

ADDITIONAL INFORMATION FOR CMS REQUIRED ASSURANCES MMIS APD TEMPLATE 2018

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|                       |  | <i>Description</i>  | <i>Link</i>                                      |
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| <i>Standards</i>      |  |   |  |
| 42 CFR 433, Subpart C | Provides criteria for FFP in State expenditures for the design, development, installation, or operation of Mechanized Claims Processing and Information Retrieval Systems. It contains definitions and covers a broad scope of expectations for these systems to meet to satisfy requirements for enhanced FFP.  | <a href="https://www.gpo.gov/fdsys/pkg/CFR-2017-title42-vol4/pdf/CFR-2017-title42-vol4-part433.pdf">https://www.gpo.gov/fdsys/pkg/CFR-2017-title42-vol4/pdf/CFR-2017-title42-vol4-part433.pdf</a> | Note:<br>Subpart C begins on page 97 of this pdf |
| 45 CFR Part 75        | Establishes uniform administrative requirements, cost principles, and audit requirements for Federal awards to non-Federal entities; provides the basis for a systematic and periodic collection and uniform submission by Federal agencies of information on all Federal financial assistance programs to the Office of Management and Budget (OMB). It also establishes Federal policies related to the delivery of this information to the public, including through the use of electronic media. It prescribes the manner in which General Services Administration (GSA), OMB, and Federal agencies that administer Federal financial assistance programs are to carry out their statutory responsibilities under the Federal Program Information Act (31 U.S.C. 6101–6106). | <a href="https://www.gpo.gov/fdsys/pkg/CFR-2017-title45-vol1/xml/CFR-2017-title45-vol1-part75.xml">https://www.gpo.gov/fdsys/pkg/CFR-2017-title45-vol1/xml/CFR-2017-title45-vol1-part75.xml</a>   |  |
| 45 CFR 95             | Subpart A – Establishes time frames for states to file claims for FFP. Subparts B-D are reserved. Subpart E - Establishes requirements for preparation, submission, and approval of cost allocation plans for public assistance programs and adherence to approved cost allocation plans in computing claims for federal financial participation. Subpart F -Automatic Data Processing Equipment and Services— Conditions for Federal Financial Participation (FFP). Subpart G - Equipment Acquired Under Public Assistance Programs.  | <a href="https://www.gpo.gov/fdsys/pkg/CFR-2017-title45-vol1/pdf/CFR-2017-title45-vol1-part95.pdf">https://www.gpo.gov/fdsys/pkg/CFR-2017-title45-vol1/pdf/CFR-2017-title45-vol1-part95.pdf</a>   |  |

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| <p>45 CFR Part 95, Subpart F</p>   | <p>Prescribes part of the conditions under which the Department of Health and Human Services will approve the Federal Financial Participation (FFP) at the applicable rates for the costs of automated data processing (ADP) incurred under an approved State plan for titles IV-B, IV-D, IV-E, XIX or XXI of the Social Security Act. Includes detail on the APD process, procurement standards, software and ownership rights, and ADP reviews.</p> | <p><a href="https://www.gpo.gov/fdsys/pkg/CFR-2017-title45-vol1/pdf/CFR-2017-title45-vol1-part95.pdf">https://www.gpo.gov/fdsys/pkg/CFR-2017-title45-vol1/pdf/CFR-2017-title45-vol1-part95.pdf</a></p>   |
| <p>OMB Circular A-87 (2 CFR 225)<br/><i>Moved in 12/13 to 2 CFR Part 200</i></p> | <p>Establishes principles and standards for determining costs for Federal awards carried out through grants, cost reimbursement contracts, and other agreements with State and local governments and federally-recognized Indian tribal governments (governmental units).</p>   | <p><a href="https://www.gpo.gov/fdsys/pkg/CFR-2017-title2-vol1/pdf/CFR-2017-title2-vol1-subtitleA-chapII.pdf">https://www.gpo.gov/fdsys/pkg/CFR-2017-title2-vol1/pdf/CFR-2017-title2-vol1-subtitleA-chapII.pdf</a></p>   |
| <p>CMS Conditions and Standards</p>  | <p>Standards and conditions that must be met by the states in order for Medicaid technology investments (including traditional claims processing systems, as well as eligibility systems) to be eligible for the enhanced match funding.</p>  | <p><a href="https://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Data-and-Systems/Downloads/EFR-Seven-Conditions-and-Standards.pdf">https://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Data-and-Systems/Downloads/EFR-Seven-Conditions-and-Standards.pdf</a></p> <p><a href="https://www.medicaid.gov/federal-policy-guidance/downloads/SMD16004.pdf">https://www.medicaid.gov/federal-policy-guidance/downloads/SMD16004.pdf</a></p> <p><a href="https://www.gpo.gov/fdsys/pkg/CFR-2017-title42-vol4/pdf/CFR-2017-title42-vol4-part433.pdf">https://www.gpo.gov/fdsys/pkg/CFR-2017-title42-vol4/pdf/CFR-2017-title42-vol4-part433.pdf</a></p> <p><u>Note: Standards and conditions in 433.112, beginning on page 99</u></p> |

