



COMMONWEALTH of VIRGINIA

Office of the Governor

Daniel Carey, MD
Secretary of Health and Human Resources

May 13, 2021

Todd McMillion
Director
Department of Health and Human Services
Centers for Medicare and Medicaid Services
233 North Michigan Ave., Suite 600
Chicago, Illinois 60601

Dear Mr. McMillion:

Attached for your review and approval is amendment 21-019, entitled "COVID-19 Vaccine Administration Fee" to the Plan for Medical Assistance for the Commonwealth. I request that your office approve this change as quickly as possible.

Sincerely,

A handwritten signature in cursive script that reads "Daniel Carey".

Daniel Carey, MD., MHCM

Attachment

cc: Karen Kimsey, Director, Department of Medical Assistance Services
CMS, Region III

Transmittal Summary

SPA 21-019

I. IDENTIFICATION INFORMATION

Title of Amendment: COVID Vaccine Administration Fee

II. SYNOPSIS

Basis and Authority: The Code of Virginia (1950) as amended, § 32.1-325, grants to the Board of Medical Assistance Services the authority to administer and amend the Plan for Medical Assistance. The Code of Virginia (1950) as amended, § 32.1-324, authorizes the Director of the Department of Medical Assistance Services (DMAS) to administer and amend the Plan for Medical Assistance according to the Board's requirements.

The 2021 Appropriations Act, Item 313.UUUUU states that DMAS "... is authorized to set the administration fee for COVID-19 vaccines at the same level as Medicare reimbursement for such vaccines." The Medicare rate for COVID vaccine administration is \$40 as indicated at the following CMS website: <https://www.cms.gov/medicare/covid-19/medicare-covid-19-vaccine-shot-payment>, and in accordance with the Budget mandate, DMAS has established the same rate.

Purpose: In the March 15, 2021 CMS toolkit entitled "Coverage and Reimbursement of COVID-19 Vaccines, Vaccine Administration, and Cost Sharing under Medicaid, the Children's Health Insurance Program, and Basic Health Program" it states that:

"States will need to submit SPAs to describe payment for the vaccine administration to the extent that the payment is different from what is otherwise approved under the state plan.

DMAS has adopted the Medicare payment rate of \$40 for COVID-19 Vaccine Administration, which is different from the administration fees for other vaccines, and is filing this SPA as a result.

Substance and Analysis: The sections of the State Plan for Medical Assistance that are affected by this action are "Methods and Standards for Establishing Payment Rate – Other Types of Care" and "Methods and Standards for Establishing Payment Rate – Long Term Care."

Impact: The expected increase in annual aggregate expenditures is \$21,802,880 in federal funds in federal fiscal year 2021.

Tribal Notice: Please see Attachments A-1 and A-2.

Prior Public Notice: Please see Attachment B-1.

Public Comments and Agency Analysis: Please see Attachment B-2.



McClellan, Emily <emily.mcclellan@dmas.virginia.gov>

Tribal Notice re: COVID Vaccine Administration Fee

1 message

McClellan, Emily <emily.mcclellan@dmas.virginia.gov> Wed, Apr 28, 2021 at 1:44 PM
To: Dean Branham <TribalOffice@monacannation.com>, "G. Anne Richardson" <chiefannerich@aol.com>, Gerald Stewart <wasandson@cox.net>, Pam Thompson <Pamelathompson4@yahoo.com>, Rappahannock Tribe <rappahannocktrib@aol.com>, Reginald Stewart <regstew007@gmail.com>, Robert Gray <robert.gray@pamunkey.org>, Rufus Elliott <tribaladmin@monacannation.com>, Samuel Bass <samflyingeagle48@yahoo.com>, Stephen Adkins <chiefstephenadkins@gmail.com>, "W. Frank Adams" <WFrankAdams@verizon.net>, "bradbybrown@gmail.com" <bradbybrown@gmail.com>, heather.hendrix@ihs.gov, "Garrett, Tabitha (IHS/NAS/RIC)" <tabitha.garrett@ihs.gov>

Dear Tribal Leaders and Indian Health Programs:

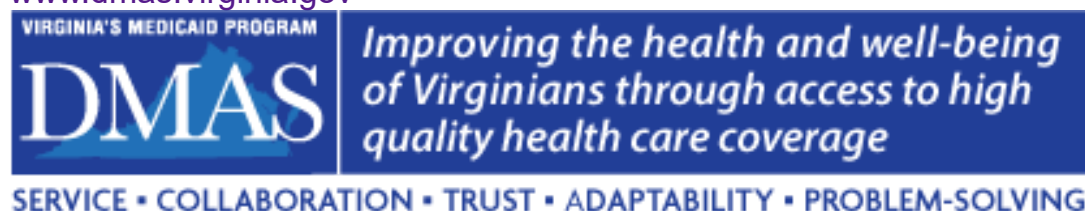
Attached is a Tribal Notice letter from Virginia Medicaid Director Karen Kimsey indicating that the Dept. of Medical Assistance Services (DMAS) plans to submit a State Plan Amendment (SPA) to the federal Centers for Medicare and Medicaid Services. The SPA establishes the rate for COVID vaccine administration at \$40.


