



STATE OF ARIZONA

JANICE K. BREWER  
GOVERNOR

EXECUTIVE OFFICE

February 3, 2011

The Honorable Kathleen Sebelius  
Secretary  
United States Department of Health and Human Services  
200 Independence Avenue, S.W., Room 120-F  
Washington, DC 20201

Dear Secretary Sebelius:

I was encouraged today to read your letter to our nation's governors in which you assert your commitment to work with states like Arizona to create a 'sustainable and vibrant Medicaid system' that is responsive to our needs and challenges. Indeed, Arizona is a national leader in Medicaid innovation and has pursued every efficiency measure you've suggested. Despite these efforts, state expenses under our Medicaid program continue to grow at an unsustainable rate. I respectfully submit that the most impactful and immediate step you could take would be to approve Arizona's request for a temporary waiver allowing our state to reduce Medicaid eligibility for certain non-disabled adults. As I've said repeatedly, this simple step would preserve our state's underlying Medicaid program for more than 1 million Arizonans, while sparing education, public safety and other essential state programs from hundreds of millions of dollars in additional cuts.

In recent weeks, my office has been working to secure a meeting with you to discuss Arizona's limited request for a waiver of maintenance of effort requirements under the Patient Protection and Affordable Care Act. I believe that meeting is more important than ever upon reading this letter in which you appear uncertain whether you have authority to waive maintenance of effort requirements under the law. I believe strongly that you do. Congress explicitly placed the maintenance of effort requirement in an area of federal statute that you have the authority to waive. Given that, it appears that granting temporary relief from one of the more onerous fiscal requirements of the health care act is more a matter of political will than legal authority.

I'm heartened by your pledge to provide states with the flexibility they need in administering their Medicaid programs. That has not always been our experience. In fact, as recently as a month ago, the federal government rejected an Arizona request to eliminate coverage for taxi cab rides for doctor visits. Also rejected was our common sense request to implement a fee for Medicaid members who skip out on a medical appointment. Such 'no-show' fees have long been a reality for any American on private insurance. I hope such requests in the future are more

Honorable Kathleen Sebelius

February 3, 2011

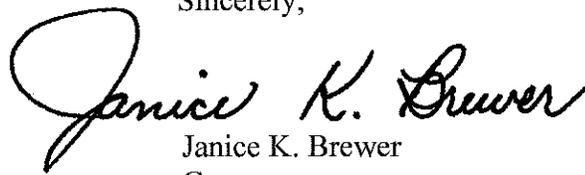
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favorably considered so that states may continue to provide the essential care to those who need it most.

Your letter noted more than a dozen efficiencies that states can pursue in reducing their overall Medicaid costs. As I mentioned earlier, you should be aware that Arizona has previously enacted or is pursuing every one of these suggestions. The result is Arizona's status as a national leader in the cost-effective delivery of health care to those in need, which has resulted in a program with some of the lowest per-capita costs of any state. Put simply, Arizona is already reaping the savings you suggest. Our problem is not with a bloated state structure. It's with federal mandates that leave us no discretion to make the reductions our budget – and our state Constitution – demand.

As a former governor, you can relate to the myriad pressures states face. I reiterate my request for a one-on-one meeting so that we may discuss, with your help, how best Arizona can serve its citizens while meeting its fiscal obligations.

Sincerely,

A handwritten signature in cursive script that reads "Janice K. Brewer". The signature is written in black ink and is positioned above the printed name and title.

Janice K. Brewer  
Governor

## **FACTS ABOUT AHCCCS: ADDRESSING STATE FLEXIBILITIES OUTLINED BY SECRETARY SEBELIUS**

On February 3, 2011, Secretary Sebelius issued a letter to all Governors suggesting several ways states could modify their Medicaid programs and find opportunities to meet health care needs while coping with rising costs. The same day, Governor Brewer issued a statement responding to Secretary Sebelius' letter.

This fact sheet provides additional detail on the suggestions highlighted in the Secretary's letter and steps that the Arizona Health Care Cost Containment System (AHCCCS), Arizona's single state Medicaid agency, has already taken to reduce costs.

### **Benefits**

- AHCCCS has modified benefits, eliminated some optional benefits and limited amount duration and scope of benefits. Additional detail can be found on the AHCCCS website at <http://www.azahcccs.gov/reporting/legislation/sessions/2010/BenefitChanges.aspx>.
- AHCCCS is currently preparing to add limits to inpatient hospital stays.
- Home and community based services (HCBS) and drug coverage (discussed below) are the only two remaining optional benefits where large scale reductions could be made.
  - Arizona is number one in terms of HCBS – over 70% of the elderly and physically disabled and 99% of members with developmental disabilities reside in the home or community.
  - Arizona is not like the average state that sees disproportionately high costs for those at risk of institutionalization.
  - Elimination of drug coverage or HCBS would simply lead to higher costs within the program.

### **Medical Management for Members**

- Arizona's managed care model works.
- Members are assigned to primary care physicians.
- AHCCCS health plans consistently rank above the national average in HEDIS measures, especially in the area of immunizations, oral health and preventive care for children. AHCCCS quality measures can be found on the website at <http://www.azahcccs.gov/reporting/quality/performanceasures.aspx>.
- As mentioned above, Arizona's model has already achieved high rates of services to long-term care members in the home and community.
- AHCCCS health plans are engaged in pilot programs similar to those outlined in the Affordable Care Act, such as medical home models and Accountable Care Organizations.
- AHCCCS is looking to expand innovative models through payment reform initiatives within Medicaid as part of its Section 1115 waiver renewal, which is currently before CMS.
- AHCCCS is also pursuing a demonstration project for the chronically ill as permitted under the Affordable Care Act.
- Finally, AHCCCS is a national leader in using an integrated delivery system for its dual eligible members (Medicare and Medicaid eligibles). This prevents the fragmentation that exists in many other states.
- AHCCCS continues to push for further integration for its dual eligibles having just applied for a contract with the Federal Coordinated Health Office to merge Medicare and Medicaid requirements.

