

APA-1

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control No: 560 Department or Agency: Alabama Medicaid Agency

Rule No: 560-X-64-.02

Rule Title: Active Supervision of Collaborations

\_\_\_\_\_ New Rule; \_\_\_\_\_ Amend;  X  Repeal; \_\_\_\_\_ Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? \_\_\_\_\_ no

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? \_\_\_\_\_ yes

Is there another, less restrictive method of regulation available that could adequately protect the public? \_\_\_\_\_ no

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? \_\_\_\_\_ no

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? \_\_\_\_\_ no

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? \_\_\_\_\_ yes

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Does the proposed rule have any economic impact? \_\_\_\_\_ no

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

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Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer: Stephanie Lindsay

Date: 4/20/18

**ALABAMA MEDICAID AGENCY**

**NOTICE OF INTENDED ACTION**

**RULE NO. & TITLE:** 560-X-64-.02 - Active Supervision of Collaborations

**INTENDED ACTION:** Repeal Rule 560-X-64-.02

**SUBSTANCE OF PROPOSED ACTION:** The above referenced rule is being repealed as it is no longer necessary for the implementation of the Medicaid Agency's Integrated Care Network Program.

**TIME, PLACE, MANNER OF PRESENTING VIEWS:** Written or oral comments may be submitted to the Alabama Medicaid Agency, 501 Dexter Avenue, Post Office Box 5624, Montgomery, Alabama 36103-5624. Agency business hours are 8:00 a.m. to 5:00 p.m. Monday through Friday.

**FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:** Written/Oral comments concerning this change must be received by the Alabama Medicaid Agency no later than June 4, 2018.

**CONTACT PERSON AT AGENCY:** Stephanie Lindsay, Administrative Secretary, Alabama Medicaid Agency, 501 Dexter Avenue, Post Office Box 5624, Montgomery, Alabama 36103-5624.

  
Stephanie McGee Azar  
Commissioner

**Rule No. 560-X-64-.02 Active Supervision of Collaborations - REPEALED**

(1) The Medicaid Agency shall actively monitor and supervise the collective negotiations, bargaining, contracting, and cooperation among Collaborators that have been issued Certificates to Collaborate by the Medicaid Agency and Integrated Care Networks (ICNs) in accordance with Sections 22-6-220, *et seq.* of the Alabama Code. Each Collaborator issued a Certificate to Collaborate shall submit an on-line periodic report to the Medicaid Agency no later than June 1 and December 1 of each year in which the Collaborator holds a Certificate to Collaborate.

(2) Each periodic report must contain the information requested by the Medicaid Agency in order to allow the Medicaid Agency to engage in appropriate state supervision in accordance with Section 22-6-233 of the Alabama Code, including the following information:

(a) A description of the Collaborator's activities during the reporting period conducted pursuant to the Certificate to Collaborate, including a description of what entities and persons with whom the Collaborator engaged in collective negotiations, bargaining, or cooperation during the reporting period;

(b) A description of any progress the Collaborator has made during the reporting period in helping establish or develop an ICN or enrolling as a provider with an ICN;

(c) A description of any concerns or problems encountered in the collaborative process during the reporting period;

(d) A description of the nature and scope of expected future activities pursuant to the Certificate to Collaborate; and

(3) Each periodic report submitted by a Collaborator who intends to help establish or develop an ICN must include additional information concerning whether the ICN is expected to:

(a) result in improved quality of health care services and/or Long-Term Care Services, as defined in Section 22-6-220(5) of the Alabama Code, to Medicaid beneficiaries;

(b) result in cost-containment in providing health care services and/or Long-Term Care Services;

(c) result in enhancements in technology;

(d) maintain competition in the health care services market and/or the Long-Term Care Services market; and

(e) identify appropriate service delivery systems and reimbursement methods in order to align incentives in support of integrated and coordinated health care delivery and/or Long-Term Care Services delivery.

(4) The Collaborator shall certify in each periodic report that the bargaining during the reporting period was in good faith and necessary to meet the legislative intent expressed in Section 22-6-233 of the Alabama Code.

(5) The Medicaid Agency may inspect or request additional information, inspect or request documentation, and may convene meetings, make inquiries, and have such discussions with entities and persons it deems appropriate.

(6) Failure to file a periodic report required by this rule and failure to provide information or documents requested by the Medicaid Agency are each grounds for revocation of a Certificate to Collaborate pursuant to Rule 560-X-64-.01(10). A holder of a Certificate to Collaborate that is revoked for failure to provide a timely periodic report or other requested information or documents may apply for reinstatement of the Certificate to Collaborate no more than two times (which number may be expanded by the Medicaid Agency for special circumstances as determined in the Medicaid Agency's sole discretion) upon submission of the delinquent periodic report or information, an explanation for failure to provide a timely periodic report, and any other information deemed necessary by the Medicaid Agency.

**Author:** Stephanie Lindsay, Administrator, Administrative Procedures Office.

**Statutory Authority:** Code of Alabama, 1975 Section 22-6-220 *et seq.*

**History:** Emergency Rule filed and effective March 22, 2016. **Amended:** Filed June 10, 2016; effective: July 25, 2016. **Repealed:** April 20, 2018.