

Mississippi Secretary of State
125 South Congress St., P. O. Box 136, Jackson, MS 39205-0136

ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME Division of Medicaid		CONTACT PERSON Margaret Wilson	TELEPHONE NUMBER 601-359-5248	
ADDRESS 550 High Street, Suite 1000		CITY Jackson	STATE MS	ZIP 39201
EMAIL Margaret.Wilson@medicaid.ms.gov	SUBMIT DATE JUL 19 2018	Name or number of rule(s): Title 23, Part 209, Chapter 1, Rules 1.3, 1.4, 1.6, 1.9, 1.10, 1.12-1.21, 1.23-1.33, 1.35-1.45, 1.47, 1.48, 1.51, 1.52, Chapter 2, Rules 2.1, 2.2 and 2.5		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: This Administrative Code filing is being submitted to require (1) a face-to-face visit with a physician or authorized non-physician practitioner prior to the initiation of home health visits or provision of durable medical equipment (DME) and appliances, (2) to require the provision of home health services in any setting in which normal life activities take place, (3) to revise the definition of DME to comply with the Medicaid Home Health Final Rule, published February 2, 2016, and (4) to remove language allowing physician assistants and nurse practitioners to order DME. This Administrative Code filing is being submitted to comply with 42 C.F.R. Part 440 effective September 1, 2018.

Specific legal authority authorizing the promulgation of rule: 42 C.F.R. § 440.70

List all rules repealed, amended, or suspended by the proposed rule: Title 23, Part 209, Chapter 1, Rules 1.3, 1.6, 1.9, 1.12, 1.17, 1.18, 1.25, 1.26, 1.28, 1.29, 1.47, Chapter 2, Rules 2.1 and 2.2

ORAL PROCEEDING:

An oral proceeding is scheduled for this rule on Date: _____ Time: _____ Place: _____

Presently, an oral proceeding is not scheduled on this rule.

If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more 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, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.

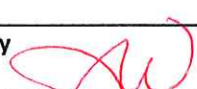
ECONOMIC IMPACT STATEMENT:

Economic impact statement not required for this rule. Concise summary of economic impact statement attached.

<p align="center">TEMPORARY RULES</p> <p>____ Original filing ____ Renewal of effectiveness To be in effect in ____ days Effective date: ____ Immediately upon filing ____ Other (specify): ____</p>	<p align="center">PROPOSED ACTION ON RULES</p> <p>Action proposed: ____ New rule(s) ____ Amendment to existing rule(s) ____ Repeal of existing rule(s) ____ Adoption by reference Proposed final effective date: ____ 30 days after filing ____ Other (specify): ____</p>	<p align="center">FINAL ACTION ON RULES</p> <p>Date Proposed Rule Filed: JUN 22 2018 Action taken: <input checked="" type="checkbox"/> Adopted with no changes in text ____ Adopted with changes ____ Adopted by reference ____ Withdrawn ____ Repeal adopted as proposed Effective date: ____ 30 days after filing <input checked="" type="checkbox"/> Other (specify): SEP 01 2018</p>
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Printed name and Title of person authorized to file rules: Drew Snyder, Executive Director

Signature of person authorized to file rules: 

<p>OFFICIAL FILING STAMP</p> <div style="border: 1px solid black; height: 100px; width: 100%;"></div> <p>Accepted for filing by</p>	<p>DO NOT WRITE BELOW THIS LINE</p> <p>OFFICIAL FILING STAMP</p> <div style="border: 1px solid black; height: 100px; width: 100%;"></div> <p>Accepted for filing by</p>	<p>OFFICIAL FILING STAMP</p> <div style="border: 1px solid black; padding: 10px;"> <p align="center">FILED</p> <p align="center">JUL 19 2018</p> <p align="center">MISSISSIPPI</p> <p align="center">SECRETARY OF STATE</p> </div> <p>Accepted for filing by  #23533</p>
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The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.