### **Drug Coverage**

- AHCCCS has the lowest pharmacy costs per member among Medicaid programs in the country.
- Use of generic drugs in the AHCCCS program ranks as one of the highest.
- Because AHCCCS partners with private health plans, Arizona is able to leverage competitive pricing. For example, two of AHCCCS' largest Medicaid plans are owned by UnitedHealth Group and Aetna, who use their market leverage to obtain best pricing.
- AHCCCS health plans use strategies like mail order and management of over-prescribed high cost drugs.
- In addition, AHCCCS is taking advantage of changes in the law to have managed care plans participate in the federal Drug Rebate program.

### **Cost Sharing**

- Arizona has maximized savings that can be achieved through cost sharing at the amount established under federal law
- AHCCCS uses alternative cost sharing under the Deficit Reduction Act as well as cost sharing for its childless adult and spend down populations covered under the 1115 waiver.
- CHIP (KidsCare) families pay premiums to remain on the program.
- Freedom to Work (Ticket to Work) members pay premiums.
- Previously, AHCCCS had asked to allow providers to assess a penalty to our members for missed appointments; CMS said this was not permissible.

### **Program Integrity**

- Although AHCCCS staffing has been reduced by over 30%, program integrity remains a high priority to which AHCCCS has added additional resources.
- A national study of 17 states concluded that Arizona had the third lowest error rate.
- AHCCCS recently contracted with EDI, a data analytics vendor, to conduct data analytics allowing AHCCCS to increase program integrity efforts in managed care.
- Arizona's program integrity staff regularly lecture at best practices seminars nationally.

The points raised above are not comprehensive; they merely highlight what makes AHCCCS one of the most efficient and effective Medicaid programs in the country.



THE SECRETARY OF HEALTH AND HUMAN SERVICES

WASHINGTON, D.C. 20201

February 3, 2011

Dear Governor:

As the new year begins, officials at the federal and state level are looking ahead to a period full of opportunities and challenges. I have had the opportunity to speak individually with many of you over the past few weeks, including many who are now assuming their new positions.

Having served as a Governor, let me welcome you to one of the best jobs you will ever have.

In these conversations, I have heard the urgency of your state budget concerns. I know you are struggling to balance your budget while still providing critical health care services to those who need them most. I want to reaffirm the Obama Administration's commitment to helping you do both.

I also know that as you prepare your budget, your attention will turn to Medicaid. Medicaid is a major source of coverage for children, pregnant women, seniors and people with disabilities in every state. It has a unique role in our health care system, covering a diverse group of beneficiaries, including some of the most frail and vulnerable Americans. And it is the nation's primary payer for long-term care in nursing homes and outside of institutions. Medicaid is a federal-state health partnership. The federal government pays a fixed percentage or matching rate and sets minimum standards. States fund their share of program costs and have the lead on designing their programs beyond these standards, including what benefits are covered, how providers are paid, and how care is delivered.

In the last two years, the Administration has worked to ensure adequate support for states to manage their Medicaid and the Children's Health Insurance Programs (CHIP). One of the first actions taken by President Obama was to work with Congress on legislation to increase federal support for the states in the form of an enhanced federal match for Medicaid (known as the Federal Medical Assistance Percentage or FMAP). This enhanced FMAP was part of the American Recovery and Reinvestment Act and lasted through December 31, 2010. However, last year, at the request of many Governors, we worked with Congress to extend the enhanced FMAP policy through June 2011. Approximately \$100 billion has been provided to states, and in 2009 alone, due to the enhanced FMAP, state Medicaid spending fell by ten percent even though enrollment in Medicaid climbed by seven percent due to the recession. In addition to this financial support, we have taken many other administrative steps to open up lines of communication with states, lower the paperwork burden states face in administering the program, and accelerate our review process for state plan amendments.

We recognize that many states are re-examining their Medicaid programs and looking for opportunities to meet the pressing health care challenges and better cope with rising costs. In light of difficult budget circumstances, we are stepping up our efforts to help you identify cost drivers in the Medicaid program and provide you with new tools and resources to achieve both short-term savings and longer-term sustainability while providing high-quality care to the

citizens of your states. We are committed to responsiveness and flexibility, and will expedite review of state proposals.

Starting immediately, the senior leadership from across the Department will be available to meet individually with your staff about plans that you may already have in mind. My team stands ready to come to your state to discuss your priorities and how we can help achieve them.

In the meantime, recent conversations suggest a lack of clarity about what flexibility currently exists in Medicaid. Some of you have asked whether I can “waive” the maintenance of effort requirements for people who a state has covered under Medicaid’s “optional” eligibility categories and waivers. I note that the Affordable Care Act gives a state the flexibility to reduce eligibility for non-disabled, non-pregnant adults with incomes above 133 percent of the federal poverty line (\$14,500 for an individual) if the state has a budget deficit, although prior to June 30, this would mean the loss of the enhanced FMAP under the Recovery Act. I continue to review what authority, if any, I have to waive the maintenance of effort under current law.

