



August 8, 2017

Harry Rossander  
Bureau of Policy Coordination  
Department of Human Services  
Hoover State Office Building, Fifth Floor  
1305 East Walnut Street  
Des Moines, Iowa 50319-0114

RE: ARC 3198C & ARC 3199C - implementation of a new state Family Planning Program (FPP) and applicable amendments

Submitted electronically via [policyanalysis@dhs.state.ia.us](mailto:policyanalysis@dhs.state.ia.us)

Dear Mr. Rossander,

UnityPoint Health appreciates the opportunity to provide input on the proposal to implement the new state Family Planning Program (FPP) in accordance with legislative guidance pursuant to 2017 Iowa Acts, House File 653, sections 90 to 92. ARC 3198C states that “*As a result of these amendments, providers of family planning services will change as entities that provide abortions can no longer participate as an FPP provider. A provider unable to participate as an FPP provider will also be unable to participate as a point-of-service agency for eligibility determinations for FPP State Plan.*” It is clear that providers offering restricted services under the FPP will not be eligible to participate in the FPP and are effectively defunded by HF 653 and ARC 3198C.

Entities that do not provide restricted services should be able to and plan to participate in the FPP. When possible, FPP patients transitioning from the former program would like continuity of care with their providers and entities. As proposed by these rules, UnityPoint Health believes that portions of our integrated health system (i.e. particular National Provider Identifier (NPI) -Tax Identification Number (TIN) entities and their providers) will be able to continue providing needed FPP services. As such, UnityPoint Health supports the rules and their supporting informational letters<sup>1</sup> that set forth FPP provider-level enrollment

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<sup>1</sup> Iowa DHS Informational Letter No. 1795-MC-FFS, “State Family Planning Program (FPP),” dated 6/6/2017, accessed at [https://dhs.iowa.gov/sites/default/files/1795-MC-FFS\\_StateFamilyPlanningProgram.pdf](https://dhs.iowa.gov/sites/default/files/1795-MC-FFS_StateFamilyPlanningProgram.pdf); and Iowa DHS Informational Letter No. 1807-FFS, “State Family Planning Program (FPP) Clarification,” dated 6/23/2017, accessed at [https://dhs.iowa.gov/sites/default/files/1807-FFS\\_StateFamilyPlanningProgramClarification.pdf](https://dhs.iowa.gov/sites/default/files/1807-FFS_StateFamilyPlanningProgramClarification.pdf)

tied to a combination of organizational NPIs and TINs. UnityPoint Health is comprised of many different types of health care providers, corporate entities, and Medicaid enrollment types but does not have an overarching NPI-TIN combination. The proposed provider enrollment approach allows continued participation by select providers within our health system. Specifically, this enrollment process allows providers, not associated with entities performing restricted services, to continue to provide FPP services to their patients. As proposed, the provider enrollment process is aligned with the statutory directive that “distribution of family planning services funds shall be made in a manner . . . that continues access to family planning services,” while excluding funds distribution to “any entity that performs abortions or that maintains or operates a facility where abortions are performed.”<sup>2</sup>

**Definition of Entity:**

New Iowa Code Section 217.41B is entitled “State family planning services program – establishment – discontinuation of Medicaid family planning network waiver.” Subsection (3) states the following:

*Distribution of family planning services program funds shall not be made to any entity that performs abortions or that maintains or operates a facility where abortions are performed. (Emphasis added).*

The term “entity” is not defined in the statute. Merriam-Webster dictionary defines an “entity” as follows:

- 1:** being, existence; *especially:* independent, separate, or self-contained existence: the existence of a thing as contrasted with its attributes
- 2:** something that has separate and distinct existence and objective or conceptual reality
- 3:** an organization (such as a business or governmental unit) that has an identity separate from those of its members

In the current context, UnityPoint Health is comprised of many separate and distinct entities that are distinct from the system as a whole. Each of these separate entities performs different services in different locations to different patient populations.

DHS’ published guidance related to Section 217.41B is consistent with the approach that each Medicaid entity is treated separately for purposes of determining FPP funding. Instead of the term “entity,” however, DHS guidance uses the term “provider,” as explained in detail below.

Iowa DHS Informational Letter No. 1795-MC-FFS, dated 6/6/2017, provides guidance regarding the new FPP. It states the following, in relevant part:

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<sup>2</sup> Iowa Code Section 217.41B, as enacted by 2017 Iowa Acts, House File 653, section 90(2) and (3).

