

APPENDIX E

FEDERAL AND STATE ACA REGULATIONS AND GUIDANCE

Federal and State ACA Regulations and Guidance

The Vendor is expected to consider any proposed regulations, including public comments thereto, in formulating its proposal. The relevant laws, regulations, policies, and guidance include, but are not limited to, the following:

1. The Affordable Care Act and any related regulations and guidance:
<http://www.gpo.gov/fdsys/pkg/BILLS-111hr3590enr/pdf/BILLS-111hr3590enr.pdf>
2. Assembly Bill (AB) 1296, Bonilla. Health Care Eligibility, Enrollment, and Retention Act:
<http://www.healthexchange.ca.gov/Documents/AB%201296%20Enrolled.pdf>
3. Title XIX of the Social Security Act (the Medicaid statute), including any related regulations and guidance. Some information may be found at: <http://www.cms.gov/home/medicaid.asp>
4. Title XXI of the Social Security Act (the CHIP statute), including any related regulations and guidance. Some information may be found at: <https://www.cms.gov/CHIPRA/>
5. Healthy Families regulations and guidance:
http://www.mrmib.ca.gov/mrmib/HFP/Current_HFP_Regulations.pdf
6. The CalHEERS solution must comply with requirements of Innovation and Establishment grant opportunity announcements, listed under the Cooperative Agreements to Support Innovative Exchange Information Technology Systems and Cooperative Agreement to Support Establishment of State-Operated Health Insurance Exchanges.
<http://ccio.cms.gov/resources/fundingopportunities/index.html#eig>
7. CFR Part 433, Medicaid Program: Federal Funding for Medicaid Eligibility Determination and Enrollment Activities; Final Rule:
<http://healthit.hhs.gov/portal/server.pt?open=512&mode=2&objID=3161>
8. The Office of Consumer Information and Insurance Oversight (OCIO), Guidance for Exchange and Medicaid Information Technology (IT) Systems, Version 2.0:
http://ccio.cms.gov/resources/files/exchange_medicaid_it_guidance_05312011.pdf
9. Health Insurance Portability and Accountability Act (HIPAA) and any related regulations and guidance: <http://www.gpo.gov/fdsys/pkg/PLAW-104publ191/pdf/PLAW-104publ191.pdf>
10. Medicaid Information Technology Architecture (MITA):
http://www.cms.gov/MedicaidInfoTechArch/04_MITAFramework.asp#TopOfPage
11. Section 504 of the Rehabilitation Act and any related regulations and guidance:
<http://www.asec.net/Archives/Manuals/Section%20504%20Manual2010.pdf>
12. Clinger-Cohen Act (Public Law 104-106) and any related regulations and guidance:
http://www.cio.gov/Documents/it_management_reform_act_Feb_1996.html
13. U.S. Chief Information Officer (US CIO) 25 Point Implementation Plan to Reform Federal Technology Management. The current version may be found at:
<http://www.cio.gov/documents/25-Point-Implementation-Plan-to-Reform-Federal%20IT.pdf>
14. Federal Cloud Computing Strategy. The current version may be found at:
<http://www.cio.gov/documents/Federal-Cloud-Computing-Strategy.pdf>
15. ONC Guidance Electronic Eligibility and Enrollment:
<http://healthit.hhs.gov/portal/server.pt?open=512&mode=2&objID=3161>

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Per CMS guidance, the Vendor shall comply with all regulations, policies, or requirements relating to Medicaid Systems by the following regulations as identified by CMS:

1. Primary Medicaid System Regulations and Policies
2. 42 CFR – Part 433 - Subpart C - Mechanized Claims Processing and Information Retrieval Systems
3. 42 CFR – Part 95, Subpart F - Automatic Data Processing Equipment and Services - Conditions for Federal Financial Participation (FFP) (Note: As Revised on October 28, 2010)
4. 45 CFR 95.617 – States must include a clause in all procurement instruments that provides the State will have all ownership rights in software or modifications and associated documentation developed with federal funding (at any level).
5. 45 CFR - Part 92 Administration of Grants 92.36(a) Applies to State grantees. 92.36(b-i) applies to all other grantees and sub-grantees.
6. 42 CFR 434 Subpart B – Contracts with Fiscal Agents and Private Non-medical institutions.
7. SMM Part 11 (See 11205, 11210, 11215, 11227, 11237, 11238, 11240, 11241, 11242, 11250, 11255, 11260, 11265, and 11267 and other subsections for specific ADP requirements to be included on contracts.)
8. SMM Part 2 (See sections 2080 thru 2083 for the specific contract requirements and Proposed Contract Checklist)
9. HIPAA Administrative Simplification
 - A. 45 CFR Part 160 – Administrative Data Standards (Transactions and Code Set Standards)
 - B. 45 CFR Part 162 – Standard Unique Identifier for Health Providers (NPI)
 - C. 45 CFR Part 164 – Security and Privacy
10. Related Regulations that must be considered when contracting for Medicaid Systems
 - A. 42 CFR 431.15 – Methods of Administration
 - B. 42 CFR 431, Subpart F – Safeguarding Information on Applicants and Recipients
 - C. 42 CFR 431.16-17 – Reports and Maintenance of Records
 - D. 42 CFR 432 – State Personnel Administration
 - E. 42 CFR 433.34 – Cost Allocation
 - F. 42 CFR 433, Subpart A – Federal Matching and General Admin Provisions
 - G. 42 CFR 433, Subpart D – Third Party Liability
 - H. 42 CFR 447 – Payments for Services (including timely claims payment requirements at 447.45 and 447.46)
 - I. 42 CFR 455 – Medicaid Program Integrity
 - J. 42 CFR 456 – Utilization Control
11. Certification and Technology Requirements

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- A. Medicaid Enterprise Certification Toolkit https://www.cms.gov/mmis/09_MECT.asp
- B. Medicaid Information Technology Architecture (MITA) Framework - Version 2.0
- C. https://www.cms.gov/medicaidinfotecharch/04_mitaframework.asp

Because compliance with Seven Standards and Conditions is a primordial element for receiving enhanced Medicaid funding, the Vendor must be in compliance with the seven standards and conditions set forth by CMS. The following seven standards and conditions must be met to receive enhanced federal match and for the California Establishment grant include (1) modularity; (2) MITA alignment; (3) leverage and reuse within and among States; (4) industry standard alignment; (5) support of business results; (6) reporting; and (7) seamlessness and interoperability.