If you would like a copy of the SPA documents or proposed text changes, or if you have any questions, please let us know.

Thank you! -- Emily McClellan

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Emily McClellan
Regulatory Supervisor
Policy Planning and Innovation Division
Virginia Department of Medical Assistance Services
600 East Broad Street
Richmond, VA 23219
(804) 371-4300
www.dmas.virginia.gov



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COMMONWEALTH of VIRGINIA

Department of Medical Assistance Services

KAREN KIMSEY
DIRECTOR

SUITE 1300
600 EAST BROAD STREET
RICHMOND, VA 23219
804/786-7933
800/343-0634 (TDD)
www.dmas.virginia.gov

April 28, 2021

SUBJECT: Notice of Opportunity for Tribal Comment – State Plan Amendment related to the COVID Vaccine Administration Fee

Dear Tribal Leader and Indian Health Programs:

This letter is to notify you that the Department of Medical Assistance Services (DMAS) is planning to amend the Virginia State Plan for Medical Assistance with the Centers for Medicare and Medicaid Services (CMS). Specifically, DMAS is providing you notice about a State Plan Amendment (SPA) that the Agency will file with CMS in order to establish a COVID vaccine administration fee of \$40.

The tribal comment period for this SPA is open through May 28, 2021. You may submit your comments directly to Emily McClellan, DMAS Policy Division, by phone (804) 371-4300, or via email: Emily.McClellan@dmas.virginia.gov Finally, if you prefer regular mail you may send your comments or questions to:

Virginia Department of Medical Assistance Services
Attn: Emily McClellan
600 East Broad Street
Richmond, VA 23219

Please forward this information to any interested party.

Sincerely,

A handwritten signature in blue ink that reads "Karen Kimsey".

Karen Kimsey

ATTACHMENT B-1

Virginia.gov Agencies | Governor



Agency Department of Medical Assistance Services

Board Board of Medical Assistance Services

General Notice**Public Notice: Intent to Amend State Plan - COVID Vaccine Administration Fee**

Date Posted: 4/28/2021

Expiration Date: 8/31/2021

Submitted to Registrar for publication: YES

[30 Day Comment Forum](#) is underway. Began on 4/28/2021 and will end on 5/28/2021**LEGAL NOTICE****COMMONWEALTH OF VIRGINIA****DEPARTMENT OF MEDICAL ASSISTANCE SERVICES****NOTICE OF INTENT TO AMEND**(Pursuant to §1902(a)(13) of the *Act (U.S.C. 1396a(a)(13))*)**THE VIRGINIA STATE PLAN FOR MEDICAL ASSISTANCE****This Notice was posted on April 28, 2021**

The Virginia Department of Medical Assistance Services (DMAS) hereby affords the public notice of its intention to amend the Virginia State Plan for Medical Assistance to provide for changes to the *Methods and Standards for Establishing Payment Rates — Other Types of Care (12 VAC 30-80)*.

This notice is intended to satisfy the requirements of 42 C.F.R. § 447.205 and of § 1902(a)(13) of the *Social Security Act*, 42 U.S.C. § 1396a(a)(13). A copy of this notice is available for public review from Emily McClellan, DMAS, 600 Broad Street, Suite 1300, Richmond, VA 23219, or via e-mail at: Emily.McClellan@dmas.virginia.gov.

DMAS is specifically soliciting input from stakeholders, providers and beneficiaries, on the potential impact of the proposed changes discussed in this notice. Comments or inquiries may be submitted, in writing, within 30 days of this notice publication to Emily McClellan and such comments are available for review at the same address. Comments may also be submitted, in writing, on the Town Hall public comment forum attached to this notice.

This notice is available for public review on the Regulatory Town Hall (www.townhall.com), on the General Notices page, found at: <https://townhall.virginia.gov/L/generalnotice.cfm>

In accordance with the 2021 Appropriations Act, Item 313.UUUUU, DMAS will be making the following changes:

Methods & Standards for Establishing Payment Rates - Other Types of Care (12 VAC 30-80)

The state plan is being revised to establish the administration fee for the COVID-19 vaccine at \$40, to match the Medicare rate.