*In order to be an FPP approved provider, providers must complete an attestation form. **All currently enrolled Iowa Medicaid providers must complete the attestation in order to receive reimbursement for services to members enrolled in the FPP.** Failure to complete the attestation will result in the denial of claims.*

*Any health care provider receiving reimbursement for services performed for members enrolled in the FPP must attest that they do not perform abortions or maintain or operate a facility where abortions are performed, as required by Iowa Code 217.41B.*

The informational letter refers to FPP “providers” throughout the guidance.

Additionally, Iowa DHS Informational Letter No. 1807-FFS, dated 6/23/2017, provides clarification regarding the FPP. It states the following, in relevant part:

*For claims to pay, attestations must be completed by the rendering provider and billing provider. **Pharmacies and laboratories do NOT need to attest. Providers who do not offer family planning services, and do not intend to provide services under the FPP do NOT need to attest.***

(Emphasis added). Again, this guidance is specific to Iowa Medicaid providers, not entire organizations.

The proposed rules in ARC 3198C are consistent with the guidance contained in the informational letters. Specifically, subrule 441—87.11(2) establishes the provider enrollment process, which in part requires an attestation regarding “nonprovision of abortions.” The referenced attestation form (Form 470-5484<sup>3</sup>) requires providers to complete fields for provider name, entity name<sup>4</sup>, NPI<sup>5</sup>, TIN<sup>6</sup>, and address<sup>7</sup>. This form associates enrolled providers with entities as defined by organizational NPIs and TINs. For UnityPoint Health, enrolled providers submitted the required attestations in the only way possible – with the NPIs, TINs, and addresses of their Medicaid enrolled practice entities, such as UnityPoint Clinic locations or various hospitals. The NPI-TIN combinations that were contained in submitted attestations represent entities that do not perform restricted services or maintain or operate a facility where restricted services are performed. Based on its proposed rules, DHS should approve FPP enrollment for each eligible provider associated with NPI-TIN entities in which restricted services are not performed, regardless of affiliation with an integrated health system.

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<sup>3</sup> Iowa Department of Human Services, Form 470-5484, Family Planning Program Provider Attestation accessed at <https://dhs.iowa.gov/sites/default/files/470-5484.pdf>.

<sup>4</sup> Id. “Enter the entity name. If entity name is different than provider name, enter the name of the entity enrolled with Iowa Medicaid.”

<sup>5</sup> Id. “National Provider Number (NPI). Enter the billing NPI number.”

<sup>6</sup> Id. “Tax Identification Number (TIN). Enter the TIN number that the above NPI is enrolled under.”

<sup>7</sup> Id. “Enter the billing address for the above NPI.”

**Integrated Health Systems are not FPP Entities or Providers:**

Based on Form 470-5484, it is not possible for providers to list and/or attest to UnityPoint Health as an entity (defined with a NPI-TIN combination). UnityPoint Health is not an entity enrolled with Iowa Medicaid. While the corporate structure of UnityPoint Health has a separate TIN, it is not a health care provider and/or facility and is not eligible to receive/possess a NPI. The proposed rules should continue to exclude UnityPoint Health as a FPP entity.

Regarding the term “provider” generally, the Iowa Medicaid enrollment and payment structure is based different categories of providers, and each category offers different services and is reimbursed by Medicaid through different means. For example, acute care hospitals constitute one category of Medicaid provider, that are located throughout the state and are paid depending on DHS rules specific to those hospitals. Another category of Medicaid provider is physicians, who are also located throughout the state, but are reimbursed by Medicaid in a very different manner from hospitals. UnityPoint Health is an integrated health system, and clearly is not one “provider” under this structure. The DHS proposed rules for FPP provider enrollment specifically associate providers with entities defined by NPI-TIN and permit FPP services at entities that do not perform restricted services or maintain or operate a facility where restricted services are performed. The proposed rules should be maintained and interpreted to exclude UnityPoint Health as a “provider” for purposes of the FPP.

On behalf of our patients, their families and the communities we serve, UnityPoint Health appreciates the opportunity to provide input related to these proposed rules. Based on our comments above, UnityPoint Health supports the rules as proposed in ARC 3198C, with the interpretation of “entities” to be defined as recognized organizational NPI-TIN combinations. This interpretation is consistent with statutory intent in Iowa Code Section 217.41B to promote access to FPP services while defunding entities performing restricted services. This interpretation is also aligned with how providers are traditionally defined for enrollment to provide Iowa Medicaid services. To discuss UPH comments or for additional information on any of the addressed topics, please contact Sabra Rosener, Vice President and Government Relations Officer, Government & External Affairs at [sabra.rosener@unitypoint.org](mailto:sabra.rosener@unitypoint.org) or 515-205-1206.

Sincerely,



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UnityPoint Health