

Minnesota State Bar Association
Elder Law Section Governing Council
Medicaid State Plan Committee Report
June 17, 2011

Committee members are Pook Grathwol, Cathryn Reher, and co-Chairs Tom O'Connell and Stu Deuring.

We have now received approximately 700 pages of paper documents comprising modifications of Minnesota's Medicaid State Plan, or State Plan Amendments ("SPA's"), for the period between January 4, 2010 and February 17, 2011. Acquisition cost of \$142.07 has been paid by the MSBA.

The Committee is working with Elyse Farnsworth of MSBA to determine whether MSBA can help with equipment, cost and staffing requirements to scan the SPA's into electronic form as PDF files that could be posted online with the Medicaid State Plan document.

We are also working to identify how best to integrate the SPA's into the online space occupied by the State Plan document, so that users can readily consult both a Plan provision and its subsequent revisions.

Our efforts lead us to other larger questions about the usage of protocols outside the rulemaking framework of administrative law for development and approval of SPA's. Is the protocol for development of the SPA's in compliance with state law? Is it in compliance with federal Medicaid requirements? The relative obscurity in which SPA's are developed and approved seems to be a significant factor in the difficulty we face in obtaining and communicating them to the elder law community. We feel further inquiry into these questions could be very helpful, and could ultimately have a beneficial impact upon the SPA process.

Respectfully submitted,

Stu Deuring, Co-Chair