The expected increase in annual aggregate expenditures is \$21,802,880 in federal funds in federal fiscal year 2021.

Contact Information

| | |
|-----------------------|---|
| Name / Title: | Emily McClellan / <i>Regulatory Manager</i> |
| Address: | Division of Policy and Research 600 E. Broad St., Suite 1300 Richmond, 23219 |
| Email Address: | <u>Emily.McClellan@dmas.virginia.gov</u> |
| Telephone: | (804)371-4300 FAX: (804)786-1680 TDD: (800)343-0634 |



Public comment forums

Make your voice heard! Public comment forums allow all Virginia's citizens to participate in making and changing our state regulations.

[See our public comment policy](#)

Currently showing **2** comment forums closed within the last 21 days for the Department of Medical Assistance Services.

- [Recently closed](#)
- [Recently opened](#)
- [Active Forums](#)
- [More filter options](#)

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|---|--|--|--|
| Regulatory Activity Forums (2) | | Guidance Document Forums (0) | |
| Actions () | | Periodic Reviews () | |
| Petitions for Rulemaking () | | General Notices (2) | |
| Board of Medical Assistance Services | | | |
| View Comments | Draft: Mental Health Services Provider Manual (Formerly CMHRS) | General Notice | Draft: Mental Health Services Provider Manual (Formerly CMHRS) Closed: 5/16/21 25 comments Last comment: 5/16/21 8:12 pm |
| View Comments | Public Notice: Intent to Amend State Plan - COVID Vaccine Administration Fee | General Notice | Public Notice: Intent to Amend State Plan - COVID Vaccine Administration Fee Closed: 5/28/21 0 comments |

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State of VIRGINIA

METHODS AND STANDARDS FOR ESTABLISHING PAYMENT RATE –
OTHER TYPES OF CARE

COVID-19 vaccine administration will be covered through the following benefits: physician services, other licensed practitioners, outpatient hospital, clinic services, federally qualified health centers, and rural health clinics.

The vaccine administration fee shall be \$40.

**TRANSMITTAL AND NOTICE OF APPROVAL OF
STATE PLAN MATERIAL
FOR: CENTERS FOR MEDICARE & MEDICAID SERVICES**

1. TRANSMITTAL NUMBER

2 1 0 1 9

2. STATE

Virginia

3. PROGRAM IDENTIFICATION: TITLE XIX OF THE SOCIAL SECURITY ACT (MEDICAID)

TO: REGIONAL ADMINISTRATOR
CENTERS FOR MEDICARE & MEDICAID SERVICES
DEPARTMENT OF HEALTH AND HUMAN SERVICES

4. PROPOSED EFFECTIVE DATE

6/1/2021

5. TYPE OF PLAN MATERIAL (Check One)

- NEW STATE PLAN AMENDMENT TO BE CONSIDERED AS NEW PLAN AMENDMENT

COMPLETE BLOCKS 6 THRU 10 IF THIS IS AN AMENDMENT (Separate transmittal for each amendment)

6. FEDERAL STATUTE/REGULATION CITATION

42 CFR 447

7. FEDERAL BUDGET IMPACT

a. FFY 2021 \$ 21,802,880
b. FFY 2022 \$ 12,876,680

8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT

Attachment 4.19-B, page 0.1

9. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (If Applicable)

Same as box #8.

10. SUBJECT OF AMENDMENT

COVID Vaccine Administration Fee

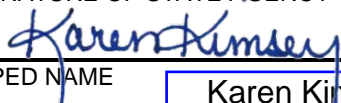
11. GOVERNOR'S REVIEW (Check One)

- GOVERNOR'S OFFICE REPORTED NO COMMENT
 COMMENTS OF GOVERNOR'S OFFICE ENCLOSED
 NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL

OTHER, AS SPECIFIED

Secretary of Health and Human Resources

12. SIGNATURE OF STATE AGENCY OFFICIAL



13. TYPED NAME

Karen Kimsey

14. TITLE

Director

15. DATE SUBMITTED

4/28/2021

16. RETURN TO

Dept. of Medical Assistance Services
600 East Broad Street, #1300
Richmond VA 23219

Attn: Regulatory Coordinator

FOR REGIONAL OFFICE USE ONLY

17. DATE RECEIVED

18. DATE APPROVED

PLAN APPROVED - ONE COPY ATTACHED

19. EFFECTIVE DATE OF APPROVED MATERIAL

20. SIGNATURE OF REGIONAL OFFICIAL

21. TYPED NAME

22. TITLE

23. REMARKS

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State of VIRGINIA

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