However, states have substantial flexibility to design benefits, service delivery systems, and payment strategies, without a waiver. In 2008, roughly 40 percent of Medicaid benefits spending – \$100 billion – was spent on optional benefits for all enrollees, with nearly 60 percent of this spending for long-term care services. The enclosed paper identifies a range of state options and opportunities to more efficiently manage Medicaid, many of which are underway across the country. Some of the key areas of potential cost savings are described briefly below:

- **Modifying Benefits.** While some benefits, such as hospital and physician services, are required to be provided by state Medicaid programs, many services, such as prescription drugs, dental services, and speech therapy, are optional. States can generally change optional benefits or limit their amount, duration or scope through an amendment to their state plan, provided that each service remains sufficient to reasonably achieve its purpose. In addition, states may add or increase cost sharing for services within limits (see attachment for details). Some states have opted for more basic benefit packages for higher-income enrollees (e.g., Wisconsin provides benefits equivalent to the largest commercial plan offered in the state plus mental health and substance disorder coverage for pregnant women with income between 200 and 250 percent of poverty). A number of states charge beneficiaries \$20 for non-urgent emergency room visits or use cost sharing for prescription drugs to steer individuals toward generics or preferred brand-name drugs. To the extent states scale back low-value benefits or add fair cost sharing that lowers inappropriate use of care, savings can be generated.
- **Managing Care for High-Cost Enrollees More Effectively.** Just one percent of all Medicaid beneficiaries account for 25 percent of all expenditures. Initiatives that integrate acute and long-term care, strengthen systems for providing long-term care to people in the community, provide better primary and preventive care for children with significant health care needs, and lower the incidence of low-birth weight babies are among the ways that states have improved care and lowered costs. For example, children’s hospitals adopting a medical home model to manage the care of chronically ill

children have accomplished impressive improvements in health and reductions in cost. One Florida children's hospital reduced emergency room visits by more than one-third, and reduced hospital days by 20 percent. These delivery models and payment strategies can be implemented by hospitals and states without seeking a federal waiver, and we are exploring ways that we might provide further support for such initiatives.

In addition, the Affordable Care Act offers new Medicaid options that provide states with additional federal matching funds. For example, states can now benefit from a 90 percent federal matching rate for coordination of care services provided in the context of a health home for people with chronic conditions. Additionally, the Community First Choice Option, available in October, will offer states a six percent increase in the federal matching rate to provide certain person-centered long-term care services and supports to enhance your efforts to serve beneficiaries in community-based settings.

- **Purchasing Drugs More Efficiently.** In 2009, states spent \$7 billion to help Medicaid beneficiaries afford prescription drugs. States have broad flexibility to set their pharmacy pricing. We are committed to working with states to ensure they have accurate information about drug costs in order to make prudent purchasing decisions. As recommended by states, the Department is undertaking a first-ever national survey to create a database of actual acquisition costs that states may use as a basis for determining state-specific rates, with results available later this year. Alabama, the first state to adopt use of actual acquisition costs as the benchmark for drug reimbursement, expects to save six percent (\$30 million) of its pharmacy costs in the first year of implementation. We will also share additional approaches that states have used to drive down costs, such as relying more on generic drugs, mail order, management relating to over-prescribed high cost drugs, and use of health information technology to encourage appropriate prescribing and avoidance of expensive adverse events.
- **Assuring Program Integrity.** According to the Department's 2010 Financial Agency Report, the three-year weighted average national error rate for Medicaid is 9.4 percent, meaning that \$33.7 billion in combined federal and state funds were paid inappropriately. The federal government and states have a strong, shared interest in assuring integrity in every aspect of the program, and there are new options and tools available to states. Our Medicaid Integrity Institute is preparing a series of webinars for states to share best practices, learn about the potential cost savings created by the new program integrity provisions in the Affordable Care Act, and hear about initiatives underway in Medicare and the private sector that could be replicated in Medicaid. For example, to help your state identify providers who were terminated elsewhere, states will have access to a new federal portal starting in mid-February to obtain this information from other states and the Medicare program. In addition, states will be able to use federal audit contractors to save state funds and consolidate auditing efforts. States will also benefit from new, cutting-edge analytics, like predictive modeling, being developed to prevent fraud in the Medicare program. In 2010, the Departments of Health and Human Services and Justice recovered more than \$4 billion in taxpayer dollars – the highest annual amount ever – from people who attempted to defraud seniors and taxpayers, and we want to continue to

work closely with you to prevent and fight waste, fraud and abuse in Medicare, Medicaid and CHIP. The President is committed to cutting the error rate in half by 2012.

Beyond these areas of flexibility that could produce short-term savings, we are actively moving forward in areas that could lower costs in the long run. In particular, we are focused on how to help states provide better care and lower costs for so called "dual eligibles," seniors and people with disabilities who are eligible for both Medicaid and Medicare. These individuals represent 15 percent of Medicaid beneficiaries but nearly 40 percent of all Medicaid spending. This population offers great potential for improving care and lowering costs by replacing the fragmented care that is now provided to these individuals with integrated care delivery models. The new Federal Coordinated Health Care Office has already released a solicitation for up to 15 states to receive federal support to design new models for serving dual eligibles. We also plan to launch a Department-wide effort to reduce the costs of health care by improving patient safety in Medicare, Medicaid and throughout the private health care system, and states will be critical partners in this effort. We welcome other ideas on new models of care, including new ways to deliver care that encourage investment and yield savings.

To expedite these 2011 efforts, we will host a series of "virtual" meetings with state health policy advisors and Medicaid directors. In these sessions, we will share information about promising Medicaid cost-saving initiatives underway in one or more states that we are prepared to support and approve in other states on a fast-track basis.

