FILED
JUL 11 2008
MISSISSIPPI
SECRETARY OF STATE

NOTICE OF PROPOSED RULE ADOPTION

STATE OF MISSISSIPPI
OFFICE OF THE GOVERNOR
DIVISION OF MEDICAID

Miss. Division of Medicaid
c/o Ginnie McCardle, Staff Officer
Walter Sillers Building
550 High St.
Suite 1000
Jackson, MS 39201-1399
(601) 359-6310
http://www.dom.state.ms.us

Specific Legal Authority authorizing the promulgation of Rule: Miss. Code Ann. §43-13-121(1972), as amended and §43-13-117

Reference to Rules repealed, amended or suspended by the Proposed Rule : Provider Policy Manual Section 2.05

Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule:

AP2008-36 - Pursuant to Miss. Code Ann. § 43-13-117 (1972 as amended), if current or projected expenditures of the division are reasonably anticipated to exceed the amount of funds appropriated to the division for any fiscal year, the Governor shall discontinue any or all of the payment of the types of care and services provided under this section that are deemed to be optional services and when necessary, shall institute any other cost containment measures on any program or programs authorized under the article to the extent allowed under the federal laws governing that program. Therefore, this provider policy change also reflects necessary cost containment measures to assure Medicaid operates within expected revenues as described. This administrative change ensures that Medicaid will pay the co-pay and deductible amount only up to the Medicaid rate on file for all Medicare Part B claims that are crossed over to the state agency for payment.

This rule is proposed as a ☒ Final Rule, and/or a ☐ Temporary Rule (Check one or both boxers as applicable.)

Persons may present their views on the proposed rule by addressing written comments to the agency at the above address. Persons making comments should include their name and address, as well as other contact information, and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

Oral Proceeding: Check one box below:

☒ An oral proceeding is scheduled on this rule on Date: August 1, 2008 Time: 1:00 p.m.
Place: War Memorial Building
120 N. State St., Jackson, MS 39201
If you wish to be heard and present evidence at the oral proceeding you must make a written request to the agency at the above address at least 5 day(s) prior to the proceeding to be placed on the agenda. The request should include your name, address, telephone number as well as other contact information; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.
Each speaker will be subject to a time limit for their presentation based on the number of speakers.

☐ An oral proceeding is not scheduled on this rule. Where an oral proceeding is not scheduled, an oral proceeding will be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address and telephone number of the person(s) making the request; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

Economic Impact Statement: Check one box below:

☐ The agency has determined that an economic impact statement is not required for this rule, or

☒ The concise summary of the economic impact statement required is attached.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Date Rule Proposed: July 11, 2008

Proposed Effective Date of Rule: August 6, 2008

Executive Director
Signature and Title of Person Submitting Rule for Filing

SOS FORM APA 001
Effective Date 07/29/2005