

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 MAY 05 2021		Name or number of rule(s): Title 23, Part 209, Rules 1.26, 2.2		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: This Administrative Code filing: (1) adds diabetes type II as a covered diagnosis for continuous glucose monitoring (CGM) and (2) adds the rental up to the purchase price of an Federal Drug Administration (FDA) class III medical device for home use for CGM for those beneficiaries with diabetes type II with long-term insulin usage who meet the requirements in Miss. Admin. Code Part 225.

Specific legal authority authorizing the promulgation of rule: Miss. Code Ann. §§ 43-13-117, 43-13-121

List all rules repealed, amended, or suspended by the proposed rule: 1.26, 2.2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.

TEMPORARY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
_____ Original filing _____ Renewal of effectiveness To be in effect in _____ days Effective date: _____ Immediately upon filing _____ Other (specify): _____	Action proposed: _____ New rule(s) <u>X</u> Amendment to existing rule(s) _____ Repeal of existing rule(s) _____ Adoption by reference Proposed final effective date: _____ 30 days after filing <u>X</u> Other (specify): JUL 01 2021	Date Proposed Rule Filed: _____ Action taken: _____ Adopted with no changes in text _____ Adopted with changes _____ Adopted by reference _____ Withdrawn _____ Repeal adopted as proposed Effective date: _____ 30 days after filing _____ Other (specify): _____

Printed name and Title of person authorized to file rules: Drew L. Snyder, Executive Director

Signature of person authorized to file rules: 

OFFICIAL FILING STAMP	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
	FILED MAY 05 2021 Mississippi Secretary of State	
Accepted for filing by	Accepted for filing by 25538 	Accepted for filing by

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



Michael Watson

SECRETARY OF STATE

CONCISE SUMMARY OF ECONOMIC IMPACT STATEMENT

An Economic Impact Statement is required for this proposed rule by Section 25-43-3.105 of the Administrative Procedures Act. This is a Concise Summary of the Economic Impact Statement which must be filed with the Secretary of State's Office.

AGENCY NAME Division of Medicaid	CONTACT PERSON Margaret Wilson		TELEPHONE NUMBER 601-359-5248
ADDRESS 500 High Street, Suite 1000	CITY Jackson	STATE MS	ZIP 39201
EMAIL Margaret.wilson@medicaid.ms.gov	DESCRIPTIVE TITLE OF PROPOSED RULE Title 23 Medicaid, Part 209: DME, Rules 1.26, 2.2		
Specific Legal Authority Authorizing the promulgation of Rule: Miss. Code Ann. § 43-13-117		Reference to Rules repealed, amended or suspended by the Proposed Rule: 1.26, 2.2	

A. Estimated Costs and Benefits

1. Briefly summarize the benefits that may result from this regulation and who will benefit:
Beneficiaries with diabetes type II with long-term insulin usage will benefit from receiving remote patient monitoring for continuous glucose monitoring (CGM) when all requirements all met.
2. Briefly describe the need for the proposed rule: *Beneficiaries with diabetes type II with long-term insulin usage will benefit from receiving remote patient monitoring for continuous glucose monitoring (CGM) when all requirements all met.*
3. Briefly describe the effect the proposed action will have on the public health, safety, and welfare:
Beneficiaries with diabetes type II with long-term insulin usage will benefit from receiving remote patient monitoring for continuous glucose monitoring (CGM) when all requirements all met.
4. Estimated Cost of implementing proposed action:
 - a. To the agency
☐ Nothing ☒ Minimal ☐ Moderate ☐ Substantial ☐ Excessive
 - b. To other state or local government entities
☒ Nothing ☐ Minimal ☐ Moderate ☐ Substantial ☐ Excessive
5. Estimated Cost and/or economic benefit to all persons directly affected by the proposed rule:
 - c. Cost:
☒ Nothing ☐ Minimal ☐ Moderate ☐ Substantial ☐ Excessive
 - d. Economic Benefit:
☒ Nothing ☐ Minimal ☐ Moderate ☐ Substantial ☐ Excessive
6. Estimated impact on small businesses:
 - ☒ Nothing ☐ Minimal ☐ Moderate ☐ Substantial ☐ Excessive
 - a. Estimate of the number of small businesses subject to the proposed regulation: N/A

- b. Projected costs for small businesses to comply: N/A
c. Statement of probable effect on impacted small businesses: N/A

7. The cost of adopting the rule compared to not adopting the rule or significantly amending the existing rule (check option):
☒ substantially less than ☐ moderately less than ☐ minimally less than
☐ the same as ☐ minimally more than ☐ moderately more than
☐ substantially more than ☐ excessively more than
8. The benefit of adopting the rule compared to not adopting the rule or significantly amending the existing rule (check option):
☐ substantially less than ☐ moderately less than ☐ minimally less than
☐ the same as ☐ minimally more than ☐ moderately more than
☐ substantially more than ☒ excessively more than

B. Reasonable Alternative Methods

1. Other than adopting this rule, are there less costly or less intrusive methods for achieving the purpose of the proposed rule?
☐ yes ☒ no
2. If yes, please briefly describe available, reasonable alternative(s) and the reasons for rejecting those alternatives in favor of the proposed rule. (Please see §25-43-4.104 for factors you must consider.)

C. Data and Methodology

1. Please briefly describe the data and methodology you used in making the estimates required by this form. *The anticipated economic impact of this filing for federal fiscal year (FFY) 21 is \$108,029 in federal dollars and \$30,897 in state dollars and for FFY 2022 \$435,172 in federal dollars and \$120,532 in state dollars. This estimate was calculated utilizing claim's data from state fiscal year (SFY) 19 for beneficiaries with the diagnosis of diabetes type II with long-term insulin usage which totaled 2,275. The estimates were based on (10%) of these beneficiaries meeting all the requirements for CGM and utilizing the supplies allowance, one time education session, monthly analysis/interpretation of data and cost of the CGM device over a three (3) year period. It is anticipated that the number of emergency department visits as well as inpatient hospital stays and complications from diabetes will decrease with access to CGM which will result a saving of state and federal dollars not included in this estimate.*

D. Public Notice

1. Where, when, and how may someone present their views on the proposed rule and request an oral proceeding on the proposed rule if one is not already scheduled?

Written comments will be received by the Division of Medicaid, Office of the Governor, Office of Policy, Walter Sillers Building, Suite 1000, 550 High Street, Jackson, Mississippi 39201, or Margaret.Wilson@medicaid.ms.gov. Comments will be available for public review at the above address and on the Division of Medicaid's website at www.medicaid.ms.gov.

SIGNATURE

DATE

MAY 05 2021

TITLE

Drew L. Snyder, Executive Director

PROPOSED EFFECTIVE DATE OF RULE

JUL 01 2021