This is just the beginning of a discussion on how we can help you better manage your Medicaid programs and navigate your budget crises. Please be assured that I am committed to working with you toward a sustainable and vibrant Medicaid system in ways that are responsive to the current challenges you are facing every day.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathleen Sebelius". The signature is fluid and cursive, with the first name "Kathleen" written in a larger, more prominent script than the last name "Sebelius".

Kathleen Sebelius

Enclosure

## **Medicaid Cost-Savings Opportunities**

### **February 3, 2011**

#### **Overview**

Medicaid is a large and diverse health care coverage program. Jointly financed by the states and the federal government, in 2010, Medicaid covered nearly 53 million people and accounted for about 16 percent of all health care spending.<sup>1</sup> It accounts for 17 percent of all hospital spending and is the single largest source of coverage for nursing home care, for childbirth, and for people with HIV/AIDS.<sup>2</sup> It covers one out of four children in the nation as well as some people with the most significant medical needs.<sup>3</sup> While children account for most of the beneficiaries, they comprise only 20 percent of the spending. By contrast, the elderly and people with disabilities account for 18 percent of enrollees but 66 percent of the costs.<sup>4</sup>

Over the past three years, despite rising enrollment due to the economic recession, nationwide state spending on the Medicaid program dropped by 13.2 percent (equivalent to a 10.3 percentage point decline in the state share of the total costs of the program) as a result of the added federal support provided to state Medicaid programs through the American Recovery and Reinvestment Act of 2009 (the Recovery Act).<sup>5</sup> In 2009 alone, due to this action, state Medicaid spending fell by 10 percent even though enrollment in Medicaid climbed by 7 percent due to the recession.<sup>6</sup> However, this enhanced Federal Medical Assistance Percentage (FMAP) support is set to expire on June 30, 2011. While state revenues are beginning to show signs of recovery, the upcoming state fiscal year could be especially difficult for states.

Against this backdrop, states are beginning to plan for 2014 when Medicaid will be simplified and expanded to adults and children with income up to 133 percent of the Federal Poverty Level (FPL) (\$26,645 in annual income for a family of three in 2011). Benefits for most newly eligible adults will be comparable to that of typical private insurance. Significantly, almost all of the new Medicaid coverage costs will be borne by the federal government. The Medicaid changes in the Affordable Care Act will also bring about major improvements in the program for states, health care providers, and low-income individuals. The Department of Health and Human Services (HHS), in collaboration with states, has been engaged in a multi-faceted process to accomplish these changes by 2014. The objective is to ensure that Medicaid functions as a high-performing program serving the needs of America's most vulnerable citizens and is a full partner with the Health Insurance Exchanges in achieving the coverage, quality and cost containment goals of the new law. Recent reports have found that the increased support for Medicaid, lower uncompensated care costs, and other provisions of the new law to tackle health care costs will produce savings to states as they become fully effective. In the short term, however, state budget pressures are forcing an immediate focus on this program whose enrollment has grown as job-based insurance declined due to the recession.

Now HHS is stepping up its efforts to help states consider policies that will improve care and generate efficiencies, in the short term and over time, as part of the larger imperative to tackle health care cost growth throughout the health care system. This paper identifies existing flexibility in the Medicaid program and new initiatives, many of which can be accomplished under either current program flexibilities or the new options under the Affordable Care Act.

## Existing Areas of Program Flexibility

Over time, Medicaid has evolved to offer states considerable flexibility in the management and design of the program. States set provider payment rates and have considerable flexibility to establish the methods for payment, to design the benefits for adults, and to establish other program design features. In addition, states have the ability to apply for a Section 1115 waiver of other federal requirements to adjust coverage and payment rules.<sup>7</sup>

### 1. Cost Sharing

In the Deficit Reduction Act of 2005, Congress gave states additional flexibility to impose cost sharing in Medicaid in the form of copayments, deductibles, coinsurance, and other similar charges without requiring states to seek federal approval of a waiver. Certain vulnerable groups are exempt from cost sharing, including most children and pregnant women, and some services are also exempt. However, states may impose higher cost sharing for many targeted groups of somewhat higher-income beneficiaries, above 100 percent of the poverty level (the equivalent of \$18,530 in annual income for a family of three), as long as the family's total cost sharing (including cost sharing and premiums) does not exceed five percent of their income.

States may impose cost sharing on most Medicaid-covered services, both inpatient and outpatient, and the amounts that can be charged vary with income. In addition, Medicaid rules give states the ability to use cost-sharing to promote the most cost-effective use of prescription drugs. To encourage the use of lower-cost drugs, such as generics, states may establish different copayments for non-preferred versus preferred drugs. For people with incomes above 150 percent of the poverty level, cost sharing for non-preferred drugs may be as high as 20 percent of the cost of the drug. The following table describes the maximum allowable copayment amounts for different types of services.

**MAXIMUM ALLOWABLE COPAYMENTS**

Services and Supplies (Cost Sharing Subject to a Per-Beneficiary Limit) <sup>a</sup>	Eligible Populations by Family Income <sup>b,c</sup>		
	≤100% FPL	101-150% FPL	>150% FPL
<b>Institutional Care</b> (inpatient hospital care, rehab care, etc.)	50% of cost for 1 <sup>st</sup> day of care	50% of cost for 1 <sup>st</sup> day of care, 10% of cost	50% of cost for 1 <sup>st</sup> day of care, 20% of cost
<b>Non-Institutional Care</b> (physician visits, physical therapy, etc.)	\$3.65	10% of cost	20% of cost
<b>Non-emergency use of the ER</b>	\$3.65	\$7.30	No limit
<b>Preferred drugs</b>	\$3.65	\$3.65	\$3.65
<b>Non-preferred drugs</b>	\$3.65	\$3.65	20% of cost

- Emergency services, family planning, and preventive services for children are exempt from copayments. Cost sharing is subject to a limit of five percent of income.
- Some groups of beneficiaries, including most children, pregnant women, terminally ill individuals, and most institutionalized individuals, are exempt from copayments except nominal copayments for non-emergency use of an emergency room and non-preferred drugs. American Indians who receive services from the Indian Health Service, tribal health programs, or contract health service programs are exempt from all copayments.
- Under certain circumstances for beneficiaries with income above 100 percent of FPL, states may deny services for nonpayment of cost sharing.

