 4.22 pg.70

Remove OLD Section 4.22 pg. 70 and replace with amended Section 4.22 pg. 70

The Med-QUEST Division amendment described above has been incorporated into the electronic version of the Medicaid State Plan located at the Department of Human Services (DHS) website link for public transparency below:

<http://humanservices.hawaii.gov/reports/hawaii-medicaid-state-plan/>

Attachments

- c: Attorney General's Office
- Audit, Quality Control & Research Office/Quality Control Staff
- Clinical Standards Office
- Department of Health/Child & Adolescent Mental Health Division
- Department of Health/State Planning Council Developmental Disabilities
- Department of Health/Developmental Disabilities Division
- Department of Human Services /Adult Protective and Community Services Branch
- Department of Human Services/Policy and Program Development Office
- Eligibility System Project (KOLEA)
- Finance Office
- Hawaii Document Center/HI State Library
- Hawaii Legislative Reference Bureau Library
- Health Care Services Branch
- Legal Aid Society of Hawaii

State of Hawaii

REQUIREMENTS FOR THIRD PARTY LIABILITY- PAYMENT OF CLAIMS

(i) The Medicaid agency ensures compliance with the TPL requirements authorized under both the Bipartisan Budget Act (BBA) of 2018 (Pub. L. 115-123) and the Medicaid Services Investment and Accountability Act (MSIAA) of 2019 (Pub. L. 116-16 affecting the BBA of 2013).

Citation Requirements for Third Party liability Payment of Claims

- 42CFR433.139(b)(3)(ii)(C) (1) The State will pay and chase third parties when services covered under the plan are furnished to an individual on whose behalf child support enforcement is being carried out by the State Title IV-D Agency.
- For such claims, the State will only authorize payment under the following conditions:
- a. Up to 100 days have elapsed from the date of service.
 - b. The provider billed the third-party.
 - c. Documentation is attached verifying that a. and b. have been met.

The State will monitor the pay and chase system for such claims for improper billings made by providers and take appropriate corrective action.
*

- 42CFR433.139(b)(3)(ii)(B) (2) Providers who have billed a third party prior to billing Medicaid must certify on the Medicaid claim that a third party has been billed, that claim has been fully adjudicated by the third party, and that payment has not been received by Medicaid.

- Section 1902(a)(25)(E) (3) The State shall make payments without regard to third party liability for pediatric preventive services unless a determination related to cost-effectiveness and access to care that warrants cost avoidance for up to 90 days has been made.

- Section 1902(a)(25)(E) (4) The State shall use standard coordination of benefits cost avoidance when processing claims for prenatal services, including labor and delivery and postpartum care claims.

TN No.	<u>21-0017</u>	Approval	Effective Date:	<u>12/31/2021</u>
Supersedes		Date:	<u>01/21/2022</u>	
TN No.	<u>NEW</u>			

State/Territory: STATE OF HAWAII
ATTACHMENT 4.19-B

Citation:

4.22 (continued)

42 CFR 433.151(a)

(c) The Medicaid agency has written cooperative agreements for the enforcement of rights to and collection of third party benefits assigned to the State as a condition of eligibility for medical assistance with the following: (Check as appropriate.)

State Title IV-D agency. The requirements of 42 CFR433.152(b) are met.

Other appropriate State agency(s)-

Court and law enforcement officials.

1902(a)(60) of the Act

(d) The Medicaid agency assures that the State has in effect the laws relating to medical child support under section 1908 of the Act

1906 of the Act

(e) The Medicaid agency specifies the guidelines used in determining the cost effectiveness of an employer-based group health plan by selecting one of the following:

The Secretary's method as provided in the State Medicaid Manual, Section 3910.

The State provides methods for determining cost effectiveness on Attachment 4.22-C.

* The State of Hawaii has not elected either of the above options, per Section 4747 of the BBA of 1997

1902(a)(25)

(i) The State complies with third-party liability (TPL) requirements reflected in current law."