

TRANSMITTAL AND NOTICE OF APPROVAL OF STATE PLAN MATERIAL		1. TRANSMITTAL NUMBER: 09-010	2. STATE North Dakota
FOR: HEALTH CARE FINANCING ADMINISTRATION		3. PROGRAM IDENTIFICATION: TITLE XIX OF THE SOCIAL SECURITY ACT (MEDICAID)	
TO: REGIONAL ADMINISTRATOR HEALTH CARE FINANCING ADMINISTRATION DEPARTMENT OF HEALTH AND HUMAN SERVICES		4. PROPOSED EFFECTIVE DATE January 1, 2010	
5. TYPE OF PLAN MATERIAL (Check One): <input type="checkbox"/> NEW STATE PLAN <input type="checkbox"/> AMENDMENT TO BE CONSIDERED AS NEW PLAN <input checked="" type="checkbox"/> AMENDMENT COMPLETE BLOCKS 6 THRU 10 IF THIS IS AN AMENDMENT (Separate Transmittal for each amendment)			
6. FEDERAL STATUTE/REGULATION CITATION: 42 CFR 735.733 of the Act, 42 CFR 435.832 of the Act, and Statute 1924		7. FEDERAL BUDGET IMPACT: a. FFY <u>2009</u> \$ <u>19,440</u> b. FFY <u>2010</u> \$ <u>77,760</u>	
8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT: Supplement 12a to Attachment 2.6-A, Page 8		9. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (If Applicable): Supplement 12a to Attachment 2.6-A, Page 8	
10. SUBJECT OF AMENDMENT: To amend the State Plan to allow for the increase to the basic personal needs allowance for individuals with a developmental disability who reside in an ICF/MR to \$35.00.			
11. GOVERNOR'S REVIEW (Check One): <input type="checkbox"/> GOVERNOR'S OFFICE REPORTED NO COMMENT <input checked="" type="checkbox"/> OTHER, AS SPECIFIED: <input type="checkbox"/> COMMENTS OF GOVERNOR'S OFFICE ENCLOSED <u>Maggie D. Anderson, Director,</u> <input type="checkbox"/> NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL <u>Medical Services Division</u>			
12. SIGNATURE OF STATE AGENCY OFFICIAL:		16. RETURN TO:	
13. TYPED NAME: Maggie D. Anderson		Maggie D. Anderson, Director Division of Medical Services ND Department of Human Services 600 East Boulevard Avenue Dept 325 Bismarck ND 58505-0250	
14. TITLE: Director, Division of Medical Services			
15. DATE SUBMITTED: June 11, 2009			
FOR REGIONAL OFFICE USE ONLY			
17. DATE RECEIVED: <u>6/11/09</u>		18. DATE APPROVED: <u>7/24/09</u>	
PLAN APPROVED - ONE COPY ATTACHED			
19. EFFECTIVE DATE OF APPROVED MATERIAL: <u>1/1/2010</u>		20. SIGNATURE OF REGIONAL OFFICIAL: <u>[Signature]</u>	
21. TYPED NAME: <u>Richard C. Atten</u>		22. TITLE: <u>Associate Regional Administrator</u>	
23. REMARKS:			

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

**VARIATIONS FROM THE BASIC PERSONAL NEEDS ALLOWANCE FOR INDIVIDUALS
WITH A DEVELOPMENTAL DISABILITY WHO RESIDE IN AN ICF/MR**

In addition to the Basic Personal Needs Allowance, individuals with a developmental disability who reside in an ICF/MR would have an additional allowance of: \$35.00.

1. Justification for a higher personal needs allowance, based on Title XIX requirements (42 CFR 483.440 Condition of participation: Active treatment services)

a) Standard: Active treatment.

(1) Each client who resides in an ICF/MR must receive a continuous active treatment program, which includes aggressive, consistent implementation of a program of specialized and generic training, treatment, health services and related services, that is directed toward—

- i. The acquisition of the behaviors necessary for the client to function with as much self determination and independence as possible; and
- ii. The prevention or deceleration of regression or loss of current optimal functional status.

The obligations under Title XIX participation are very specific for ICF/MR providers:

- a) Ensure clients the opportunity to participate in social, religious and community group activities.
- b) Ensure that clients have the right to retain and use appropriate personal possessions and clothing.
- c) The requirement to facilitate independence of clients is woven throughout the Title XIX regulations including finances.

2. Community life justification for a higher personal needs allowance:

- a) The organization (ICF/MR) has responsibility to promote community life, including leadership roles and responsibilities for people with disabilities.
- b) The organization (ICF/MR) has responsibility to support people served in developing social networks and involving people in all aspects of community life.