

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Centers for Medicare & Medicaid Services**

[CMS-2342-N]

RIN 0938-AR91

**Medicaid Program; Disproportionate Share Hospital Allotments and Institutions for Mental Diseases Disproportionate Share Hospital Limits for FY 2012, and Preliminary FY 2013 Disproportionate Share Hospital Allotments and Limits****AGENCY:** Centers for Medicare & Medicaid Services (CMS), HHS.**ACTION:** Notice.

**SUMMARY:** This notice announces the final federal share disproportionate share hospital (DSH) allotments for federal fiscal year (FY) 2012 and the preliminary federal share DSH allotments for FY 2013. This notice also announces the final FY 2012 and the preliminary FY 2013 limits on aggregate DSH payments that states may make to institutions for mental diseases (IMDs) and other mental health facilities. This notice also includes background information describing the methodology for determining the amounts of states' FY DSH allotments and IMD DSH limits.

**DATES: Effective Date:** This notice is effective on August 26, 2013. The final allotments and limitations set forth in this notice are effective for the fiscal years specified.

**FOR FURTHER INFORMATION CONTACT:** Richard Strauss, (410) 786-2019.

**SUPPLEMENTARY INFORMATION:****I. Background**

In general, in accordance with the methodology specified under section 1923(f)(3) of the Social Security Act (the Act), a state's federal fiscal year (FY) disproportionate share hospital (DSH) allotment is calculated by increasing the amount of its DSH allotment for the preceding FY by the percentage change in the Consumer Price Index for all Urban Consumers (CPI-U) for the previous FY. Also in accordance with section 1923(f)(3) of the Act, a state's DSH allotment for a FY is subject to the limitation that an increase to a state's DSH allotment for a FY cannot result in the DSH allotment exceeding the greater of the state's DSH allotment for the previous FY or 12 percent of the state's total medical assistance expenditures for the allotment year (this is referred to as the 12 percent limit).

Furthermore, under section 1923(h) of the Act, federal financial participation (FFP) for DSH payments to institutions for mental diseases (IMDs) and other mental health facilities is limited to state-specific aggregate amounts determined in accordance with the methodology specified under such section. Under this provision, the aggregate limit for DSH payments to IMDs and other mental health facilities is the lesser of a state's FY 1995 total computable (state and federal share) IMD and other mental health facility DSH expenditures applicable to the state's FY 1995 DSH allotment (as reported on the Form CMS-64 as of January 1, 1997), or the amount equal to the product of the state's current year total computable DSH allotment and the applicable percentage specified in section 1902(h) of the Act (the applicable percentage is the IMD share of DSH total computable expenditures as of FY 1995).

In general, we determine states' DSH allotments and IMD DSH limits for a FY using the most recent available estimates of or actual medical assistance expenditures, including DSH expenditures in their Medicaid programs and the most recent available change in the CPI-U used for the FY in accordance with the methodology prescribed in statute. The indicated estimated or actual expenditures are obtained from states for each relevant FY from the most recent available quarterly Medicaid budget reports (Form CMS-37) or quarterly Medicaid expenditure reports (Form CMS-64), respectively, submitted by the states. For example, as part of the initial determination of a state's FY DSH allotment (referred to as the preliminary DSH allotments) that is determined before the beginning of the FY for which the DSH allotments and IMD DSH limits are being determined, we use estimated expenditures for the FY obtained from the August submission of the CMS-37 submitted by states prior to the beginning of the FY; such estimated expenditures are subject to update and revision during the FY before such actual expenditure data become available. We also use the most recent available estimated CPI-U percentage change that is available before the beginning of the FY for determining the states' preliminary FY DSH allotments; such estimated CPI-U percentage change is subject to update and revision during the FY before the actual CPI-U percentage change becomes available. In determining the final DSH allotments and IMD DSH limits for a FY we use the actual expenditures for the FY and

actual CPI-U percentage change for the previous FY.

**II. Provisions of the Notice****A. Calculation of the Final FY 2012 Federal Share State DSH Allotments, and the Preliminary FY 2013 Federal Share State DSH Allotments****1. Final FY 2012 Federal Share State DSH Allotments**

Chart 1 of the Addendum to this notice provides the states' final FY 2012 DSH allotments determined in accordance with section 1923(f)(3) of the Act. As described in the background section, in general, the DSH allotment for a FY is calculated by increasing the FY DSH allotment for the preceding FY by the CPI-U increase for the previous fiscal year. For purposes of calculating the states' final FY 2012 DSH allotments, the preceding final fiscal year DSH allotments (for FY 2011) were contained in the **Federal Register** published on July 24, 2012 (77 FR 43301). For purposes of calculating the states' final FY 2012 DSH allotments we are using the actual Medicaid expenditures for FY 2012. Finally, for purposes of calculating the states' final FY 2012 DSH allotments, the applicable historical percentage change in the CPI-U for the previous FY (FY 2011) was 2.6 percent; we note that this is an increase from the estimated 2.4 percentage change in the CPI-U for FY 2011 that was available and used in the calculation of the preliminary FY 2012 DSH allotments which were published in the July 24, 2012 **Federal Register** (77 FR 43301).

**2. Calculation of the Preliminary FY 2013 Federal Share State DSH Allotments**

Chart 2 of the Addendum to this notice provides the preliminary FY 2013 DSH allotments determined in accordance with section 1923(f)(3) of the Act. The preliminary FY 2013 DSH allotments contained in this notice were determined based on the most recent available estimates from states of their FY 2013 total computable Medicaid expenditures. Also, the preliminary FY 2013 allotments contained in this notice were determined by increasing the final FY 2012 DSH allotments as contained in this notice (and described in section II.A.1. above) by 2.4 percent, representing the most recent available estimate of the percentage increase in the CPI-U for FY 2012 (the previous FY to FY 2013). In this regard, we note that in September of 2012 for purposes of calculating preliminary FY 2013 DSH allotments for states (which at that time was prior to the beginning FY 2013), we

calculated such preliminary FY 2013 allotments by increasing states' preliminary FY 2012 allotments by 2.5 percent, representing the estimate of the percentage change in the CPI-U for FY 2012 available at that time. Again, we note that the preliminary FY 2013 allotments contained in this notice were determined using the final FY 2012 DSH allotments contained in this notice, the most recent available estimates of FY 2013 Medicaid expenditures, and the most recent available estimate of the percentage change in the CPI-U for FY 2012.

States' final FY 2013 DSH allotments will be published in future rulemaking based on the states' four quarterly Medicaid expenditure reports (Form CMS-64) for FY 2013 available following the end of FY 2013 and the actual change in the CPI-U for FY 2012.

*B. Calculation of the Final FY 2012 and the Preliminary FY 2013 IMD DSH Limits*

Section 1923(h) of the Act specifies the methodology to be used to establish the limits on the amount of DSH payments that a state can make to IMDs and other mental health facilities. FFP is not available for IMD or DSH payments that exceed the IMD limits. In this notice, we are publishing the final FY 2012 and the preliminary FY 2013 IMD DSH Limits determined in accordance with the provisions discussed above.

Charts 3 and 4 of the "Addendum" to this notice detail each state's final FY 2012 and preliminary FY 2013 IMD DSH Limit, respectively, determined in accordance with section 1923(h) of the Act.

**III. Collection of Information Requirements**

This notice does not impose any new or revised information collection or recordkeeping requirements. The requirements and burden associated with Form CMS-37 (OMB No. 0938-0101), and Form CMS-64 (OMB No. 0938-0067) are unaffected by this notice. Consequently, this notice, the Form CMS-37, and Form CMS-64 are not subject to Office of Management and Budget review under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

**IV. Regulatory Impact Statement**

We have examined the impact of this notice as required by Executive Order 12866 on Regulatory Planning and Review (September 1993), the Regulatory Flexibility Act (RFA) (September 19, 1980, Pub. L. 96-354), section 1102(b) of the Act, section 202

of the Unfunded Mandates Reform Act of 1995 (March 22, 1995; Pub. L. 104-4), Executive Order 13132 on Federalism (August 4, 1999) and the Congressional Review Act (5 U.S.C. 804(2)).

Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). A regulatory impact analysis (RIA) must be prepared for major rules with economically significant effects (\$100 million or more in any 1 year). This notice reaches the \$100 million economic threshold and thus is considered a major rule under the Congressional Review Act.