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| MITA Medicaid Information Technology Architecture  | MITA is a CMS initiative that fosters an integrated business and information technology (IT) transformation across the Medicaid enterprise to improve the administration and operation of the Medicaid program. | <a href="https://www.medicaid.gov/medicaid/data-and-systems/mita/mita-30/index.html">https://www.medicaid.gov/medicaid/data-and-systems/mita/mita-30/index.html</a>   |
| Chapter 11 Medicaid Management Information Systems | Informational and procedural material for approval of FFP at the 90- and 75-percent level and other applicable MMIS System requirements.  | <a href="https://www.cms.gov/Regulations-and-Guidance/guidance/Manuals/Paper-Based-Manuals-Items/CMS021927.html">https://www.cms.gov/Regulations-and-Guidance/guidance/Manuals/Paper-Based-Manuals-Items/CMS021927.html</a> |

| <i>Access to Records, Reporting and Agency Attestations</i> |   |  |
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| 42 CFR Part 495.350   | The State must provide assurances to HHS that amounts received with respect to sums expended that are attributable to payments to a Medicaid provider for the adoption of EHR are paid directly to such provider, or to an employer or facility to which such provider has assigned payments, without any deduction or rebate.  | <a href="https://www.gpo.gov/fdsys/pkg/CFR-2017-title42-vol5/pdf/CFR-2017-title42-vol5-sec495-350.pdf">https://www.gpo.gov/fdsys/pkg/CFR-2017-title42-vol5/pdf/CFR-2017-title42-vol5-sec495-350.pdf</a>                              |
| 42 CFR Part 495.346   | The State agency must allow HHS access to all records and systems operated by the State in support of this program, including cost records associated with approved administrative funding and incentive payments to Medicaid providers. State records related to contractors employed for the purpose of assisting with implementation or oversight activities or providing assistance, at such intervals as are deemed necessary by the Department to determine whether the conditions for approval are being met and to determine the efficiency, economy, and effectiveness of the program. | <a href="https://www.gpo.gov/fdsys/pkg/CFR-2017-title42-vol5/pdf/CFR-2017-title42-vol5-sec495-346.pdf">https://www.gpo.gov/fdsys/pkg/CFR-2017-title42-vol5/pdf/CFR-2017-title42-vol5-sec495-346.pdf</a>                              |
| 42 CFR Part 433.112(b)(5) – (9)                             | (5) The State owns any software that is designed, developed, installed or improved with 90 percent FFP.(6) The Department has a royalty free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use and authorize others to use, for Federal Government purposes, software, modifications to software, and documentation that is designed, developed, installed or enhanced with 90 percent  | <a href="https://www.gpo.gov/fdsys/pkg/CFR-2017-title42-vol4/pdf/CFR-2017-title42-vol4-part433.pdf">https://www.gpo.gov/fdsys/pkg/CFR-2017-title42-vol4/pdf/CFR-2017-title42-vol4-part433.pdf</a><br>Note: 433.112 begins on page 99 |