Because Medicaid covers particularly low-income and often very sick patients, Medicaid cost sharing is subject to an overall cap. The Medicaid cost for one inpatient hospital visit averages more than \$5,700 for blind and disabled beneficiaries.<sup>8</sup> Someone in very frail health, such as a beneficiary with advanced Lou Gehrig’s disease, likely requires multiple hospital visits each year. If such an individual has four hospital stays per year and income amounting to 160 percent of poverty (about \$23,000 for a family of two), without the cap he could be charged hospital cost sharing averaging up to \$1,140 per visit. Total cost sharing is capped at five percent of income, so this beneficiary would not be required to pay the full 20 percent copayment for such a costly hospital stay, but could still face more than \$1,100 in cost sharing per year.

**2. Benefits**

States have various sources of flexibility with respect to the design of Medicaid benefits for adults. For children, any limitations on services (either mandatory or optional) must be based solely on medical necessity; states are required to cover their medically necessary services.

**“Optional” benefits.** Medicaid-covered benefits are broken out into “mandatory” services, which must be included in every state Medicaid program for all beneficiaries (except if waived under a Section 1115 waiver), and “optional” services which may be covered at the state’s discretion. Below is a table listing mandatory and optional services. While considered “optional,” some services like prescription drugs are covered by all states. In 2008, roughly 40 percent of Medicaid benefits spending – \$100 billion – was spent on optional benefits for all enrollees, with nearly 60 percent of this spending for long-term care services.<sup>9</sup>

**MEDICAID COVERED SERVICES**

<b>Mandatory Services (60% of Spending)</b>	<b>Optional Services (40% of Spending)</b>
<ul style="list-style-type: none"> <li>• Inpatient hospital services</li> <li>• Outpatient hospital services</li> <li>• Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) services</li> <li>• Nursing facility services</li> <li>• Home health services</li> <li>• Physician services</li> <li>• Rural health clinic services</li> <li>• Federally qualified health center services</li> <li>• Laboratory and X-ray services</li> <li>• Family planning services</li> <li>• Nurse Midwife services</li> <li>• Certified Pediatric and Family Nurse Practitioner services</li> <li>• Freestanding Birth Center services (when licensed or otherwise recognized by the state)</li> <li>• Transportation to medical care</li> <li>• Smoking cessation for pregnant women</li> </ul>	<ul style="list-style-type: none"> <li>• Prescription drugs</li> <li>• Clinic services</li> <li>• Physical therapy</li> <li>• Occupational therapy</li> <li>• Speech, hearing and language disorder services</li> <li>• Respiratory care services</li> <li>• Other diagnostic, screening, preventive and rehabilitative services</li> <li>• Podiatry services</li> <li>• Optometry services</li> <li>• Dental services</li> <li>• Dentures</li> <li>• Prosthetics</li> <li>• Eyeglasses</li> <li>• Chiropractic services</li> <li>• Other practitioner services</li> <li>• Private duty nursing services</li> <li>• Other services approved by the Secretary<sup>a</sup></li> </ul>

a. This includes home and community-based care and other community-based long-term care services, coverage of organ transplants, Intermediate Care Facilities for Persons with Mental Retardation (ICF/MR) services and other services.

**Amount, duration and scope of a benefit.** States have flexibility in the design of the particular benefit or service for adults, so long as each covered service is sufficient in amount, duration and scope to reasonably achieve its purpose.

**“Benchmark benefits.”** States have broad flexibility to vary the benefits they provide to certain adult enrollees through the use of alternative benefit packages called “benchmark” or “benchmark-equivalent” plans. These plans may be offered in lieu of the benefits covered under a traditional Medicaid state plan. A benchmark benefit package can be tailored to the specific medical conditions of enrollees and may vary in different parts of a state.

Benchmark benefits coverage is health benefits coverage that is equal to the coverage under one or more of the following standard commercial benefit plans:

- Federal employee health benefit coverage – a benefit plan equivalent to the standard Blue Cross/Blue Shield preferred provider plan offered to federal employees;
- State employee health benefit coverage – a benefit plan offered and generally available to state employees in the state; or
- Health maintenance organization (HMO) coverage – a benefit plan offered through an HMO with the largest insured commercial non-Medicaid enrolled population in the state.

States may also offer health benefit coverage through two additional types of benchmark benefit plans, Secretary-approved coverage or benchmark-equivalent plan coverage. Secretary-approved coverage is any other health benefits coverage that the Secretary determines provides appropriate coverage to meet the needs of the population provided that coverage. Benchmark-equivalent coverage is a plan with different benefits, but with an actuarial value equivalent to one of the three standard benchmark plans. Benchmark-equivalent packages must include certain services such as inpatient and outpatient hospital services, physician services, and prescription drugs.

