

**DEPARTMENT OF HEALTH & HUMAN SERVICES**

Centers for Medicare & Medicaid Services

1301 Young Street, Suite 900

Dallas, Texas 75202



**Medicaid and CHIP Operations Group**

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February 27, 2020

Ms. Cynthia Beane  
Commissioner, Bureau for Medical Services  
West Virginia Department of Health and Human Resources  
350 Capitol Street, Suite 251  
Charleston, West Virginia 25301-3706

Dear Commissioner Beane:

I write to advise you that the Centers for Medicare & Medicaid Services (CMS) approved the Mountain Health Promises, Specialized Managed Care Program for Children and Youth (SMCPCY) Managed Care Organization contract (MCO Contract) with Aetna Better Health of West Virginia, Inc. The effective dates for the SMCPCY MCO Contract are March 1, 2020 through June 30, 2020.

Our approval is effective for the capitation rates provided with the contract request for the SMCPCY MCO Contract. Further our approval is based on West Virginia's confirmation that the provisions listed in Attachment 1 to this letter will be added to the SFY 2021 West Virginia SMCPCY MCO contract. In addition, based on the State's commitment to submit a revised parity analysis on or before July 1, 2020 and to account for all the requirements of the Mental Health Parity and Addiction Equity Act (MHPAEA) and related final rule in the State's SFY 2021 WV SMCPCY MCO contract, CMS is able to approve the WV SFY 2020 SMCPCY MCO Contract.

CMS approval pertains to the contract action identified in this letter and does not apply to other contract actions currently under CMS review or not yet submitted to CMS. This approval letter confirms state compliance with provisions of the May 6, 2016 managed care final rule only to the extent that final rule provisions are specifically articulated in the contract action identified in this letter.

We wish you success in the operation of Mountain Health Promises. If you have any questions or need assistance, please contact Mary McKeon of my staff at 215-861-4181.

Sincerely,

A handwritten signature in black ink that reads "Bill Brooks". The signature is written in a cursive, flowing style.

Bill Brooks, Director  
Division of Managed Care Plan Operations

## Specialized Managed Care Plan for Children and Youth - Mountain Health Promises

### Attachment 1 - Summary of Non-compliant Contract Provisions

Section	Legal Cite	Requirement	Status	Where found	Follow up Required	General Comments
I.A.1.08	42 CFR 438.3(n)(2)	If the state is providing any services to MCO enrollees using a delivery system other than the MCO delivery system, the state has provided documentation of how the requirements of 42 CFR part 438, subpart K regarding parity in mental health and substance use disorder benefits are met with the submission of the MCO contract.	No	MH Parity Compliance Documentation has not been submitted for this new program.		The State has confirmed that the Mental Health Parity Analysis shall be completed for this new program on or before 7/1/20.
I.F.6.15	42 CFR 438.3(e)(1)(ii)	The contract specifies that the MCP may cover, in addition to services covered under the state plan, any services necessary for compliance with the requirements for parity in mental health and substance use disorder benefits in 42 CFR part 438, subpart K, and the contract identifies the types and amount, duration and scope of services consistent with the analysis of parity compliance conducted by either the state or the MCO.	Not met	Article II, Sections 4.10, 5.14; Article III, Section 11.1	The State has not submitted a parity analysis for the selected MCO relative to the needs of the enrollees in the WV Specialized Managed Care Plan for Children and Youth Program.	Confirmed - the State shall complete the Mental Health Parity Analysis on or before 7/1/20.
I.F.12.01	42 CFR 438.905(b)	The contract specifies that if the MCP does not include an aggregate lifetime or annual dollar limit on any medical/surgical benefits or includes an aggregate lifetime or annual dollar limit that applies to less than one-third of all medical/surgical benefits provided to enrollees through a contract with the state, it may not impose an aggregate lifetime or annual dollar limit, respectively, on mental health or substance use disorder benefits.	Not met	MCO Contract Article III, Section 10.1; The benefit must be provided in accordance with 42 CFR Subpart K, Parity in Mental Health and SUD Benefits.	The State has not submitted a parity analysis for the selected MCO relative to the needs of the enrollees in the WV Specialized Managed Care Plan for Children and Youth Program.	Confirmed - the State shall complete the Mental Health Parity Analysis on or before 7/1/20.

I.F.12.02	42 CFR 438.905(c)	The contract specifies that if the MCP includes an aggregate lifetime or annual dollar limit on at least two-thirds of all medical/surgical benefits provided to enrollees through a contract with the state, it must either apply the aggregate lifetime or annual dollar limit both to the medical/surgical benefits to which the limit would otherwise apply and to mental health or substance use disorder benefits in a manner that does not distinguish between the medical/surgical benefits and mental health or substance use disorder benefits; or not include an aggregate lifetime or annual dollar limit on mental health or substance use disorder benefits that is more restrictive than the aggregate lifetime or annual dollar limit, respectively, on medical/surgical benefits.	Not met	See response to I.F.12.01.		See response to I.F.12.01.
I.F.12.03	42 CFR 438.905(e)	The contract specifies that if the MCP includes an aggregate lifetime limit or annual dollar amount that applies to one-third or more but less than two-thirds of all medical/surgical benefits provided to enrollees through a contract with the state, it must either impose no aggregate lifetime or annual dollar limit on mental health or substance use disorder benefits; or impose an aggregate lifetime or annual dollar limit on mental health or substance use disorder benefits that is no more restrictive than an average limit calculated for medical/surgical benefits in accordance with 42 CFR 438.905(e)(ii).	Not met	See response to I.F.12.01.		See response to I.F.12.01.