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|                    | FFP.(7) The costs of the system are determined in accordance with 45 CFR 74.27(a).(8) The Medicaid agency agrees in writing to use the system for the period of time specified in the advance planning document approved by CMS or for any shorter period of time that CMS determines justifies the Federal funds invested.(9) The agency agrees in writing that the information in the system will be safeguarded in accordance with subpart F, part 431 of this subchapter.  |   |
| 45 CFR Part 95.615 | In accordance with 45 CFR part 74, the State agency must allow the Department access to the system in all of its aspects, including design developments, operation, and cost records of contractors and subcontractors at such intervals as are deemed necessary by the Department to determine whether the conditions for approval are being met and to determine the efficiency, economy and effectiveness of the system.  | <a href="https://www.gpo.gov/fdsys/pkg/CFR-2017-title45-vol1/pdf/CFR-2017-title45-vol1-part95.pdf">https://www.gpo.gov/fdsys/pkg/CFR-2017-title45-vol1/pdf/CFR-2017-title45-vol1-part95.pdf</a>                             |
| SMM Section 11267  | For 90-percent, as well as for 75-percent funding and 50-percent FFP where the threshold amounts found at 95.611(a) are exceeded, give the Health Care Finance Administration (HCFA), with respect to each RFP and/or contract entered into for a system, assurance that: <ul style="list-style-type: none"> <li>• Procurements of ADP services and/or equipment for mechanized medical claims processing and information retrieval systems meet the provisions of 45 CFR 74, Administration of Grants;</li> <li>• Fair competition and public advertising are within Federal and State procurement standards. The Federal procurement standards are in 45 CFR 74, Subpart P and the December 4, 1995 State Medicaid director letter;</li> <li>• Copies of progress reports, as requested, will be delivered to HCFA; and,</li> <li>• All deliverables, interim reports, data collection forms, questionnaires, and other working papers which support the final system acceptance will be made available on request to HCFA. This applies to the prime contractor, any subcontractors, and other State or local agencies supplying services.</li> </ul> | <a href="https://www.cms.gov/Regulations-and-Guidance/guidance/Manuals/Paper-Based-Manuals-Items/CMS021927.html">https://www.cms.gov/Regulations-and-Guidance/guidance/Manuals/Paper-Based-Manuals-Items/CMS021927.html</a> |

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| <i>Software and Ownership Rights, Federal licensees, information safeguarding, HIPAA compliance, and progress reports</i> |  |  |
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| 42 CFR Part 495.360   | <p>(a) <i>General rule.</i> The State or local government must include a clause in all procurement instruments that provides that the State or local government will have all ownership rights in software or modifications thereof and associated documentation designed, developed or installed with FFP under this Subpart.</p> <p>(b) <i>Federal license.</i> HHS reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish or otherwise use and to authorize others to use for Federal government purposes, the software, modifications, and documentation designed, developed or installed with FFP under this Subpart.</p> <p>(c) <i>Proprietary software.</i> Proprietary operating/vendor software packages such as software that is owned and licensed for use by third parties, which are provided at established catalog or market prices and sold or leased to the general public must not be subject to the ownership provisions in paragraphs (a) and (b) of this section.</p> <p>(d) <i>Limitation.</i> Federal financial participation is not available for proprietary applications software developed specifically for the public assistance programs covered under this subpart.</p> | <p><a href="https://www.gpo.gov/fdsys/pkg/CFR-2017-title42-vol5/pdf/CFR-2017-title42-vol5-sec495-360.pdf">https://www.gpo.gov/fdsys/pkg/CFR-2017-title42-vol5/pdf/CFR-2017-title42-vol5-sec495-360.pdf</a></p> |
| 45 CFR Part 95.617  | <p>(a) <i>General.</i> The State or local government must include a clause in all procurement instruments that provides that the State or local government will have all ownership rights in software or modifications thereof and associated documentation designed, developed or installed with Federal financial participation under this subpart.</p> <p>(b) <i>Federal license.</i> The Department reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish, or otherwise use and to authorize others to use for Federal Government purposes, such software, modifications, and documentation.</p> <p>(c) <i>Proprietary software.</i> Proprietary operating/vendor software packages which are provided at established catalog or market prices and sold or leased to the</p>  | <p><a href="https://www.gpo.gov/fdsys/pkg/CFR-2017-title45-vol1/pdf/CFR-2017-title45-vol1-part95.pdf">https://www.gpo.gov/fdsys/pkg/CFR-2017-title45-vol1/pdf/CFR-2017-title45-vol1-part95.pdf</a></p>         |