The final FY 2012 DSH allotments being published in this notice are approximately \$20 million more than the preliminary FY 2012 DSH allotments published in the July 24, 2012 **Federal Register** (77 FR 43301). The increase in the final FY 2012 DSH allotments is due to the difference between the actual percentage change in the CPI-U for FY 2011 used in the calculation of the final FY 2012 allotments (2.6 percent) as compared to the estimated percentage change in the CPI-U for FY 2011 used in the calculation of the preliminary FY 2012 allotments (2.4 percent). The final FY 2012 IMD DSH limits being published in this notice are approximately \$1 million more than the preliminary FY 2012 IMD DSH limits published in the July 24, 2012 **Federal Register** (77 FR 43301). The increases in the IMD DSH limits are because the DSH allotment for a FY is a factor in the determination of the IMD DSH limit for the FY. Since the final FY 2012 DSH allotments were increased as compared to the preliminary FY 2012 DSH allotments, the associated FY 2012 IMD DSH limits for some states were also increased.

The preliminary FY 2013 DSH allotments being published in this notice are about \$182 million more than the final FY 2012 DSH allotments being published in this notice. The increase in the DSH allotments is due to the application of the statutory formula for calculating DSH allotments under which the prior fiscal year allotments are increased by the percentage increase in the CPI-U for the prior fiscal year. The preliminary FY 2013 IMD DSH limits being published in this notice are about \$13 million more than the final FY 2012 IMD DSH limits being published in this notice. The increase in the IMD DSH limits is because the DSH

allotment for a FY is a factor in the determination of the IMD DSH limit for the FY. Since the preliminary FY 2013 DSH allotments are greater than the final FY 2012 DSH allotments, the associated preliminary FY 2013 IMD DSH limits for some states also increased.

The RFA requires agencies to analyze options for regulatory relief of small businesses, if a rule has a significant impact on a substantial number of small entities. For purposes of the RFA, small entities include small businesses, nonprofit organizations, and small governmental jurisdictions. Most hospitals and most other providers and suppliers are small entities, either by nonprofit status or by having revenues of less than \$7.0 million to \$34.5 million in any one year. Individuals and states are not included in the definition of a small entity. We are not preparing an analysis for the RFA because the Secretary has determined that this notice will not have significant economic impact on a substantial number of small entities. Specifically, any impact on providers is due to the effect of the various controlling statutes; providers are not impacted as a result of the independent regulatory action in publishing this notice. The purpose of the notice is to announce the latest distributions as required by the statute.

In addition, section 1102(b) of the Act requires us to prepare a regulatory impact analysis if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 604 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a Core-Based Statistical Area for Medicaid payment regulations and has fewer than 100 beds. We are not preparing analysis for section 1102(b) of the Act because the Secretary has determined that this notice will not have a significant impact on the operations of a substantial number of small rural hospitals.

The Medicaid statute specifies the methodology for determining the amounts of states' DSH allotments and IMD DSH limits; and as described previously, the application of the methodology specified in statute results in the decreases or increases in states' DSH allotments and IMD DSH limits for the applicable FYs. The statute applicable to these allotments and limits does not apply to the determination of the amounts of DSH payments made to specific DSH hospitals; rather, these allotments and limits represent an overall limit on the total of such DSH

payments. In this regard, we do not believe that this notice will have a significant economic impact on a substantial number of small entities.

Section 202 of the Unfunded Mandates Reform Act of 1995 also requires that agencies assess anticipated costs and benefits before issuing any rule whose mandates require spending in any 1 year of \$100 million in 1995 dollars, updated annually for inflation. In 2013, that threshold is approximately \$141 million. This notice will have no consequential effect on state, local, or tribal governments, in the aggregate, or on the private sector.

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a proposed rule (and subsequent final rule) that imposes substantial direct requirement costs on state and local governments, preempts state law, or otherwise has Federalism implications. Since this notice does not impose any costs on state or local governments, the requirements of E.O. 13132 are not applicable.

#### Alternatives Considered

The methodologies for determining the states' fiscal year DSH allotments and IMD DSH Limits, as reflected in this notice, were established in accordance with the methodologies and formula for determining states' allotments as specified in statute. This notice does not put forward any further discretionary

administrative policies for determining such allotments.

#### Accounting Statement

As required by OMB Circular A-4 (available at <http://www.whitehouse.gov/omb/circulars/a004/a-4.pdf>), in the Table 1, we have prepared an accounting statement showing the classification of the estimated expenditures associated with the provisions of this notice. Table 1 provides our best estimate of the change (decrease) in the federal share of states' Medicaid DSH payments resulting from the application of the provisions of the Medicaid statute relating to the calculation of states' FY DSH allotments and the increase in the FY DSH allotments from FY 2012 to FY 2013.

**TABLE 1—ACCOUNTING STATEMENT: CLASSIFICATION OF ESTIMATED EXPENDITURES, FROM THE FY 2012 TO FY 2013**

[in Millions]	
Category	Transfers
Annualized Monetized Transfers. From Whom To Whom?.	\$182 Federal Government to States.

#### Congressional Review Act

This proposed regulation is subject to the Congressional Review Act

#### KEY TO CHART 1—FINAL DSH ALLOTMENTS FOR FY 2012.

[The Final FY 2012 DSH allotments for the non-low DSH States are presented in the top section of this chart, and the final FY 2012 DSH allotments for the low-DSH States are presented in the bottom section of this chart]

Column	Description
Column A .....	State.
Column B .....	FY 2012 FMAPs. This column contains the states' FY 2012 Federal Medical Assistance Percentages.
Column C .....	Prior FY (2011) DSH Allotments. This column contains the states' prior FY 2011 DSH Allotments as would be determined without the application of section 5002 of ARRA.
Column D .....	Prior Fiscal Year (FY 2011) Allotment x (100% + Percentage Increase in CPI-U): 102.6%. This column contains the amount in Column D increased by 1 plus the percentage increase in the CPI-U for the prior FY (2.6 percent).
Column E .....	FY 2012 TC MAP Exp. Including DSH. This column contains the amount of the states' FY 2012 total computable (TC) medical assistance expenditures including DSH expenditures.
Column F .....	FY 2012 TC DSH Expenditures. This column contains the amount of the states' FY 2012 total computable DSH expenditures.
Column G .....	FY 2012 TC MAP Exp. Net of DSH. This column contains the amount of the states' projected FY 2012 total computable medical assistance expenditures net of DSH expenditures, calculated as the amount in Column E minus the amount in Column F.
Column H .....	12% Amount. This column contains the amount of the "12 percent limit" in federal share for the fiscal year, determined in accordance with the provisions of section 1923(f)(3) of the Act.
Column I .....	Greater of FY 2011 Allotment or 12% Limit. This column contains the greater of the state's prior FY (FY 2011) DSH allotment or the amount of the 12% Limit, determined as the maximum of the amount in Column C or Column I.
Column J .....	FY 2012 DSH Allotment. This column contains the states' final FY 2012 DSH allotments, determined as the minimum of the amount in Column I or Column D.
	For states with "na" in Columns I or D, refer to the footnotes in the chart.

provisions of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 801 et seq.) and has been transmitted to the Congress and the Comptroller General for review.

In accordance with the provisions of Executive Order 12866, this notice was reviewed by the Office of Management and Budget.

(Catalog of Federal Domestic Assistance Program No. 93.778, Medical Assistance Program)

Dated: June 20, 2013.

**Marilyn Tavenner,**

*Administrator, Centers for Medicare & Medicaid Services.*

Dated: July 19, 2013.

**Kathleen Sebelius,**

*Secretary, Department of Health and Human Services.*

#### Addendum

This addendum contains the charts 1 through 4 (preceded by associated keys) that are referred to in the preamble of this notice.

