



MISSISSIPPI DIVISION OF
MEDICAID

Mississippi Administrative Code Title 23, Part 207: Institutional Long Term Care Services, Chapters 2, 3, and 4, Rules 2.5, 2.10, 2.15-2.17, 3.6 and 4.6

Public Comments:

May 27, 2021

Drew Snyder, Director Mississippi Division of Medicaid
Walter Sillers Building, Suite 1000 550 High Street
Jackson, Mississippi 39201

Re: Mississippi Administrative Procedures Notice Filing 25526

***Rule:** Title 23: Medicaid, Part 207: Institutional Long Term Care Services, Chapter 2: Nursing Facility, Chapter 3: Intermediate Care Facility for Individuals with Intellectual Disabilities, and Chapter 4: Psychiatric Residential Treatment Facility, Rule(s) 2.5, 2.10, 2.15 - 2.17, 3.6 and 4.6*

Dear Director Snyder:

Maxey Wann represents the Mississippi Health Care Association ("MHCA") and we are asked to provide written comments to the Division of Medicaid ("Medicaid" or "Division") on behalf of MHCA and its membership in response to Mississippi Administrative Procedures Notice Filing, number 25526, filed with the Mississippi Secretary of State May 5, 2021 and which was filed for public notice on May 7, 2021 (the " Notice Filing"). The MHCA is a trade association representing its member entities comprised of nursing homes, assisted living, and ICF-IID facilities.

Medicaid proposes an Administrative Code amendment that implements what is effectively a rate freeze on payments to Long Term Care Providers, based on Senate Bill 2799 and amendments to Miss. Code Ann. § 43-13-117. Based on historical application of similar legislative language, we believe Medicaid has incorrectly interpreted Senate Bill 2799. Similar statutory language has historically appeared in Section 43-13-117 and as Medicaid has access to the legislative history of Section 43-13-117, we will not outline the history herein. Medicaid' s current interpretation of the legislative language differs from how

Medicaid has interpreted and implemented similar language in the past. A review of the history of Section 43-13-117 compared to Medicaid's Administrative Code indicates Medicaid's proposed changes to the Administrative Code reflect an incorrect interpretation of Senate Bill 2799.


The rate freeze proposed by Medicaid is not workable with the process for calculation of rates in the Long Term Care setting. Under the State Plan and Medicaid's Administrative Code, Long Term Care rates are adjusted quarterly based on changes to the individual facility's case mix. This cannot effectively happen under the proposed Administrative Code changes and has the potential to negatively affect Mississippi's Long Term Care Providers.

While we respect Medicaid's intentions to comply with Mississippi law and agree Medicaid must act within the statutory authority it is granted, in this instance, Medicaid incorrectly applies Senate Bill 2799.

Thank you for your consideration of the comments set forth herein. If you should have any questions or request any additional information, please do not hesitate to contact me.

Sincerely,

MAXEY WANN PLLC

By: 
Kelly H. Stringer