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|                     | <p>general public shall not be subject to the ownership provisions in paragraphs (a) and (b) of this section. FFP is not available for proprietary applications software developed specifically for the public assistance programs covered under this subpart.</p>   |   |
| 42 CFR Part 431.300 | <p>(a) Section 1902(a)(7) of the Act requires that a State plan must provide safeguards that restrict the use or disclosure of information concerning applicants and recipients to purposes directly connected with the administration of the plan. This subpart specifies State plan requirements, the types of information to be safeguarded, the conditions for release of safeguarded information, and restrictions on the distribution of other information.</p> <p>(b) Section 1137 of the Act, which requires agencies to exchange information in order to verify the income and eligibility of applicants and recipients (see § 435.940(f), requires State agencies to have adequate safeguards to assure that—</p> <p>(1) Information exchanged by the State agencies is made available only to the extent necessary to assist in the valid administrative needs of the program receiving the information, and information received under section 6103(1) of the Internal Revenue Code of 1954 is exchanged only with agencies authorized to receive that information under that section of the Code; and</p> <p>(2) The information is adequately stored and processed so that it is protected against unauthorized disclosure for other purposes.</p> | <p><a href="https://www.gpo.gov/fdsys/pkg/CFR-2017-title42-vol4/pdf/CFR-2017-title42-vol4-part431-subpartF.pdf">https://www.gpo.gov/fdsys/pkg/CFR-2017-title42-vol4/pdf/CFR-2017-title42-vol4-part431-subpartF.pdf</a></p>                      |
| 42 CFR Part 433.112 | <p>(a) Subject to paragraph (c) of this section, FFP is available at the 90 percent rate in State expenditures for the design, development, installation, or enhancement of a mechanized claims processing and information retrieval system only if the APD is approved by CMS prior to the State's expenditure of funds for these purposes.</p> <p>(b) CMS will approve the system described in the APD if the following conditions are met:</p>  | <p><a href="https://www.gpo.gov/fdsys/pkg/CFR-2017-title42-vol4/pdf/CFR-2017-title42-vol4-part433.pdf">https://www.gpo.gov/fdsys/pkg/CFR-2017-title42-vol4/pdf/CFR-2017-title42-vol4-part433.pdf</a></p> <p>Note: 433.112 begins on page 99</p> |