*Key to Chart 1. Final DSH Allotments for FY 2012*

## CHART 1—FINAL DSH ALLOCMENTS FOR FISCAL YEAR: 2012

State	FY 2012 FMAPs (percent)	Prior FY (2011) allotments	Prior Fiscal Year (FY 2011) Allotment (Col C) x 100% + Pct. Increases in CPIU: 102.6%	FY 2012 TC MAP Exp. Including DSH		FY 2012 TC DSH Expenditures	FY 2012 TC MAP Exp. Net of DSH Col E-F	“12% Amount” = Col G x .12/(1-.12/ B)* (In \$)	Greater of Col H OR Col C (12% Limit, FY2011 Allotment)	FY 2012 DSH Allotment MIN Col D, Col I
				B	C					
ALABAMA .....	68.62%	\$307,525,116	\$315,520,769	\$4,980,627,414	\$458,470,904	\$4,522,156,510	\$657,669,473	\$315,520,769	\$1,125,716,333	103,890,985
ARIZONA .....	67.30	101,258,270	103,890,985	7,902,936,657	194,65,219	7,708,285,438	7,399,561,970	7,399,561,970	1,124,844,385	94,912,751
CALIFORNIA .....	50.00	1,096,339,537	1,124,844,657	48,965,395,434	2,101,502,957	46,863,392,477	710,043,802	710,043,802	205,216,750	62,847,632
COLORADO .....	50.00	92,507,555	94,912,751	4,666,399,553	189,455,472	4,496,944,081	945,025,534	945,025,534	295,157,934	205,216,750
CONNECTICUT .....	50.00	200,016,335	205,216,760	6,465,271,670	478,109,955	5,985,161,715	2,037,995,260	2,037,995,260	2,661,292,513	205,216,750
DISTRICT OF COLUMBIA .....	50.00	61,255,002	62,847,632	2,099,098,380	61,103,120	17,428,521,633	1,155,588,811	1,155,588,811	275,760,021	275,760,021
FLORIDA .....	56.04	200,016,335	205,216,760	17,794,004,730	365,483,097	17,428,521,633	2,661,292,513	2,661,292,513	275,760,021	275,760,021
GEORGIA .....	66.16	268,771,950	275,760,021	8,299,066,366	415,817,421	7,883,248,945	1,155,588,811	1,155,588,811	275,760,021	275,760,021
HAWAII/1 .....	na	na	na	na	na	na	na	na	na	10,000,000
ILLINOIS .....	50.00	215,017,560	220,608,017	13,216,199,698	443,954,241	12,772,245,457	2,016,670,335	2,016,670,335	2,016,670,335	220,608,017
INDIANA .....	66.96	2,13,767,459	219,325,413	7,450,053,558	-1,293,679	7,451,347,237	1,089,393,474	1,089,393,474	1,089,393,474	219,325,413
KANSAS .....	56.91	41,253,369	42,325,957	2,633,25,501	74,168,771	2,559,356,730	389,186,350	389,186,350	42,325,957	42,325,957
KENTUCKY .....	71.18	145,011,843	148,782,151	5,564,881,723	208,470,796	5,356,410,927	773,104,420	773,104,420	148,782,151	148,782,151
LOUISIANA/2 .....	na	na	na	na	na	na	na	na	na	731,960,000
MAINE .....	63.27	105,008,576	107,738,799	2,369,701,164	41,241,661	2,328,559,503	344,813,652	344,813,652	344,813,652	107,738,799
MARYLAND .....	50.00	76,256,228	78,238,890	7,564,82,204	36,324,863	7,527,857,341	1,188,609,054	1,188,609,054	1,188,609,054	78,238,890
MASSACHUSETTS .....	50.00	305,024,911	312,955,209	12,660,753,340	0	12,660,753,340	1,999,066,317	1,999,066,317	1,999,066,317	312,955,209
MICHIGAN .....	66.14	265,021,644	271,912,207	12,377,302,267	276,022,328	12,101,279,939	1,774,019,923	1,774,019,923	1,774,019,923	271,912,207
MISSISSIPPI .....	74.18	152,512,455	156,477,779	4,432,068,902	210,532,157	4,221,536,745	604,349,172	604,349,172	604,349,172	156,477,779
MISSOURI .....	63.45	47,378,694	486,107,200	8,620,708,926	755,588,588	7,865,120,328	1,163,946,087	1,163,946,087	1,163,946,087	486,107,200
NEVADA .....	62.20	46,253,777	47,509,735	47,506,509,323	45,540,193	47,506,509,323	2,500,988,050	2,500,988,050	2,500,988,050	47,456,375
NEW HAMPSHIRE .....	50.00	160,111,598	164,274,500	1,174,440,051	41,992,778	1,132,447,273	178,807,464	178,807,464	178,807,464	164,274,500
NEW JERSEY .....	50.00	643,802,579	660,541,446	10,263,014,973	1,242,812,460	9,020,202,513	1,424,242,502	1,424,242,502	1,424,242,502	660,541,446
NEW YORK .....	50.00	1,606,381,192	1,648,147,103	51,477,488,275	3,250,438,690	48,227,049,585	7,614,797,303	7,614,797,303	7,614,797,303	1,648,147,103
NORTH CAROLINA .....	65.28	295,024,095	302,694,721	12,074,012,547	310,365,066	11,763,647,481	2,793,574,116	2,793,574,116	2,793,574,116	302,694,721
OHIO .....	64.15	406,283,181	416,846,544	16,241,807,775	544,474,576	15,697,333,199	2,317,125,042	2,317,125,042	2,317,125,042	416,846,544
PENNSYLVANIA .....	55.07	561,295,840	575,889,532	20,215,741,634	1,161,609,171	19,054,132,463	2,923,550,707	2,923,550,707	2,923,550,707	575,889,532
RHODE ISLAND .....	52.12	65,005,309	66,695,447	1,841,508,177	127,714,099	1,713,794,078	267,167,340	267,167,340	267,167,340	66,695,447
SOUTH CAROLINA .....	70.24	322,526,749	336,042,444	4,61,047,760	457,157,861	4,153,889,899	601,172,857	601,172,857	601,172,857	336,042,444
TEXAS .....	58.22	956,328,103	981,192,684	27,532,481,436	1,515,965,665	1,515,965,665	na	na	na	981,192,684
VERMONT .....	57.58	22,501,838	23,086,386	1,332,991,907	37,448,781	1,295,443,126	196,395,015	196,395,015	196,395,015	23,086,386
WASHINGTON .....	50.00	87,614,730	89,892,703	6,806,627,571	214,592,182	6,592,086,389	1,040,855,746	1,040,855,746	1,040,855,746	89,892,703
WEST VIRGINIA .....	72.62	185,015,110	189,825,503	7,452,641,090	392,480,601	7,060,160,489	1,114,762,182	1,114,762,182	1,114,762,182	189,825,503
TOTAL .....	.....	9,751,002,453	10,004,529,517	343,597,888,543	15,767,606,555	327,830,282,008	50,271,525,401	50,271,525,401	50,271,525,401	10,870,051,501
<b>LOW DSH STATES</b>										
ALASKA .....	50.00	20,371,357	20,901,012	1,323,188,957	19,859,459	1,303,329,498	205,788,868	205,788,868	205,788,868	20,901,012
ARKANSAS .....	70.71	43,141,306	44,262,380	4,105,082,591	61,44,395	4,043,635,196	584,415,830	584,415,830	584,415,830	44,262,380
DELAWARE .....	54.17	9,053,936	9,289,338	1,484,381,209	12,647,971	1,471,733,238	226,863,997	226,863,997	226,863,997	9,289,338
IDAHO .....	70.23	16,438,844	16,866,254	1,420,520,599	23,40,154	1,397,113,445	202,203,559	202,203,559	202,203,559	16,866,254
IOWA .....	60.71	39,384,356	40,408,349	3,416,666,341	51,985,041	3,364,681,300	503,230,881	503,230,881	503,230,881	40,408,349
MINNESOTA .....	50.00	74,694,976	76,637,745	8,661,424,765	47,645,449	8,613,779,316	1,360,070,418	1,360,070,418	1,360,070,418	76,637,045
MONTANA .....	66.11	11,351,703	11,646,847	955,777,404	17,086,812	948,690,592	139,089,858	139,089,858	139,089,858	11,646,847
NEBRASKA .....	56.64	28,300,533	29,036,347	1,675,943,349	41,928,603	1,634,014,746	248,791,923	248,791,923	248,791,923	29,036,347
NEW MEXICO .....	69.36	20,371,357	20,901,012	3,420,434,313	56,394,276	3,364,040,037	488,137,692	488,137,692	488,137,692	20,901,012
NORTH DAKOTA .....	55.40	9,552,761	9,801,133	732,046,343	1,163,524	730,382,819	111,956,428	111,956,428	111,956,428	9,801,133
OKLAHOMA .....	63.88	36,215,744	37,157,553	4,397,686,300	36,15,183	4,361,535,117	644,444,557	644,444,557	644,444,557	37,157,353
OREGON .....	62.91	46,269,681	46,446,933	4,528,895,184	69,278,705	4,473,616,479	663,371,155	663,371,155	663,371,155	46,446,693
SOUTH DAKOTA .....	59.13	11,045,549	11,332,733	740,258,203	75,729,299	74,396,904	111,335,566	111,335,566	111,335,566	111,335,566
UTAH .....	70.99	19,619,586	20,129,395	1,807,691,982	32,876,938	1,837,815,044	265,400,556	265,400,556	265,400,556	20,129,695
WISCONSIN .....	60.53	94,540,543	96,998,397	6,978,470,509	10,1,257	6,978,369,252	1,044,469,048	1,044,469,048	1,044,469,048	96,998,397

WYOMING .....	50.00	226,348	232,233	518,211,253	452,696	517,758,557	81,751,351	81,751,351	232,233
TOTAL LOW DSH STATES .....		\$479,578,580	\$492,047,623	\$46,253,679,302	\$473,177,762	\$45,780,501,540	\$6,881,321,686	\$6,881,321,686	\$492,047,621
TOTAL .....		\$10,230,581,033	\$10,496,576,140	\$389,851,567,845	\$16,240,784,297	\$373,610,783,548	\$57,152,847,088	\$57,152,847,088	\$11,362,099,122

<sup>1</sup>Hawaii and Tennessee DSH allotments are determined under section 1923(f)(6) of the Act. Under this provision, for FY 2012, Tennessee's DSH payments are limited to \$70,108,895 and Hawaii's DSH allotment is limited to \$10,000,000.