States have the option to limit coverage for generally healthy adults to benchmark or benchmark-equivalent coverage. Other groups, including blind and disabled, medically frail, and institutionalized individuals can be offered enrollment in a benchmark plan, but they cannot be required to enroll in such a plan. To date, 11 states have approved benchmark coverage. States generally have used this option to provide benefits to targeted groups of beneficiaries, rather than having to provide these services to a broader group of people. For example, Wisconsin provides benefits equivalent to the largest commercial plan offered in the state plus mental health and substance disorder coverage for pregnant women with income between 200 and 250 percent of poverty.

### **Opportunities for Medicaid Efficiencies**

Medicaid costs per enrollee, like those in the health system generally, are driven by utilization and payment rates, including rising prices, and to some degree by waste, fraud, and abuse. Medicaid costs are also uniquely driven by increased utilization associated with the complex cases and chronic illness prevalent among those enrolled in the program. The initiatives below aim to help states improve care and lower costs largely through changes in care delivery systems

and payment methodologies focused on the costs drivers in the program. We are developing a portfolio of approaches that would be combined with technical support and fast-track ways for states to implement the new initiatives and we remain open to other ideas that can improve care and efficiency. Most of these initiatives can be accomplished under current flexibilities under the program.

## **1. Service Delivery Initiatives and Payment Strategies for Enrollees with High Costs**

Because Medicaid serves people with significant medical needs (including but not limited to “dual eligibles”) and is the largest single payer for long term care, Medicaid expenditures are driven largely by the relatively small number of people with chronic and disabling conditions. For example, in 2008, five percent of beneficiaries accounted for more than half of all Medicaid spending and one percent of beneficiaries accounted for 25 percent of all expenditures.<sup>10</sup>

Working to develop better systems of care for these individuals holds great promise not only to improve care but to reduce costs. Reducing the average cost of care by just ten percent for the five percent of beneficiaries who are the highest users of care, could save \$15.7 billion in total Medicaid spending and produce a significant positive impact on longer term spending trends.<sup>11</sup>

Some initiatives focusing on high-need beneficiaries include:

- Care and payment models for children’s hospitals to reorganize and refinance the way care is delivered for children with severe chronic illnesses. A number of children’s hospitals are working to coordinate all primary care and specialized care needs of these children through a medical home model. For example, St. Joseph’s Children’s Hospital of Tampa reduced emergency room visits by more than one-third, and hospital days by 20 percent. The Arkansas Children’s Hospital model is projected to reduce annual per child costs by more than 30 percent and reduce hospital admissions by 40 percent.<sup>12</sup> Even more importantly, the overall quality of life for these children can be dramatically improved through a medical home model of care.
- The “Money Follows the Person” demonstration grants extended and expanded under the Affordable Care Act. Currently, 43 states and the District of Columbia are using or planning to use these funds to help transition people from costly nursing home settings to more integrated community settings. HHS is currently exploring innovative ways for states to use these funds and welcomes state ideas. Promoting alternatives for home and community-based services reduces dependence on institutional care, improves the quality of life, and enhances beneficiary choice.
- Initiatives to change care and payment models to reduce premature births. Given that Medicaid currently finances about 40 percent of all births in the U.S., it has a major role to play in improving maternity care and birth outcomes. Early deliveries are associated with an increase in premature births and admissions to neonatal intensive care units (NICUs), which carry a high economic cost.<sup>13</sup> One factor contributing to premature births is an increase in births by elective cesarean section. Promising models to reduce premature births and medically unnecessary cesarean sections include adopting new protocols and using mid-level providers in an integrated care delivery setting to improve care coordination. In New York, one model of coordinated prenatal care reduced the

chances of a mother giving birth to a low-birth weight infant by 43 percent in an intervention group as compared with a group of women receiving care under standard practices.<sup>14</sup> In Ohio, a focus on lowering the rate of non-medically necessary pre-term cesarean deliveries has led to reductions in pre-term cesarean births and NICU admissions.<sup>15</sup> According to some analyses, a NICU admission increases costs ten-fold above normal delivery costs. These service delivery and payment initiatives can be accomplished without a waiver or demonstration.

- Promoting better care management for children and adults with asthma. About a quarter of all asthma-related health care spending is for hospital care, much of which could be avoided with better care management.<sup>16</sup> Successful models exist that involve nontraditional educators and patient self-management. A New York initiative focused on patient self-management and tailored case management reduced asthma-related emergency room visits by 78 percent.<sup>17</sup> A similar project in California reduced hospital admissions by 90 percent.<sup>18</sup>
- Initiatives to reduce hospital readmissions, which could improve care and lower costs. A recently published analysis shows that 16 percent of people with disabilities covered by Medicaid (excluding the dual eligibles) were readmitted to the hospital within 30 days of discharge. Half of those who were readmitted had not seen a doctor since discharge.<sup>19</sup> There is a significant body of evidence showing that improving care transitions as patients move across different health care settings can greatly reduce readmission rates. Interventions such as using a nurse discharge advocate to arrange follow-up appointments and conduct patient education or a clinical pharmacist to make follow-up calls has yielded dramatic reductions in readmission rates. One Colorado project, for example, reduced its 30-day readmission rate by 30 percent.<sup>20</sup> These practices can continue to be expanded in Medicaid, where the average cost of just one hospital admission for an individual with disabilities (excluding dual eligibles) is more than \$5,700.<sup>21</sup>
- Implementing the new Health Homes option in the Affordable Care Act. This option offers new opportunities – and federal support – to care for people with chronic conditions by providing eight quarters of 90 percent federal match for care coordination services. Guidance to states has been issued (<http://www.cms.gov/smdl/downloads/SMD10024.pdf>), and HHS is establishing an intensive state-based peer-to-peer collaborative within the new Centers for Medicare & Medicaid Services (CMS) Innovation Center to test and share information about different models. The option, which was effective January 1, 2011, could result in immediate savings, given the enhanced match, as well as a path for learning how to establish effective care coordination systems for people with chronic conditions.
- Promoting Accountable Care Organizations (ACOs) that include Medicaid by bringing states into the planning and testing of ACO models that include, or even focus on, Medicaid plans and providers. CMS will work with states to ensure that states have ample opportunity to participate in these new models of care and benefit from any savings.