I.F.12.04	42 CFR 438.910(b)(1)	<p>The contract specifies that the MCP must not apply any financial requirement or treatment limitation to mental health or substance use disorder benefits in any classification that is more restrictive than the predominant financial requirement or treatment limitation of that type applied to substantially all medical/surgical benefits in the same classification furnished to enrollees (whether or not the benefits are furnished by the same MCP).</p>	Not met	<p>See Article II, Sections 4.10 Utilization Control; The MCO must also abide by all applicable Federal and State laws and regulations including but not limited to: Title 42 Parts 438, 440, and 457 of the Code of Federal Regulations, pertaining to mental health parity and addiction equity.</p>	<p>1. Please identify where the required language is incorporated into the MCO Contract; 2. The State has not submitted a parity analysis for the selected MCO relative to the needs of the enrollees in the WV Specialized Managed Care Plan for Children and Youth Program.</p>	<p>Confirmed - the State shall complete the Mental Health Parity Analysis on or before 7/1/20.</p>
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I.F.12.05	42 CFR 438.910(b)(2)	The contract specifies that if an MCO enrollee is provided mental health or substance use disorder benefits in any classification of benefits (inpatient, outpatient, emergency care, or prescription drugs), mental health or substance use disorder benefits must be provided to the MCO enrollee in every classification in which medical/surgical benefits are provided.	Not met	See Article II, Sections 4.10 Utilization Control; The MCO must also abide by all applicable Federal and State laws and regulations including but not limited to: Title 42 Parts 438, 440, and 457 of the Code of Federal Regulations, pertaining to mental health parity and addiction equity.	1. Please identify where the required language is incorporated into the MCO Contract; 2. The State has not submitted a parity analysis for the selected MCO relative to the needs of the enrollees in the WV Specialized Managed Care Plan for Children and Youth Program.	Confirmed - the State shall complete the Mental Health Parity Analysis on or before 7/1/20.
I.F.12.06	42 CFR 438.910(c)(3)	The contract specifies that the MCP may not apply any cumulative financial requirements for mental health or substance use disorder benefits in a classification (inpatient, outpatient, emergency care, prescription drugs) that accumulates separately from any established for medical/surgical benefits in the same classification.	Not met	See response to I.F.12.01.		See response to I.F.12.01.

I.F.12.07	42 CFR 438.910(d)	<p>The contract specifies that the MCP may not impose NQTLs for mental health or substance use disorder benefits in any classification unless, under the policies and procedures of the MCP as written and in operation, any processes, strategies, evidentiary standards, or other factors used in applying the NQTL to mental health or substance use disorder benefits in the classification are comparable to, and are applied no more stringently than, the processes, strategies, evidentiary standards, or other factors used in applying the limitation for medical/surgical benefits in the classification.</p>	Not met	<p>See Article II, Sections 4.10 Utilization Control; The MCO must also abide by all applicable Federal and State laws and regulations including but not limited to: Title 42 Parts 438, 440, and 457 of the Code of Federal Regulations, pertaining to mental health parity and addiction equity.</p>	<p>1. Please identify where the required language is incorporated into the MCO Contract; 2. The State has not submitted a parity analysis for the selected MCO relative to the needs of the enrollees in the WV Specialized Managed Care Plan for Children and Youth Program.</p>	<p>Confirmed - the State shall complete the Mental Health Parity Analysis on or before 7/1/20.</p>
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I.F.12.08	61 Fed. Reg. 18413, 18414 and 18417 (March 30, 2016)	The contract specifies the necessary documentation and reporting required from the MCP to the state to establish and demonstrate compliance with 42 CFR part 438, subpart K regarding parity in mental health and substance use disorder benefits.	Not met	See Article II, Sections 4.10 Utilization Control; The MCO must also abide by all applicable Federal and State laws and regulations including but not limited to: Title 42 Parts 438, 440, and 457 of the Code of Federal Regulations, pertaining to mental health parity and addiction equity.	<ol style="list-style-type: none"> <li>1. Please identify where the required language is incorporated into the MCO Contract;</li> <li>2. The State has not submitted a parity analysis for the selected MCO relative to the needs of the enrollees in the WV Specialized Managed Care Plan for Children and Youth Program.</li> </ol>	Confirmed - the State shall complete the Mental Health Parity Analysis on or before 7/1/20.
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I.G.3.06	42 CFR 438.910(d)	The contract requires that the MCP's prior authorization requirements comply with the requirements for parity in mental health and substance use disorder benefits in 42 CFR 438.910(d).	Not met	<p>Article II, Section 5.14 - Compliance with Applicable Laws, Rules, And Policies</p> <p>Section 6.4, "The MCO must adopt service authorization requirements that comply with state and federal laws governing authorization of health care services."</p>	The State has not submitted a parity analysis for the selected MCO relative to the needs of the enrollees in the WV Specialized Managed Care Plan for Children and Youth Program.	Confirmed - the State shall complete the Mental Health Parity Analysis on or before 7/1/20.
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