<sup>2</sup>FY 2012 DSH allotment for Louisiana determined under the provisions of section 1903(f)(3)(C) and (D) of the Act.

*Key to Chart 2. Preliminary DSH Allotments for FY 2013*

**KEY TO CHART 2—PRELIMINARY DSH ALLOTMENTS FOR FISCAL YEAR: 2013**

[The Preliminary FY 2013 DSH allotments for the non-low DSH States are presented in the top section of this chart, and the preliminary FY 2013 DSH allotments for the low-DSH States are presented in the bottom section of this chart]

Column	Description
Column A .....	State.
Column B .....	FY 2013 FMAPs. This column contains the States' FY 2013 Federal Medical Assistance Percentages.
Column C .....	Prior FY (2012) DSH Allotments. This column contains the States' prior FY 2012 DSH Allotments.
Column D .....	Prior FY (2012) DSH Allotments (Col C) $\times$ (100% + Percentage Increase in CPIU): 102.4%. This column contains the amount in Column D increased by 1 plus the estimated percentage increase in the CPI-U for the prior FY (102.4 percent).
Column E .....	FY 2013 TC MAP Exp. Including DSH. This column contains the amount of the States' projected FY 2013 total computable (TC) medical assistance expenditures including DSH expenditures.
Column F .....	FY 2013 TC DSH Expenditures. This column contains the amount of the States' projected FY 2013 total computable DSH expenditures.
Column G .....	FY 2013 TC MAP Exp. Net of DSH. This column contains the amount of the States' projected FY 2013 total computable medical assistance expenditures net of DSH expenditures, calculated as the amount in Column E minus the amount in Column F.
Column H .....	12% Amount. This column contains the amount of the "12 percent limit" in Federal share, determined in accordance with the provisions of section 1923(f)(3) of the Act.
Column I .....	Greater of FY 2012 Allotment or 12% Limit. This column contains the greater of the State's prior FY (FY 2012) DSH allotment or the amount of the 12% Limit, determined as the maximum of the amount in Column C or Column H.
Column J .....	FY 2013 DSH Allotment. This column contains the States' preliminary FY 2013 DSH allotments, determined as the minimum of the amount in Column I or Column D.
	For states with "na" in Columns I or D, refer to the footnotes in the chart.

## CHART 2—PRELIMINARY DSH ALLOCMENTS FOR FISCAL YEAR: 2013

State	FY 2013 FMAPs	Prior FY (2012) DSH allotments	Prior FY (2012) DSH allotment (Col C) x 100% + Pct Increase in CPU:	102.4%	FY 2013 TC MAP Exp. including DSH	FY 2013 TC MAP Exp. including DSH	FY 2013 TC DSH Expenditures	FY 2013 TC MAP EXP. Net Of DSH (Col E - F)	"12% Amount" = Col G x 12/(Col B)* (In FS)	Greater of Col H Or Col C 12% Limit, FY 2012 Allotment	FY 2013 DSH Allotment, MIN Col I, Col D	
ALABAMA	A	\$315,520,769	\$323,093,267	D	\$5,329,850,000	\$471,003,000	\$4,858,847,000	\$706,832,022	\$706,832,022	\$323,093,267		
ARIZONA		65,68	103,890,985	106,384,369	8,671,536,000	8,457,794,000	1,241,820,961	1,241,820,961	1,241,820,961	106,384,369		
CALIFORNIA		50,00	1,124,844,365	1,151,840,630	66,298,257,000	65,378,744,000	10,322,959,579	10,322,959,579	10,322,959,579	1,151,840,630		
COLORADO		50,00	94,912,751	97,190,857	5,051,411,000	192,614,000	4,858,797,000	767,178,474	767,178,474	97,190,657		
CONNECTICUT		50,00	205,216,760	210,141,962	6,431,510,000	290,445,000	6,141,065,000	969,641,842	969,641,842	210,141,962		
DISTRICT OF COLUMBIA		70,00	62,847,632	64,355,975	2,263,613,000	57,226,000	2,206,387,000	319,545,703	319,545,703	64,355,975		
FLORIDA		58,08	205,216,760	210,141,962	19,230,077,000	383,399,000	18,466,678,000	2,850,560,048	2,850,560,048	210,141,962		
GEORGIA		65,56	275,760,021	282,375,262	8,369,129,000	415,995,000	7,953,34,000	1,168,201,938	1,168,201,938	282,378,262		
ILLINOIS		50,00	220,608,017	225,902,609	15,891,835,000	492,771,000	15,399,064,000	2,431,431,158	2,431,431,158	225,902,609		
INDIANA		67,16	219,325,413	224,589,223	8,205,160,000	296,676,000	7,905,184,000	1,155,475,955	1,155,475,955	224,589,223		
KANSAS		56,51	42,325,961	43,341,780	2,631,311,000	75,425,000	2,555,886,000	389,395,061	389,395,061	43,341,780		
KENTUCKY		70,55	148,782,151	152,352,923	6,003,011,000	207,429,000	5,795,582,000	838,008,492	838,008,492	152,352,923		
LOUISIANA	/3	na	na	na	na	na	na	na	na	731,960,000		
MAINE		62,57	107,738,799	110,324,530	2,411,890,000	38,474,000	2,373,416,000	352,393,844	352,393,844	110,324,530		
MARYLAND		50,00	78,238,890	80,116,823	7,900,885,000	28,789,000	7,962,096,000	1,257,173,053	1,257,173,053	80,116,823		
MASSACHUSETTS		50,00	312,955,559	320,466,922	14,457,969,000	0	14,457,969,000	2,282,837,211	2,282,837,211	320,466,922		
MICHIGAN		66,39	271,912,207	278,438,100	13,054,597,000	489,458,000	12,565,39,000	1,840,484,453	1,840,484,453	278,438,100		
MISSISSIPPI		73,43	160,702,533	160,246,000	4,938,165,000	306,480,000	4,631,645,000	664,369,251	664,369,251	160,233,246		
MISSOURI		61,37	486,107,200	497,773,773	9,167,121,000	731,848,000	8,435,273,000	1,258,268,675	1,258,268,675	497,773,773		
NEVADA		59,74	47,456,375	48,595,938	1,788,469,000	81,265,000	1,707,204,000	256,359,532	256,359,532	48,595,328		
NEW HAMPSHIRE		50,00	164,274,500	168,217,988	1,194,634,000	76,100,000	1,118,334,000	176,610,632	176,610,632	168,217,088		
NEW JERSEY		50,00	66,651,446	67,394,441	10,885,937,000	1,285,149,000	9,600,159,895	1,515,913,895	1,515,913,895	676,394,441		
NEW YORK		50,00	1,648,147,103	1,687,702,533	60,543,793,000	3,138,550,000	57,405,243,000	9,063,985,737	9,063,985,737	1,687,702,633		
NORTH CAROLINA		65,51	302,694,721	309,959,394	12,152,941,000	348,212,000	11,804,729,000	1,734,242,863	1,734,242,863	309,959,394		
OHIO		63,58	416,846,544	426,850,361	17,759,856,000	0	17,759,856,000	2,626,998,785	2,626,998,785	426,850,861		
PENNSYLVANIA		54,28	57,889,532	58,710,881	21,684,533,000	811,678,000	20,872,855,000	3,215,644,000	3,215,644,000	589,710,881		
RHODE ISLAND		51,26	66,695,447	68,296,138	2,138,373,000	133,105,000	2,005,73,000	314,183,272	314,183,272	68,296,138		
SOUTH CAROLINA		70,43	336,042,444	344,107,463	4,819,642,000	488,104,000	4,331,538,000	626,534,769	626,534,769	344,107,463		
TENNESSEE	/2	na	na	na	na	na	na	na	na	53,100,000		
TEXAS		59,30	981,192,634	1,004,741,257	30,552,421,000	2,362,443,000	28,159,978,000	4,236,499,016	4,236,499,016	1,004,741,257		
VERMONT		56,04	23,086,886	23,640,971	1,453,369,000	37,449,000	1,416,120,000	216,238,051	216,238,051	23,640,971		
VIRGINIA		50,00	89,892,713	92,050,138	7,614,317,000	292,128,000	7,322,189,000	1,156,135,105	1,156,135,105	92,050,138		
WASHINGTON		50,00	189,825,503	194,381,315	7,263,797,000	408,769,000	6,855,028,000	1,082,372,842	1,082,372,842	194,381,315		
WEST VIRGINIA		72,04	69,260,656	70,922,912	3,049,170,000	70,185,000	2,978,985,000	428,926,208	428,926,208	70,922,912		
TOTAL		0.0	10,004,528,519	10,244,637,203	389,268,744,000	15,144,424,000	374,124,320,000	57,467,222,436	57,467,222,436	11,029,697,203		
<b>LOW DSH STATES</b>												
ALASKA		50,00	20,901,012	21,402,636	4,345,689,000	43,820,000	4,301,869,000	679,242,473,68	679,242,473,68	21,402,636		
ARKANSAS		70,17	44,262,980	45,325,292	1,580,616,000	16,393,000	1,564,223,000	226,429,145	226,429,145	45,325,292		
DELAWARE		55,67	9,289,338	9,512,282	1,656,578,000	19,283,000	1,637,595,000	250,510,411	250,510,411	9,512,282		
HAWAII	/1	51,86	10,000,000	10,240,000	15,891,835,000	492,771,000	15,399,064,000	2,404,201,080,90	2,404,201,080,90	10,240,000		
IDAHO		71,00	16,866,254	17,271,044	1,804,672,000	22,633,000	1,782,039,000	257,338,513,22	257,338,513,22	17,271,044		
IOWA		59,59	40,408,349	41,378,149	3,701,627,000	53,705,000	3,647,922,000	548,131,133	548,131,133	41,378,149		
MINNESOTA		50,00	76,637,045	78,476,334	9,038,277,000	127,149,000	8,906,128,000	1,406,230,737	1,406,230,737	78,476,334		
MONTANA		66,00	11,646,847	11,926,371	1,035,493,000	18,023,000	1,017,470,000	149,228,933	149,228,933	11,926,371		
NEBRASKA		55,76	29,036,347	29,733,219	1,982,015,000	40,798,000	1,941,217,000	296,825,210	296,825,210	29,733,219		
NEW MEXICO		69,07	20,901,012	21,402,636	3,665,793,000	21,380,000	3,642,413,000	528,995,548	528,995,548	21,402,636		
NORTH DAKOTA		52,27	9,801,133	10,036,360	783,683,000	1,474,000	782,209,000	121,835,802	121,835,802	10,036,360		
OKLAHOMA		64,00	37,157,353	38,049,129	4,822,776,000	49,525,000	4,773,251,000	704,972,455	704,972,455	38,049,129		
OREGON		62,44	64,446,693	47,561,414	5,261,131,000	100,645,000	5,160,186,000	766,583,852	766,583,852	47,561,414		
SOUTH DAKOTA		56,19	11,332,733	11,604,712	792,356,000	2,821,000	789,535,000	120,472,428	120,472,428	11,604,712		
UTAH		69,61	20,129,695	20,612,808	2,104,256,000	29,583,000	2,074,673,000	300,818,582	300,818,582	20,612,808		
WISCONSIN		59,74	96,998,597	99,326,563	7,576,743,000	159,936,000	159,936,000	1,113,732,845	1,113,732,845	99,326,563		