- Continuing to integrate health information technology. Health information technology (health IT) and electronic health information exchange are also key to driving down health care costs. Medicaid-financed incentive payments to eligible providers began in several states in January. HHS-funded health IT initiatives are underway in every state, providing implementation assistance and supporting improved care coordination. Additional federal grants from the Office of the National Coordinator for Health Information Technology to support state-level initiatives will be awarded in February. ([http://healthit.hhs.gov/portal/server.pt/community/healthit\\_hhs\\_gov\\_hitech\\_and\\_funding\\_opportunities/1310](http://healthit.hhs.gov/portal/server.pt/community/healthit_hhs_gov_hitech_and_funding_opportunities/1310)).

## 2. Purchasing Drugs More Efficiently

Pharmacy costs account for eight percent of Medicaid program spending, with states spending \$7 billion on prescription drugs in 2009.<sup>22</sup> While states have taken steps to reduce their pharmacy costs over the past decade, there is still strong evidence that many state Medicaid agencies are paying too high a price for drugs in the Medicaid program.<sup>23</sup> Recent court settlements have disclosed that the information most states rely upon to establish payment rates is seriously flawed. As a result, the major drug pricing compendium used by Medicaid state agencies will cease publication before the end of 2011, and states must find a new basis for drug pricing. We will work with states to help them manage their pharmacy costs and ensure their pharmacy pricing is fair and efficient:

- Provide states with a new, more accurate benchmark to base payments. A workgroup of state Medicaid directors and state Medicaid pharmacy directors has recommended a new approach to establishing a benchmark for rates, namely, use of actual average acquisition costs.<sup>24</sup> Alabama, the first state to adopt use of actual acquisition costs as the benchmark for drug reimbursement rates, expects to save six percent (\$30 million) of its pharmacy cost in the first year of implementation. However, it is difficult and costly for each state to create its own data source for actual acquisition costs. States have recommended a national benchmark. In response, CMS is about to undertake a national survey of pharmacies to create a database of actual acquisition costs that states may use as a basis for determining state-specific rates. The data will be available to states later this year.

## 3. Dual Eligibles

There is great potential for improving care and lowering costs by ending the fragmented care that is now provided to “dual eligibles” – people who are enrolled in both Medicaid and Medicare. While only 15 percent of enrollees in Medicaid and Medicare are dual eligibles, four out of every ten dollars spent in the Medicaid program and one quarter of Medicare spending are for services provided to dual eligibles.<sup>25</sup> Fragmented care, wasteful spending, and patient harm are significant risks with two programs serving some of the most frail and medically needy people, each with its own sets of rules and disparate financial mechanisms. Just a few examples can explain the problem and suggest some of the solutions:

- When Medicaid programs invest in health homes and similar initiatives that can help people who are dually eligible avoid hospitalizations, Medicare realizes most of the savings since it is the primary payer for the cost of hospital care for these people.

- If Medicare seeks to reduce hospital costs and avoid preventable hospital readmissions, extensive discharge planning relying on the availability of community-based long-term care may be required. Those long-term care services, however, are largely driven and financed by Medicaid, not Medicare.

Except in a very small number of specialized plans covering only about 120,000 of the 9.2 million dual eligibles, people do not have a team of caregivers that direct and manage their care across Medicaid and Medicare and states do not have access to information about the care delivered across the two programs.

The Affordable Care Act establishes a new Federal Coordinated Health Care Office to focus attention and resources on improving care for dual eligibles. The Office, which was formally announced on December 29, 2010, will work with states, physicians and others to develop new models of care. In the short term, the Office will focus on the following initiatives that will have an immediate impact on states' ability to better manage care:

- Support state demonstrations to integrate care for dual eligible individuals. The Federal Coordinated Health Care Office recently announced that it will award contracts to up to 15 states of up to \$1 million each to help them design a demonstration proposal to structure, implement, and evaluate a model aimed at improving the quality, coordination, and cost-effectiveness of care for dual eligible individuals. Through these initiatives, we will identify and validate delivery system models that can be rapidly tested and, upon successful demonstration, replicated in other states. Further investments from the new CMS Innovation Center are under review; this is a priority area for states and HHS. Additional areas of focus and opportunity are demonstrations to decrease transfers between nursing homes and hospitals and developing accountable care organizations to serve dual eligibles and other populations with complex health problems.
- Provide states with access to Medicare Parts A, B and D data. For several years state Medicaid agencies have been requesting access to Medicare data to support efforts to: (1) improve quality; (2) better coordinate care; and (3) reduce unnecessary spending for their dual eligible beneficiaries. CMS will make these data available to states in early 2011.

#### **4. Improving Program Integrity**

States and the federal government share a common interest in ensuring that limited dollars are not wasted through fraud. According to the 2010 HHS Financial Agency Report, the three-year weighted average national error rate for Medicaid is 9.4 percent, meaning that \$33.7 billion in combined federal and state funds was paid inappropriately. Our work on developing new ways to prevent fraud as well as some of the new tools created by the Affordable Care Act will bring additional options and resources to states to help them with their fraud prevention and detection efforts. No waiver or special demonstration is needed to move ahead on these initiatives.

