



Minnesota Department of **Human Services**

December 21, 2011

Dr. Donald M. Berwick
Centers for Medicare & Medicaid Services
Department of Health and Human Services
Division of Regulation Development
Attention: CMS-2010-0247-0001
Room C4-26-05
7500 Security Blvd
Baltimore, MD 21244-1850

Re: Docket # CMS-2010-0247 / OMB# 0938-NEW / Form CMS-10358

Dear Dr. Berwick:

Thank you for the opportunity to comment on CMS' proposed Advanced Planning Document (APD) template for the National Correct Coding Initiative (NCCI).

We appreciate the development of a streamlined APD template specific to the National Correct Coding Initiative (NCCI). We do have some comments regarding certain necessary information that has been excluded from the APD template and other guidance regarding Medicaid NCCI. In particular, we would appreciate more guidance on the issue of quarterly file updates.

The APD template is intended to address federal financial participation (FFP), approval to deactivate edits, and reporting needs. In addition, States may use an APD Update for subsequent changes to the former two sections.

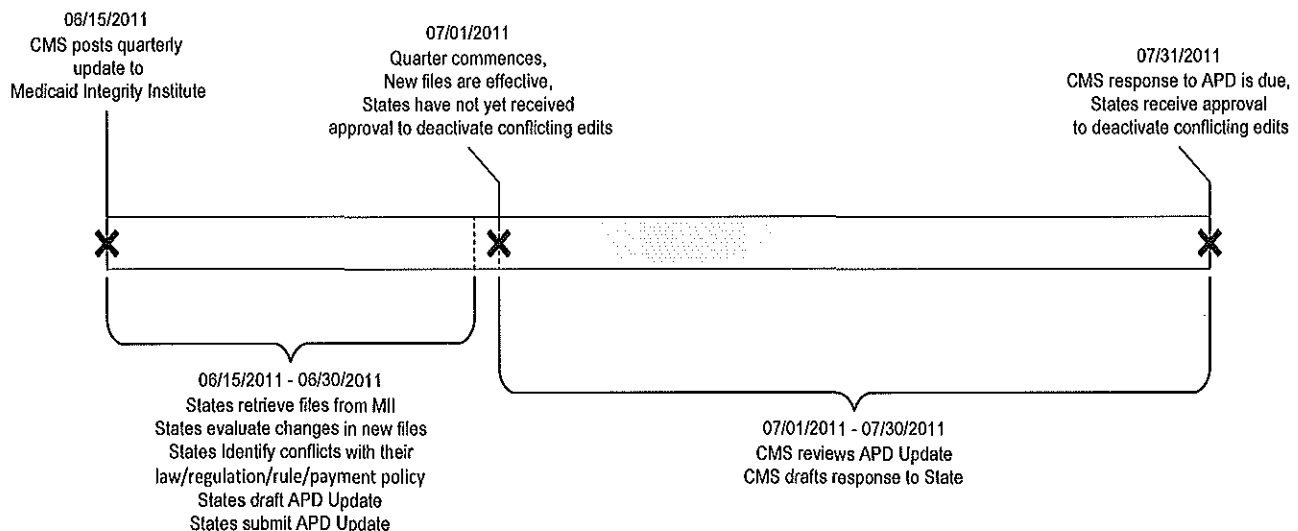
However, the APD template and other CMS guidance indicate that a state may not deactivate edits without prior approval from CMS after March 31, 2011 for any reason. It is unclear whether or not this guidance applies to new and/or revised edits appearing in quarterly update files.

Part II of the APD template is clear that states that did not submit APD's prior to March 1, 2011 may need to submit an APD for the first time if a new quarterly release contains edit changes that now conflict with state law/regulation/rule/payment policy. It also clear that the quarterly updates will be complete replacement files and that an APD update is not needed to continue previously approved deactivations that continue to be in conflict with state law/regulation/rule/payment policy.

However, the template is unclear regarding the process for CMS approval for deactivations for states that submitted APDs prior to March 1st when there is a conflict in a subsequent quarterly release.

If states are to use the APD Update process, this should be clearly stated and a timeline for such a process should be described. Such a timeline should also account for the work a state must undertake in retrieving, evaluating, and loading the replacement files; drafting and submitting the APD update when it finds a conflict in the new files; and the time CMS has to respond to the APD Update (30 days).

Given that CMS has indicated that they will post quarterly updates only 15 days prior to the commencement of the new quarter, we do not think it will be possible for states to complete these tasks before the new files become effective at the quarter's start. The timeline below illustrates this concern:



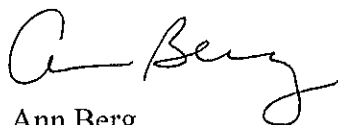
Minnesota suggests that CMS outline a timeline for states to submit APD updates that are necessitated by the new and/or revised edits contained in quarterly replacement files. We also suggest that when a state has submitted a timely APD update, CMS permit flexibility in implementing quarterly replacement files until they receive an APD Update response from CMS.

Additionally, Minnesota would like to point out that the final section of the APD template calls for states to report by February 1, 2011, certain information for the period October 1, 2010 to January 31, 2011. It is unlikely that states will be able to gather the information requested, draft this section of the APD, and

have it approved internally and submitted to CMS all within one working day. We recommend that the APD template be adjusted to request the information for the time period of October 1, 2010 to January 1, 2011.

Minnesota looks forward to continued dialogue and clarification regarding the National Correct Coding Initiative in State Medicaid programs.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ann Berg".

Ann Berg
Deputy Medicaid Director