CHART 2—PRELIMINARY DSH ALLOTMENTS FOR FISCAL YEAR: 2013—Continued

State	FY 2013 FMAPs	Prior FY (2012)		FY 2013 TC MAP Exp. including DSH	FY 2013 TC DSH Expenditures	FY 2013 TC MAP EXP. Net Of DSH (Col E – F)	“12% Amount” = Col G $\times$ .12/(1 – 12% Of Col B)* (in FS)	Greater of Col H Or Col C 12% Limit, FY 2012 Allotment)	FY 2013 DSH A- lotment MIN Col I, Col D
		Prior FY (2012) DSH allotment (Col C) $\times$ 100% + Pct Increase in CPU;	102.4%						
A	B	C	D	E	F	G	H	I	J
WYOMING .....	50.00	232,233	237,807	548,369,000	463,000	547,906,000	86,511,474	86,511,474	237,807
TOTAL LOW DSH STATES .....	0.00	502,047,621	514,096,764	66,585,209,000	1,200,402,000	65,384,807,000	9,962,060,622	9,962,060,622	514,096,763
TOTAL .....	0.00	10,506,576,140	10,758,733,367	455,853,953,000	16,344,826,000	439,509,127,000	67,429,283,058	67,429,283,058	11,543,793,966

## FOOTNOTES:

/1 Beginning FY 2013, under section 1923(f)(6)(B)(II) of the Act, Hawaii's DSH allotments are determined as for low-DSH states. This means its allotments are determined as for all States, by increasing the previous fiscal year allotment by the CPI-U for the previous fiscal year.

/2 Tennessee's DSH allotments are determined under section 1923(f)(6)(A)(v)(II) of the Act. Under this provision, Tennessee's DSH payments for FY 2013 are limited to \$53,100,000

/3 FY 2013 DSH allotment for Louisiana determined under the provisions of section 1903(f)(3)(C) and (D) of the Act.

*Key to Chart 3. Final IMD DSH Limit for FY 2012*

**KEY TO CHART 3—FINAL IMD DSH LIMIT FOR FY: 2012**

The final FY 2012 IMD DSH limits for the non-low DSH States are presented in the top section of this chart and the final FY 2012 IMD DSH Limits for the low-DSH States are presented in the bottom section of the chart]

Column	Description
Column A .....	State.
Column B .....	Inpatient Hospital Services FY 95 DSH Total Computable. This column contains the States' total computable FY 1995 inpatient hospital DSH expenditures as reported on the Form CMS-64.
Column C .....	IMD and Mental Health Services FY 95 DSH Total Computable. This column contains the total computable FY 1995 mental health facility DSH expenditures as reported on the Form CMS-64 as of January 1, 1997.
Column D .....	Total Inpatient & IMD & Mental Health FY 95 DSH Total Computable, Col. B + C. This column contains the total computation of all inpatient hospital DSH expenditures and mental health facility DSH expenditures for FY 1995 as reported on the Form CMS-64 as of January 1, 1997 (representing the sum of Column B and Column C).
Column E .....	Applicable Percent Col. C/D. This column contains the “applicable percentage” representing the total Computable FY 1995 mental health facility DSH expenditures divided by total computable all inpatient hospital and mental health facility DSH expenditures for FY 1995 (the amount in Column C divided by the amount in Column D) Per section 1923(h)(2)(A)(ii)(III) Of the Act, for FYs after FY 2002, the applicable Percentage can be no greater than 33 percent.
Column F .....	FY 2012 Federal Share DSH Allotment. This column contains the states' final FY 2012 DSH allotments.
Column G .....	FY 2012 FMAP.
Column H .....	FY 2012 DSH Allotments in Total Computable Col. F/G. This column contains States' FY 2012 total computable DSH allotment (determined as Column F/Column G).
Column I .....	Col E × Col H in TC. This column contains the applicable percent of FY 2012 total computable DSH allotment (calculated as the percentage in Column E multiplied by the amount in Column H)
Column J .....	FY 2012 TC IMD DSH Limit. Lesser of Col. C or I. This column contains the total computable amount of the FY 2012 TC IMD DSH Limit equal to the lesser of the amount in Column C or Column I.
Column K .....	FY 2012 IMD DSH Limit in Federal Share, Col. G × J. This column contains the FY 2012 federal share IMD DSH limit determined by converting the total computable FY 2012 IMD DSH Limit from Column J into a federal share amount by multiplying it by the FY 2012 FMAP in Column G.