- The Medicaid Integrity Institute provides free training to state Medicaid agency staff—it conducted 38 courses last year and trained 1,900 staff since February 2008. States participate as faculty, receive training, and help shape the curriculum. We are planning a special series

of web-based trainings for state Medicaid agencies to share best practices and inform states about new provisions of the law aimed at preventing fraud.

- The Affordable Care Act requires the screening of providers and provides states with new authority to help keep problematic providers from enrolling in Medicaid. The vast majority of Medicaid providers and suppliers participate in both Medicaid and Medicare, so Medicare provider screening actions in Medicare will also benefit Medicaid and CHIP programs. A significant value for states is expected. CMS will provide active support and assistance to states, including training of state Medicaid and CHIP program staff and best practice guidelines.
- New, cutting edge initiatives are being developed to prevent fraud in the Medicare program and will be shared with states to ensure that Medicaid gets the full benefit of Medicare advances in this area including analytics such as predictive modeling to identify patterns and examine high-cost problem areas across all types of care.
- CMS will be organizing new Payment Accuracy Improvement Groups with states grouped based on their shared interest in particular program integrity vulnerabilities. States with similar interests will work with CMS, as well as federal contractors and other experts, to target issues and problem solve.

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<sup>1</sup> 2010 Actuarial Report on the Financial Outlook for Medicaid. Office of the Actuary, Centers for Medicare & Medicaid Services (for enrollment data). *National Health Expenditure Projections 2009-2019*. Office of the Actuary, Centers for Medicare & Medicaid Services (for expenditure data).

<sup>2</sup> Kaiser Family Foundation 2010.

<sup>3</sup> Kaiser Family Foundation 2010.

<sup>4</sup> 2010 Actuarial Report on the Financial Outlook for Medicaid. Office of the Actuary, Centers for Medicare & Medicaid Services.

<sup>5</sup> CMS analysis of FY 2008-2010 Medicaid Budget and Expenditure System (MBES) data.

<sup>6</sup> Martin A. et al, "Recession Contributes To Slowest Annual Rate Of Increase In Health Spending In Five Decades," *Health Affairs*, 30(1): 11-22, January 2011.

<sup>7</sup> Section 1115 of the Social Security Act authorizes the Secretary of HHS to waive compliance with certain specified provisions of the law or to permit expenditures not otherwise allowed under the law in the context of an "experimental, pilot of demonstration project" that the Secretary determines is "likely to assist in promoting the objectives" of the program.

<sup>8</sup> CMS Analysis of Inpatient Hospital Spending for Blind/Disabled Non-Dual Medicaid Beneficiaries, FY2008, MSIS (Medicaid Statistical Information System), FFS only. Inpatient claim count is used as a proxy for inpatient admission count.

<sup>9</sup> ASPE Analysis of the Medicaid Statistical Information System (MSIS) data for 2008. Spending for mandatory and optional populations.

<sup>10</sup> CMS analysis of FY 2008 CMS MSIS data.

<sup>11</sup> CMS analysis of FY 2008 CMS MSIS data.

<sup>12</sup> November 2010 presentation by the National Association of Children's Hospitals.

<sup>13</sup> Tita, A., et al. *The New England Journal of Medicine*. January 8, 2009 volume 360, No. 2, pages 11-120.

<sup>14</sup> Eunju Lee, et al. *American Journal of Preventive Medicine* 2009; 36(2):154-160).

<sup>15</sup> The Ohio Perinatal Quality Collaborative Writing Committee. A statewide initiative to reduce inappropriate scheduled births at 360/7-386/7 weeks' gestation. *Am J Obstet Gynecol* 2010;202:243.e1-8.

<sup>16</sup> American Lung Association. Trends in Asthma Morbidity and Mortality, January 2009.

<sup>17</sup> Hoppin, et al, August 2010. Asthma Regional Council.

<sup>18</sup> Hoppin, et al, August 2010. Asthma Regional Council.

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- <sup>19</sup> *Hospital Readmissions among Medicaid beneficiaries with Disabilities: Identifying Targets of Opportunity*. Center for Health Care Strategies, December 2010.
- <sup>20</sup> Coleman EA, Parry C, Chalmers S, Min SJ. The care transitions intervention: results of a randomized controlled trial. *Arch Intern Med* 2006 Sep25;166(17):1822-8.
- <sup>21</sup> CMS Analysis of Inpatient Hospital Spending for Blind/Disabled Non-Dual Medicaid Beneficiaries, FY2008, MSIS (Medicaid Statistical Information System), FFS only. Inpatient claim count is used as a proxy for inpatient admission count.
- <sup>22</sup> National health expenditures, historical tables. Includes state and local spending on Medicaid prescription drugs for 2009. [https://www.cms.gov/NationalHealthExpendData/02\\_NationalHealthAccountsHistorical.asp](https://www.cms.gov/NationalHealthExpendData/02_NationalHealthAccountsHistorical.asp).
- <sup>23</sup> See for example, OEI-05-05-00240, Medicaid Drug Price Comparisons: Average Manufacturer Price to Published Prices, June 2005.
- <sup>24</sup> *Post AWP Pharmacy Pricing and Reimbursement: Executive Summary and White Paper*. American Medicaid Pharmacy Association and the National of Medicaid Directors, June 2010. Accessed at: <http://www.nasmd.org/home/doc/SummaryofWhitePaper.pdf>.
- <sup>25</sup> Kaiser Family Foundation. *Dual Eligibles: Medicaid Enrollment and Spending for Medicare Beneficiaries in 2007*, December 2010. Accessed at: <http://www.kff.org/medicaid/upload/7846-02.pdf>.