

New Medicaid Rule Emphasizes Mandate that States Must Consult with Tribes and UIOs

Category: Policy Blog

written by Alex Sampson | May 28, 2024

On May 10, 2024, the Centers for Medicare and Medicaid Services (CMS) issued a [final rule](#) regarding ensuring access to Medicaid services. This final rule addresses access to care, quality and health outcomes, and better addressing health equity issues in the Medicaid program across fee-for-service (FFS), managed care delivery systems, and in home and community-based services (HCBS) programs. While the final rule was not responsive to comments submitted by the National Council of Urban Indian Health (NCUIH), CMS stated that states with one or more urban Indian organizations (UIOs) that furnish health care services must consult with the UIO(s) on a regular, ongoing basis. UIOs are also eligible to be on states' Medicaid Advisory Committees (MACs).

Background

On May 3, 2023, CMS [issued the proposed rule](#) on ensuring access to Medicaid services. The proposed rule included both proposed changes to current requirements and newly proposed requirements that would advance CMS's efforts to improve access to care, quality, and health outcomes, and better promote health equity for Medicaid beneficiaries across FFS and managed care delivery systems, including for home and community-based services provided through those delivery systems. These proposed requirements were intended to increase transparency and accountability, standardize data and monitoring, and create opportunities for states to promote active beneficiary engagement in their Medicaid programs.

NCUIH's Advocacy and CMS' Response

On July 3, 2023, NCUIH [submitted written comments and recommendations](#) to CMS Administrator, Chiquita Brooks-LaSure, in response to the May 2, 2023, request for comment on the CMS proposed rule regarding ensuring access to Medicaid services. In its comments, NCUIH asked that CMS:

- Ensure UIO and American Indian and Alaska Native representation on each state Medicaid Advisory Committee (MAC) and Beneficiary Advisory Group (BAG)—now called the Beneficiary Advisory Council (BAC).
- Ensure the rule does not impose additional burdensome reporting requirements on providers.
- Engage with the Tribal Technical Advisory Committee (TTAG) to consider regulations or guidance to enforce the state consultation and confer requirements.
- Support 100% Federal Medical Assistance Percentage (FMAP) for Medicaid services provided at UIOs to ensure American Indian and Alaska Native Medicaid beneficiaries receive appropriate, quality culturally competent care.

NCUIH will continue to advocate for CMS to ensure UIO American Indian and Alaska Native beneficiaries have continued access to Medicaid services.