## CHART 3—FINAL IMD DSH LIMIT FOR FY: 2012

State	Impatient hospital service for FY 95 DSH total computable	IMD and mental health services FY 95 DSH total computable	Total inpatient & IMD and mental health FY 95 DSH total computable Col B + C	Applicable percent Col C/D		FY 2012 Allotment in FS	FY 2012 FM/AM	FY 2012 Allotments in TC Col F/G	Col E x Col H In TC	(Lesser Of Col 1 or Col C)	TC IMD Limit 1	IMD Limit in FS Col G x J	FY 2012 IMD Limit 1	FY 2012 IMD Limit in FS Col G x J
				E	F									
ALABAMA .....	413,006,229	4,451,770	417,457,999	1.07%	315,520,769	68.62%	459,808,757	4,903,398	4,451,770	3,054,805				
ARIZONA .....	93,916,100	28,474,900	122,391,000	23.27%	103,890,985	67.30%	154,369,963	35,914,971	28,474,900	19,163,608				
CALIFORNIA .....	2,189,879,543	1,555,319	2,145,462	0.07%	1,248,444,365	50.00%	2,249,688,730	1,597,279	1,555,919	777,960				
COLORADO .....	173,900,441	594,776	174,495,217	0.34%	94,912,751	50.00%	189,825,502	647,030	594,776	297,388				
CONNECTICUT .....	303,359,275	105,573,725	408,933,000	25.82%	205,216,760	50.00%	410,483,520	105,961,112	105,573,725	52,786,863				
DISTRICT OF COLUMBIA .....	39,532,234	6,545,136	46,077,370	14.20%	62,847,632	70.00%	89,782,331	12,753,279	6,545,136	4,581,595				
FLORIDA .....	184,468,014	149,714,986	334,183,000	33.00%	205,216,760	56.04%	366,186,931	120,844,987	120,844,987	67,721,531				
GEORGIA .....	407,343,557	0	407,343,557	0.00%	275,760,021	66.16%	416,807,771	0	0	0				
HAWAII .....	0	0	0	0.00%	10,000,000	50.48%	19,809,826	0	0	0				
ILLINOIS .....	315,868,508	89,408,276	405,276,784	22.06%	220,608,017	50.00%	441,216,334	97,336,849	89,408,276	44,704,138				
INDIANA .....	79,960,783	153,566,302	233,527,085	33.00%	219,325,413	66.96%	327,546,913	108,090,481	108,090,481	72,377,386				
KANSAS .....	11,587,208	76,663,508	88,250,716	33.00%	42,325,957	56.91%	74,373,497	24,543,254	24,543,254	13,967,566				
KENTUCKY .....	158,804,908	37,443,073	196,247,981	19.08%	148,782,151	71.18%	209,022,409	39,380,366	37,443,073	26,651,979				
LOUISIANA .....	1,078,512,169	132,917,149	1,211,429,318	10.97%	731,960,000	61.09%	1,198,166,639	134,461,977	134,461,977	80,310,122				
MAINE .....	99,957,958	60,938,342	160,916,300	33.00%	107,738,799	63.27%	170,284,777	56,193,779	56,193,779	35,553,804				
MARYLAND .....	22,226,467	120,873,531	143,099,998	33.00%	78,238,890	50.00%	156,477,780	51,637,667	51,637,667	25,818,834				
MASSACHUSETTS .....	469,653,946	105,635,054	575,289,000	18.36%	312,955,559	50.00%	625,911,118	114,930,330	105,635,054	52,817,527				
MICHIGAN .....	133,258,800	304,765,552	438,024,352	33.00%	271,912,207	66.14%	411,116,128	135,668,322	135,668,322	89,731,028				
MISSISSIPPI .....	182,608,033	0	182,608,033	0.00%	156,477,779	71.18%	210,943,353	0	0	0				
MISSOURI .....	521,946,524	207,234,618	729,181,142	28.42%	486,107,200	63.45%	766,126,399	217,734,528	0	207,234,618	131,490,365			
NEVADA .....	73,560,000	0	73,560,000	0.00%	47,456,375	56.20%	84,441,948	0	0	0				
NEW HAMPSHIRE .....	92,675,916	187,429,864	33.00%	164,274,500	50.00%	328,549,000	108,421,170	94,753,948	47,376,974					
NEW JERSEY .....	736,742,539	1,094,113,000	3,023,869,368	32.66%	660,541,446	50.00%	1,321,052,892	431,505,706	357,370,461	178,685,231				
NEW YORK .....	2,418,869,368	605,000,000	3,023,869,368	20.01%	1,648,147,103	50.00%	3,296,294,206	659,505,340	659,505,340	302,500,000				
NORTH CAROLINA .....	193,201,966	236,072,627	429,274,593	33.00%	302,694,721	65.28%	463,686,766	153,016,633	153,016,633	99,889,258				
OHIO .....	535,731,956	93,432,758	629,164,714	14.85%	416,846,544	64.15%	649,799,757	96,497,121	96,497,121	59,193,114				
PENNSYLVANIA .....	388,207,319	579,199,682	967,407,001	33.00%	575,889,532	55.07%	1,045,740,933	345,094,508	345,094,508	190,043,546				
RHODE ISLAND .....	108,503,167	2,397,833	110,901,000	2.16%	66,695,447	52.12%	127,985,171	27,766,784	27,766,784	2,397,833	1,249,751			
SOUTH CAROLINA .....	366,681,364	72,076,341	438,757,705	16.43%	336,042,444	70.24%	478,420,336	78,591,867	78,591,867	72,076,341	50,626,422			
TENNESSEE .....	1,220,515,401	292,513,592	1,513,028,993	0.00%	123,562,982	66.36%	186,200,998	0	0	0				
TEXAS .....	19,979,252	9,071,297	29,050,549	19.33%	981,192,634	58.22%	1,685,318,849	325,822,355	325,822,355	170,301,413				
VERMONT .....	129,313,840	7,770,268	13,083,748	31.23%	23,086,886	57.58%	40,095,321	12,520,127	9,071,297	5,257,253				
WASHINGTON .....	171,725,815	163,836,435	335,562,250	33.00%	189,825,503	50.00%	379,651,006	10,190,712	7,770,268	3,885,134				
WEST VIRGINIA .....	66,962,606	18,887,045	85,849,651	22.00%	69,260,656	72.62%	95,374,079	20,982,433	125,284,832	62,642,416				
TOTAL .....	13,402,460,846	4,118,758,904	17,521,219,750	.....	10,870,051,501	.....	19,310,314,466	3,630,299,198	3,392,027,231	1,907,882,783				
<b>LOW DSH STATES</b>														
ALASKA .....	2,506,827	17,611,765	20,118,592	33.00%	20,901,012	50.00%	41,802,024	13,794,668	13,794,668	819,351	6,897,334			
ARKANSAS .....	2,422,649	819,351	3,242,000	25.27%	44,262,980	70.71%	62,557,907	15,820,376	5,659,002	5,659,002	5,659,002	5,659,002	3,065,482	
DELAWARE .....	0	7,089,000	7,069,000	33.00%	9,289,338	54.17%	17,148,492	0	0	0	0	0	0	
IDAHO .....	2,081,429	0	2,081,429	0.00%	16,866,254	70.23%	24,015,740	0	0	0	0	0	0	
IOWA .....	12,011,250	0	12,011,250	0.00%	40,408,349	60.71%	66,559,626	0	0	0	0	0	0	
MINNESOTA .....	24,240,000	5,257,214	29,497,214	17.82%	76,637,045	50.00%	153,274,090	27,317,654	0	0	0	0	0	2,628,607
MONTANA .....	237,048	0	237,048	0.00%	11,646,847	66.11%	17,617,376	0	0	0	0	0	0	
NEBRASKA .....	1,811,337	8,260,439	21,936,347	21.93%	29,036,347	56.64%	51,264,107	11,241,257	0	0	0	0	0	1,025,941
NEW MEXICO .....	6,449,102	254,786	6,744,801	3.78%	20,901,012	69.36%	30,138,321	1,138,321	0	0	0	0	0	176,720
NORTH DAKOTA .....	214,523	988,478	1,203,001	33.00%	9,801,133	55.40%	17,691,576	5,638,220	5,638,220	988,478	547,617			

OKLAHOMA .....	20,019,969	3,273,248	23,293,217	14.05%	37,157,353	63.88%	58,167,428	3,273,248	8,173,900	2,090,951
OREGON .....	11,437,908	19,975,092	31,413,000	33.00%	46,446,693	62.91%	73,830,381	24,364,026	19,975,092	12,566,330
SOUTH DAKOTA .....	321,120	751,299	1,072,419	33.00%	11,332,733	59.13%	19,165,792	6,324,711	751,299	444,243
UTAH .....	3,621,116	934,586	4,555,702	20.51%	20,129,695	70.99%	28,355,677	5,817,066	934,586	663,463
WISCONSIN .....	6,609,524	4,492,011	11,101,535	33.00%	96,998,597	60.53%	160,248,797	52,882,103	4,492,011	2,719,014
WYOMING .....	0	0	0	0.00%	232,233	50.00%	464,466	0	0	0
TOTAL LOW DSH STATES ..	98,662,480	63,238,167	161,900,647	.....	492,047,621	.....	822,338,209	178,371,303	58,011,072	33,405,065
TOTAL ..	13,501,123,326	4,181,997,071	17,683,120,397	.....	11,362,099,122	.....	20,132,652,675	3,808,670,501	3,450,038,303	1,941,287,848

Key to Chart 4. Preliminary IMD DSH  
Limit for FY 2013

**KEY TO CHART 4—PRELIMINARY IMD DSH LIMIT FOR FY: 2013**

[The preliminary FY 2013 IMD DSH Limits for the non-low DSH States are presented in the top section of this chart and the preliminary FY 2013 IMD DSH limits for the low-DSH States are presented in the bottom section of the chart]

