

Title 23: Division of Medicaid

Part 100: General Provisions

Part 100 Chapter 9: Administrative Rules

Rule 9.1: Public Notice

The Division of Medicaid provides public notice of any:

- A. Significant proposed change in methods and standards for setting payment rates for State Plan services, except when a change is:
 - 1. Being made to conform to Medicare methods or levels of reimbursement,
 - 2. Required by a court order, or
 - 3. Based on changes in wholesalers' or manufactures' prices of drugs or materials, if the Division of Medicaid's reimbursement system is based on material cost plus a professional fee.
- B. Significant proposed change in methods and standards for setting payment rates and an opportunity for public input on substantive changes to services and operations of a 1915 Waiver.
- C. Submission of an application or extension of an 1115 Demonstration Waiver.
- D. Proposed change to eligibility or benefits for the Children's Health Insurance Program (CHIP).
- E. Proposed significant modifications to existing premiums or cost sharing, including any change in the consequences for non-payment.
- F. Requests for bids or proposals as required by state law.
- G. Proposed changes to the MississippiCAN program.

Source: 42 CFR §§ 431.400, 431.404, 431.408, 438.50, 438.202, 441.301, 441.304, 447.57, 447.205, 447.253, 457.65; Miss. Code Ann. §§ 25-9-120, 31-7-13, 43-13-121.

History: New Rule eff. 07/01/2015.

Rule 9.2: Public Records

- A. The Division of Medicaid defines "public records" as all books, records, papers, accounts, letters, maps, photographs, films, cards, tapes, recordings or reproductions thereof, and any

other documentary materials, regardless of physical form or characteristics, having been used, being in use, or prepared, possessed or retained for use in the conduct, transaction or performance of any business, transaction, work, duty or function of the Division of Medicaid or required to be maintained by the Division of Medicaid.

- B. The Division of Medicaid allows any person the right to inspect, copy, mechanically reproduce or obtain a reproduction of any public record of the Division of Medicaid, unless the record is exempt from public inspection as specified by federal and/or state law, during the Division of Medicaid's normal business hours, Monday through Friday, 8:00 a.m. to 5:00 p.m., excluding legal holidays.
 - 1. Public records must be inspected or reproduced at the central or regional office(s) of the Division of Medicaid, depending on the type of public records requested.
 - 2. The Division of Medicaid may have a staff member observe the inspection or reproduction of public records by the requestor.
 - 3. The Division of Medicaid will provide reasonable space for the inspection and/or reproduction of public records.
 - 4. Requested public records and/or information will be provided by a Division of Medicaid staff member.
 - 5. Public records subject to inspection and/or reproduction may not be destroyed, altered, marked upon, or disassembled in any manner by the requestor.
 - 6. The time, place and manner of inspection and/or reproduction of public records cannot interfere with other essential duties or unreasonably disrupt operations of the Division of Medicaid.
 - 7. The time, place and manner of inspection and/or reproduction of public records must be mutually agreed upon by the Division of Medicaid and the requestor.

- C. The requestor must claim or review the assembled records within thirty (30) days of the Division of Medicaid's notification to him or her that the records are available for inspection or reproduction.
 - 1. The Division of Medicaid will notify the requestor in writing of this requirement and inform the requestor that he or she should contact the Division of Medicaid to make arrangements to claim or review the records.
 - 2. If the requestor or a representative of the requestor fails to claim or review the records within the thirty (30) day period or make other arrangements, the Division of Medicaid may close the request and refile the assembled records.

- D. Any person requesting to inspect, copy, mechanically reproduce or obtain a reproduction of public records of the Division of Medicaid must make the request in writing by email, fax or letter addressed to the Division of Medicaid's public records officer and must include the following information:
1. Name of requestor,
 2. Address of requestor,
 3. Other requestor contact information, including telephone number and an email address,
 4. Identification of the requested public records, by individual item or by category with reasonable particularity, so that the public records officer or designee can locate the public records, and
 5. Date of request.
- E. Within seven (7) business days of receipt of the request, the public records officer will:
1. Make the public records available for inspection and/or reproduction,
 2. Deliver requested copies to the requestor if terms of payment are agreed upon,
 3. Request clarification from the requestor via telephone, letter or email, or
 4. Deny the request and give the specific exemption or other authority and/or provide a brief explanation.
- F. If the Division of Medicaid cannot produce the requested public records within seven (7) business days of the request, the public records officer will:
1. Provide the requestor with notification specifying the reason why the requested public records cannot be produced within seven (7) business days, and
 2. Obtain a mutually agreed upon delivery date for the public records to be released.
- G. The Division of Medicaid may charge for the processing, retrieval/searching, reviewing and duplicating of information and/or public records not readily available, unless the information and/or public records are requested by a federal agency, institution of higher learning, or a Medicaid beneficiary, as follows:
1. The actual cost of searching for, reviewing and redacting exempt information from public records, which is based on the hourly rate of compensation for the lowest paid agency employee qualified to perform the tasks multiplied by the actual time to complete the task according to the Division of Medicaid's fee schedule,

2. The cost of any associated computer run time or database processing time related to the retrieval of data according to the Division of Medicaid's fee schedule,
 3. The cost of electronic copies of public records being placed on a data storage device. There is no charge for e-mailing electronic public records to a requestor, unless another cost applies such as a scanning fee or system costs according to the Division of Medicaid's fee schedule,
 4. Fifty Cents (\$0.50) per page for standard black and white and/or color copies of any public record made on a Division of Medicaid copier, and
 5. The actual cost of mailing, including the cost of the shipping container.
- H. The Division of Medicaid requires payment, by check or money order, to the Division of Medicaid in the amount of the estimated cost of processing or retrieval of public records and/or information prior to the completion of the request.

Source: Miss. Code Ann. §§ 25-61-1, et seq., 43-13-121.

History: New Rule eff. 07/01/2015.

Rule 9.5: Public Hearings

- A. This rule applies to all public hearings held for the purpose of providing the public with an opportunity for input on the Division of Medicaid's submissions to the Centers for Medicare and Medicaid Services (CMS).
- B. The date, time, and place of a public hearing will be published as part of a public notice.
- C. Public hearings held by the Division of Medicaid will allow for a reasonable time for the public to provide input.
- D. The presiding officer may place time limitations on individual presentations when necessary to assure the orderly and expeditious administration of the public hearing.
- E. The Division of Medicaid is not required to respond to public comments or questions during a public hearing.
- F. Physical and documentary submissions presented by participants of a public hearing are to be submitted to the presiding officer and become property of the Division of Medicaid, subject to the public records request procedure.
- G. The Division of Medicaid may record public hearings by stenographic or electronic means.

Source: 42 CFR § 447.205; Miss. Code Ann. § 43-13-121.

History: New Rule eff. 07/01/2015.