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|  | <p>(1) CMS determines the system is likely to provide more efficient, economical, and effective administration of the State plan.</p> <p>(2) The system meets the system requirements, standards and conditions, and performance standards in Part 11 of the State Medicaid Manual, as periodically amended.</p> <p>(3) The system is compatible with the claims processing and information retrieval systems used in the administration of Medicare for prompt eligibility verification and for processing claims for persons eligible for both programs.</p> <p>(4) The system supports the data requirements of quality improvement organizations established under Part B of title XI of the Act.</p> <p>(5) The State owns any software that is designed, developed, installed or improved with 90 percent FFP.</p> <p>(6) The Department has a royalty free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use and authorize others to use, for Federal Government purposes, software, modifications to software, and documentation that is designed, developed, installed or enhanced with 90 percent FFP.</p> <p>(7) The costs of the system are determined in accordance with 45 CFR 74.27(a).</p> <p>(8) The Medicaid agency agrees in writing to use the system for the period of time specified in the advance planning document approved by CMS or for any shorter period of time that CMS determines justifies the Federal funds invested.</p> <p>(9) The agency agrees in writing that the information in the system will be safeguarded in accordance with subpart F, part 431 of this subchapter.</p> <p>(10) Use a modular, flexible approach to systems development, including the use of open interfaces and exposed application programming interfaces; the separation of business rules from core programming, available in both human and machine-readable formats.</p> <p>(11) Align to, and advance increasingly, in MITA maturity for business, architecture, and data.</p> |  |
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|  | <p>(12) Ensure alignment with, and incorporation of, industry standards: The HIPAA privacy, security and transaction standards; accessibility standards established under section 508 of the Rehabilitation Act, or standards that provide greater accessibility for individuals with disabilities, and compliance with Federal civil rights laws; standards adopted by the Secretary under section 1104 of the Affordable Care Act; and standards and protocols adopted by the Secretary under section 1561 of the Affordable Care Act.</p> <p>(13) Promote sharing, leverage, and reuse of Medicaid technologies and systems within and among States.</p> <p>(14) Support accurate and timely processing and adjudications/eligibility determinations and effective communications with providers, beneficiaries, and the public.</p> <p>(15) Produce transaction data, reports, and performance information that would contribute to program evaluation, continuous improvement in business operations, and transparency and accountability.</p> <p>(16) Ensure seamless coordination and integration with the Exchange, and allow interoperability with health information exchanges, public health agencies, human services programs, and community organizations providing outreach and enrollment assistance services</p> <p>(17) For E&amp;E systems, the State must have delivered acceptable MAGI-based system functionality, demonstrated by performance testing and results based on critical success factors, with limited mitigations and workarounds.</p> <p>(18) The State must submit plans that contain strategies for reducing the operational consequences of failure to meet applicable requirements for all major milestones and functionality.</p> <p>(19) The agency, in writing through the APD, must identify key state personnel by name, type and time commitment assigned to each project.</p> |  |
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|  | <p>(20) Systems and modules developed, installed or improved with 90 percent match must include documentation of components and procedures such that the systems could be operated by a variety of contractors or other users.</p> <p>(21) For software systems and modules developed, installed or improved with 90 percent match, the State must consider strategies to minimize the costs and difficulty of operating the software on alternate hardware or operating systems.</p> <p>(22) Other conditions for compliance with existing statutory and regulatory requirements, issued through formal guidance procedures, determined by the Secretary to be necessary to update and ensure proper implementation of those existing requirements.</p> <p>(c) FFP is available at 90 percent of a State's expenditures for the design, development, installation, or enhancement of an eligibility determination system that meets the requirements of this subpart and only for costs incurred for goods and services provided on or after April 19, 2011 and on or before December 31, 2015.</p> |  |
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| <i>Security and interface requirements to be employed for all State MMIS systems</i> |  |   |
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| 45 CFR 164 Securities and Privacy  | Provides Security Standards for the Protection of Electronic Protected Health Information including administrative safeguards, physical safeguards, technical safeguards, organizational requirements, policy & procedure and documentation requirements, and compliance dates. Also included are Security Standards for the Protection of Electronic Protected Health Information including uses and disclosures of protected health information, uses and disclosures: organizational requirements, uses and disclosures to carry out treatment, payment, or health care operations, uses and disclosures for which an authorization is required, uses and disclosures requiring an opportunity for the individual to agree or to object, uses and disclosures for which an authorization or opportunity to agree or object is not required, other requirements relating to uses and disclosures of protected health | <a href="https://www.gpo.gov/fdsys/pkg/CFR-2017-title45-vol1/pdf/CFR-2017-title45-vol1-part164.pdf">https://www.gpo.gov/fdsys/pkg/CFR-2017-title45-vol1/pdf/CFR-2017-title45-vol1-part164.pdf</a> |

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|  | information, notice of privacy practices for protected health information, rights to request privacy protection for protected health information, access of individuals to protected health information, amendment of protected health information, accounting of disclosures of protected health information, administrative requirements, transition provisions, and compliance dates for initial implementation of the privacy standards. |  |
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