Column	Description
Column A .....	State.
Column B .....	Inpatient Hospital Services FY 95 DSH Total Computable. This column contains the States' total computable FY 1995 inpatient hospital DSH expenditures as reported on the Form CMS-64.
Column C .....	IMD and Mental Health Services FY 95 DSH Total Computable. This column contains the total computable FY 1995 mental health facility DSH expenditures as reported on the Form CMS-64 as of January 1, 1997.
Column D .....	Total Inpatient Hospital & IMD & Mental Health FY 95 DSH Total Computable, Col. B + C. This column contains the total computation of all inpatient hospital DSH expenditures and mental health facility DSH expenditures for FY 1995 as reported on the Form CMS-64 as of January 1, 1997 (representing the sum of Column B and Column C).
Column E .....	Applicable Percentage, Col. C/D. This column contains the “applicable percentage” representing the total Computable FY 1995 mental health facility DSH expenditures divided by total computable all inpatient hospital and mental health facility DSH expenditures for FY 1995 (the amount in Column C divided by the amount in Column D) Per section 1923(h)(2)(A)(ii)(III) Of the Act, for FYs after FY 2002, the applicable Percentage can be no greater than 33 percent.
Column F .....	FY 2013 Federal Share DSH Allotment. This column contains the states' preliminary FY 2012 DSH allotments.
Column G .....	FY 2013 FMAP.
Column H .....	FY 2013 DSH Allotments in Total Computable, Col. F/G. This column contains states' FY 2013 total computable DSH allotment (determined as Column F/Column G).
Column I .....	Applicable Percentage Applied to FY 2013 Allotments in TC, Col E x Col H. This column contains the applicable percentage of FY 2013 total computable DSH allotment (calculated as the percentage in Column E multiplied by the amount in Column H).
Column J .....	FY 2013 TC IMD DSH Limit. Lesser of Col. I or C. This column contains the total computable FY 2013 TC IMD DSH Limit equal to the lesser of the amount in Column I or Column C.
Column K .....	FY 2013 IMD DSH Limit in Federal Share, Col. G x J. This column contains the FY 2013 Federal Share IMD DSH limit determined by converting the total computable FY 2013 IMD DSH Limit from Column J into a federal share amount by multiplying it by the FY 2013 FMAP in Column G.

## CHART 4—PRELIMINARY IMD DSH LIMIT FOR FY: 2013

State	Inpatient hospital services FY 95 DSH total computable	IMD and mental health services FY 95 DSH total computable	Total inpatient & IMD & mental health FY 95 DSH total computable Col B + C	Applicable percentage Col C/D	FY 2013 Allotment in FS		FY 2013 FMAPs	FY 2013 Allotments in TC Col F/G	Applicable percentage applied to FY allotments in TC Col E x Col H	FY 2013 TC IMD Limit (lesser of Col I or Col C)	FY 2013 IMD Limit in FS Col G x J	
					E	F						
A	B	C	D	E	F	G	H	I	J	K		
ALABAMA .....	\$413,006,229	\$4,451,770	\$417,457,999	1.07	\$323,093,267	68.53	\$471,462,523	\$5,027,674	\$4,451,770	\$3,050,798		
ARIZONA .....	93,916,100	28,474,900	122,391,000	23.27	106,384,369	65.68	161,973,765	37,684,035	28,474,900	18,702,314		
CALIFORNIA .....	2,189,879,543	1,559,919	2,191,435,462	0.07	1,151,840,630	50.00	2,303,681,314	1,635,614	1,559,919	777,960		
COLORADO .....	173,900,441	594,776	174,495,217	0.34	97,190,657	50.00	194,381,314	662,559	594,776	297,388		
CONNECTICUT .....	303,359,275	105,573,725	408,933,000	25.82	210,141,962	50.00	420,283,924	108,504,179	105,573,725	52,786,863		
DISTRICT OF COLUMBIA .....	39,532,234	6,545,136	46,077,370	14.20	64,355,975	70.00	91,937,107	13,059,358	6,545,136	4,581,595		
FLORIDA .....	184,468,014	149,714,986	334,183,000	33.00	210,141,962	58.08	361,814,673	119,398,842	119,398,842	69,346,847		
GEORGIA .....	407,343,557	0	407,343,557	0.00	282,378,262	65.56	430,717,300	0	0	0		
ILLINOIS .....	315,868,508	89,408,276	405,276,784	22.06	225,902,609	50.00	451,805,218	99,672,933	89,408,276	44,704,138		
INDIANA .....	159,666,302	153,527,085	224,589,223	33.00	153,527,085	67.16	334,409,206	110,355,038	110,355,038	74,114,444		
KANSAS .....	76,663,508	88,250,716	164,913,716	33.00	43,341,780	56.51	76,697,540	25,310,188	25,310,188	14,302,787		
KENTUCKY .....	158,804,908	196,247,981	152,352,923	19.08	1,211,429,318	70.55	215,950,281	41,202,167	37,443,073	26,416,088		
LOUISIANA .....	1,078,512,169	132,917,149	1,195,231,875	10.97	731,960,000	61.24	1,195,231,875	131,139,977	80,310,122	80,310,122		
MAINE .....	99,957,958	60,938,342	160,916,300	33.00	110,324,530	62.57	176,321,768	58,186,183	36,407,095	36,407,095		
MARYLAND .....	22,226,467	120,873,531	143,099,998	33.00	80,116,623	50.00	160,233,246	52,876,971	52,876,971	26,438,486		
MASSACHUSETTS .....	469,653,946	105,635,054	575,289,000	18.36	320,466,492	50.00	640,932,984	117,688,658	105,635,054	52,817,527		
MICHIGAN .....	133,258,800	304,735,552	438,024,352	33.00	278,438,100	66.39	419,397,650	138,401,225	138,401,225	91,884,573		
MISSOURI .....	182,608,033	0	182,608,033	0.00	160,233,246	73.43	218,212,238	0	0	0		
MISSOURI .....	521,946,524	207,234,618	729,181,142	28.42	497,773,773	61.37	811,344,707	230,516,896	207,234,618	127,179,885		
NEVADA .....	73,560,000	0	73,560,000	0.00	48,595,328	59.74	50.00	0	0	0		
NEW HAMPshire .....	92,675,916	94,753,948	187,429,864	33.00	168,217,088	50.00	336,424,176	111,023,278	94,753,948	47,376,974		
NEW JERSEY .....	736,742,539	357,370,461	1,094,813,000	32.66	676,394,441	50.00	1,352,788,882	441,861,843	357,370,461	178,685,231		
NEW YORK .....	2,418,869,358	605,000,000	3,023,869,368	20.01	1,687,702,633	50.00	3,375,405,266	675,333,468	605,000,000	302,500,000		
NORTH CAROLINA .....	193,201,966	236,072,627	429,274,593	33.00	309,959,394	65.51	473,148,212	156,138,910	156,138,910	102,286,600		
OHIO .....	535,731,956	93,432,758	629,164,714	14.85	426,850,861	63.58	671,360,272	93,432,758	93,432,758	59,404,548		
PENNSYLVANIA .....	388,207,319	579,199,682	967,407,001	33.00	589,710,881	54.28	1,086,423,878	358,519,880	358,519,880	194,604,591		
RHODE ISLAND .....	108,503,167	2,397,833	110,901,000	2.16	68,296,138	51.26	133,234,760	2,397,833	2,397,833	1,229,129		
SOUTH CAROLINA .....	366,681,364	72,076,341	438,757,705	16.43	344,107,463	70.43	488,580,808	80,260,965	72,076,341	50,763,367		
TENNESSEE .....	1,220,515,401	292,513,592	1,513,028,993	19.33	53,100,000	66.13	80,256,386	0	0	0		
TEXAS .....	19,975,252	9,071,297	29,050,549	31.23	1,004,741,257	59.30	1,694,336,015	327,565,642	292,513,592	173,460,580		
VERMONT .....	129,313,480	7,770,268	137,083,748	5.67	23,640,971	56.04	42,185,887	13,172,925	9,071,297	9,071,297		
VERMONT .....	171,725,815	163,836,435	335,562,250	33.00	92,050,138	50.00	184,100,276	10,352,289	7,770,268	3,885,134		
WASHINGTON .....	66,962,606	18,887,045	85,849,651	22.00	194,381,315	72.04	388,762,630	128,291,668	21,658,997	64,145,834		
WEST VIRGINIA .....	TOTAL .....	13,402,460,846	4,118,758,904	17,521,219,750	.....	11,029,697,203	.....	19,623,398,153	3,718,165,001	3,418,809,673	1,921,150,660	
LOW DSH STATES .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
ALASKA .....	2,506,827	17,611,765	20,118,592	33.00	21,402,636	50.00	42,805,272	14,125,740	14,125,740	7,062,870		
ARKANSAS .....	2,422,649	8,19,351	3,242,000	25.27	45,325,292	70.17	64,563,547	16,324,734	819,351	574,939		
DELAWARE .....	0	7,069,000	7,069,000	33.00	9,512,282	55.67	5,638,680	5,638,680	5,638,680	3,139,053		
HAWAII .....	0	0	0	0.00	10,240,000	51.86	19,745,469	0	0	0		
IDAHO .....	2,081,429	0	2,081,429	0.00	17,271,044	71.00	24,325,414	0	0	0		
IOWA .....	12,011,250	0	12,011,250	0.00	41,378,149	59.59	69,438,075	0	0	0		
MINNESOTA .....	24,240,000	5,257,214	28,497,214	17.82	4,747,334	50.00	156,932,668	27,973,278	5,257,214	2,628,607		
MONTANA .....	237,048	0	237,048	0.00	11,926,371	66.00	18,070,269	0	0	0		
NEBRASKA .....	6,449,102	8,260,439	29,733,219	55.76	53,323,563	11,692,713	1,811,337	1,811,337	0	1,010,002		
NEW MEXICO .....	6,490,015	6,744,786	3,78	21,402,636	69.07	30,966,877	1,170,535	254,786	175,981	175,981		

#### CHART 4—PRELIMINARY IMD DSH LIMIT FOR FY: 2013—Continued

State	Inpatient hospital services FY 95 DSH total computable	IMD and mental health services FY 95 DSH total computable	Total inpatient & IMD & mental health FY 95 DSH total computable Col B + C	Applicable percentage Col C/D	FY 2013 Allotment in FS		FY 2013 Allotments in TC Col FG	FY 2013 Allotments in TC Col E x Col H	Applicable percentage applied to FY 2013 allotments in TC Col G	FY 2013 IMD Limit (lesser of Col I or Col C)	FY 2013 IMD Limit (Col G x J)
					F	G					
NORTH DAKOTA	214,523	988,478	1,203,001	33.00	10,036,360	52.27	19,200,995	6,336,328	988,478	516,677	
OKLAHOMA .....	20,019,869	3,273,248	23,293,217	14.05	38,049,129	64.00	59,451,764	8,354,379	3,273,248	2,094,879	
OREGON .....	11,437,908	19,975,092	31,413,000	33.00	47,561,414	62.44	76,171,387	19,156,558	19,156,558	12,472,447	
SOUTH DAKOTA	321,120	751,299	1,072,419	33.00	11,604,719	56.19	20,652,641	6,815,372	751,299	422,155	
UTAH .....	3,621,116	934,586	4,555,702	20.51	20,612,808	69.61	29,611,849	6,074,765	934,586	650,565	
WISCONSIN .....	6,609,524	4,492,011	11,101,535	33.00	99,326,563	59.74	166,264,752	54,867,368	4,492,011	2,683,527	
WYOMING .....	0	0	0	0.00	237,807	50.00	475,614	0	0	0	0
<b>TOTAL LOW DSH STATES .....</b>	<b>98,662,480</b>	<b>63,238,167</b>	<b>161,900,647</b>	<b>.....</b>	<b>514,096,763</b>	<b>.....</b>	<b>869,157,055</b>	<b>184,510,449</b>	<b>58,321,822</b>	<b>3,902,675,450</b>	<b>33,431,702</b>
<b>TOTAL .....</b>	<b>13,501,123,326</b>	<b>4,181,997,071</b>	<b>17,683,120,397</b>	<b>.....</b>	<b>11,543,793,966</b>	<b>.....</b>	<b>20,492,555,208</b>	<b>3,902,675,450</b>	<b>3,477,131,494</b>	<b>1,954,582,362</b>	<b>33,431,702</b>

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BILLING CODE 4120-01-P

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Centers for Medicare & Medicaid Services**

[CMS-3280-FN]

**Medicare and Medicaid Programs; Initial Approval of Center for Improvement in Healthcare Quality's (CIHQ's) Hospital Accreditation Program****AGENCY:** Centers for Medicare and Medicaid Services, HHS.**ACTION:** Final notice.

**SUMMARY:** This final notice announces our decision to approve the Center for Improvement in Healthcare Quality (CIHQ) as a national accrediting organization for hospitals that wish to participate in the Medicare or Medicaid programs.

**DATES:** This final notice is effective July 26, 2013 through July 26, 2017.

**FOR FURTHER INFORMATION CONTACT:** Cindy Melanson, (410) 786-0310. Monda Shaver, (410) 786-3410. Patricia Chmielewski, (410) 786-6899.

**SUPPLEMENTARY INFORMATION:****I. Background**

Under the Medicare program, eligible beneficiaries may receive covered services in a hospital provided certain requirements are met. Section 1861(e) of the Social Security Act (the Act) establishes distinct criteria for facilities seeking designation as a hospital. Regulations concerning provider agreements are at 42 CFR part 489 and those pertaining to activities relating to the survey and certification of facilities are at 42 CFR part 488. The regulations at 42 CFR part 482 specify the conditions that a hospital must meet to participate in the Medicare program, the scope of covered services, and the conditions for Medicare payment for hospitals.

Generally, to enter into an agreement, a hospital must first be certified by a State survey agency as complying with the conditions or requirements set forth in part 482. Thereafter, the hospital is subject to regular surveys by a State survey agency to determine whether it continues to meet these requirements. However, there is an alternative to surveys by State agencies. Certification by a nationally recognized accreditation program can substitute for ongoing State review.

Section 1865(a)(1) of the Act provides that, if a provider entity demonstrates through accreditation by an approved national accrediting organization (AO) that all applicable Medicare conditions are met or exceeded, we will deem that provider entity as having met the requirements. Accreditation by an AO is voluntary and is not required for Medicare participation.

If an AO is recognized by the Secretary as having standards for accreditation that meet or exceed Medicare requirements, any provider entity accredited by the national accrediting body's approved program would be deemed to have met the Medicare conditions. A national AO applying for approval of its accreditation program under part 488, subpart A, must provide CMS with reasonable assurance that the AO requires the accredited provider entities to meet requirements that are at least as stringent as the Medicare conditions. Our regulations concerning the approval of AOs are set forth at § 488.4 and § 488.8(d)(3). The regulations at § 488.8(d)(3) require AOs to reapply for continued approval of their accreditation program every 6 years, or sooner, as determined by CMS.

**II. Application Approval Process**

Section 1865(a)(3)(A) of the Act provides a statutory timetable to ensure that our review of applications for CMS approval of an accreditation program is conducted in a timely manner. The Act provides us 210 days after the date of receipt of a complete application, with any documentation necessary to make the determination, to complete our survey activities and application process. Within 60 days after receiving a complete application, we must publish a notice in the **Federal Register** that identifies the national accrediting body making the request, describes the request, and provides no less than a 30-day public comment period. At the end of the 210-day period, we must publish a notice in the **Federal Register** approving or denying the application.

**III. Provisions of the Proposed Notice**

On February 22, 2013, we published a proposed notice in the **Federal Register** (78 FR 12325) announcing CIHQ's request for approval of its hospital accreditation program. In the proposed notice, we detailed our evaluation criteria. Under section 1865(a)(2) of the Act, and in our regulations at § 488.4 and § 488.8, we conducted a review of CIHQ's application in accordance with the criteria specified by our regulations,

which include, but are not limited to, the following:

- An onsite administrative review of CIHQ's: (1) Corporate policies; (2) financial and human resources available to accomplish the proposed surveys; (3) procedures for training, monitoring, and evaluation of its surveyors; (4) ability to investigate and respond appropriately to complaints against accredited facilities; and, (5) survey review and decision-making process for accreditation.

- The comparison of CIHQ's accreditation to our current Medicare hospital conditions of participation.

- A documentation review of CIHQ's survey process to determine the following:

- ++ Determine the composition of the survey team, surveyor qualifications, and CIHQ's ability to provide continuing surveyor training.

- ++ Compare CIHQ's processes to those of State survey agencies, including survey frequency, and the ability to investigate and respond appropriately to complaints against accredited facilities.

- ++ Evaluate CIHQ's procedures for monitoring hospitals out of compliance with CIHQ's program requirements. The monitoring procedures are used only when CIHQ identifies noncompliance. If noncompliance is identified through validation reviews, the State survey agency monitors corrections as specified at § 488.7(d).

- ++ Assess CIHQ's ability to report deficiencies to the surveyed facilities and respond to the facility's plan of correction in a timely manner.

- ++ Establish CIHQ's ability to provide CMS with electronic data and reports necessary for effective validation and assessment of the organization's survey process.

- ++ Determine the adequacy of staff and other resources.

- ++ Confirm CIHQ's ability to provide adequate funding for performing required surveys.

- ++ Confirm CIHQ's policies with respect to whether surveys are announced or unannounced.

- ++ Obtain CIHQ's agreement to provide CMS with a copy of the most current accreditation survey together with any other information related to the survey as we may require, including corrective action plans.

In accordance with section 1865(a)(3)(A) of the Act, the February 22, 2013 proposed notice also solicited public comments regarding whether CIHQ's requirements met or exceeded the Medicare conditions of participation for hospitals. We received 56 comments in response to our proposed notice. The commenters expressed unanimous support for CIHQ's hospital