

**AMENDMENT NUMBER TWO
TO THE EMERGENCY CONTRACTUAL AGREEMENT BETWEEN
THE DIVISION OF MEDICAID
IN THE OFFICE OF THE GOVERNOR
AND
MAGNOLIA HEALTH PLAN, INC.
A CARE COORDINATION ORGANIZATION (CCO)**

(Mississippi Coordinated Access Network (MSCAN) Program)

THIS AMENDMENT NUMBER TWO modifies, revises, and amends the Emergency Contract entered into by and between the **Division of Medicaid in the Office of the Governor**, an administrative agency of the **State of Mississippi** (hereinafter "DOM" or "Division"), and **Magnolia Health Plan, Inc.** (hereinafter "CCO" or "Contractor") and collectively hereinafter referenced as the "Parties."

WHEREAS, DOM is charged with the administration of the Mississippi State Plan for Medical Assistance in accordance with the requirements of Title XIX of the Social Security Act of 1935, as amended, and Miss. Code Ann. § 43-13-101, *et seq.*, (1972, as amended);

WHEREAS, CCO is an entity eligible to enter into a comprehensive risk contract in accordance with Section 1903(m) of the Social Security Act and 42 CFR § 438.3(b) and is engaged in the business of providing prepaid comprehensive health care services as defined in 42 CFR § 438.2. The CCO is licensed appropriately as defined by the Department of Insurance of the State of Mississippi pursuant to Miss. Code Ann. § 83-41-305 (1972, as amended);

WHEREAS, through its written determination to the Mississippi Public Procurement Review Board (PPRB) Office of Personal Service Contract Review (OPSCR), DOM identified the continuing need for MSCAN Program Services to Medicaid beneficiaries on an emergency basis with the aforementioned Contractor pursuant to Sections 3-207 and 7-111 of PPRB OPSCR Rules and Regulations;

WHEREAS, DOM entered into a full risk capitated contract (herein referenced as "Previous Contract") with Contractor on July 1, 2017 for Contractor to provide prepaid comprehensive health care services pursuant to state and federal requirements;

WHEREAS, the original term of the Previous Contract began on July 1, 2017 and ended on June 30, 2023 with no further options for renewal;

WHEREAS, the Parties hereby agree that the Previous Contract and subsequent Amendments 1 through 15, as agreed to by the Parties, are hereby incorporated into this Emergency Contract as referenced herein as Attachment A;

WHEREAS, on December 10, 2021, DOM issued a Request for Qualifications No. 20211210 (RFQ) from qualified offerors to provide services for the statewide administration of DOM's Coordinated Care Organization Program consisting of the Mississippi Coordinated Access Network (MSCAN) and the Mississippi Children's Health Insurance Program (CHIP) for continued services to begin July 1, 2023;

WHEREAS, DOM received five (5) responses to the RFQ and on August 10, 2022 issued its Notice of Intent to Award to three (3) offerors;

WHEREAS, on August 17, 2022, DOM received protests of the Notice of Intent to Award from two (2) offerors not selected for award. Since that date, DOM and the five (5) RFQ offerors have been involved with Protective Order actions in Hinds County Chancery which are now resolved;

WHEREAS, on March 1, 2023, PPRB approved an exception to PPRB OPSCR Rules and Regulations Section 3-102.02 to stay the expiration of the RFQ until such time that a contract may be awarded pending the outcome of the administrative protest process;

WHEREAS, on June 2, 2023 DOM issued its recommendation denying protests of the two (2) offerors not selected for award;

WHEREAS, on June 9, 2023 the two (2) offerors not selected for award respectively filed their appeals of DOM's June 2, 2023 recommendation with PPRB. PPRB has not set a hearing date for the protest appeal and has not made a final determination on the same;

WHEREAS, on July 1, 2023 DOM and CCO entered into an emergency contract ("MSCAN SFY24 Emergency Contract") for continuation of federally required MSCAN Program Services;

WHEREAS, considering the pendency of the administrative PPRB protest process and the continuing need for federally required MSCAN Program Services to Medicaid beneficiaries, standard maintenance of the Emergency Contract and its components is necessary to maintain compliance with CMS regulations through the duration of Emergency Contract MSCAN Program Services;

WHEREAS, in order to comply with CMS requirements regarding management of capitation rates paid to its Managed Care contractors, DOM amended the capitation rates within the MSCAN SFY 24 Emergency Contract pursuant to 42 CFR §438.3(c) and amended other substantive provisions relative to the updated capitation rates and other financial components through Amendment No. 1;

WHEREAS, pursuant to guidance from CMS, the parties hereby agree to amend the MSCAN SFY24 Emergency Contract through this Amendment No. 2 to address MSCAN member access to Hemophilia Treatment Centers; and,

WHEREAS, pursuant to Sections 1.B and Section 17.M.1 of the Previous Contract, no modification or change to any provision of the Contract shall be made unless it is mutually

agreed upon in writing by both parties and is signed by a duly authorized representative of the CCO and DOM as an amendment to the Contract, and such amendments shall be effective upon execution and approval.

NOW, THEREFORE, in consideration of the foregoing recitals and of the mutual promises contained herein, DOM and CCO agree the MSCAN SFY24 Emergency Contract is amended as follows to address the respective provision in the Previous Contract:

1. Section 7.B., PROVIDER NETWORK – Provider Network Requirements, is hereby amended to add the following new provision:

10. Hemophilia Treatment Centers (HTC)

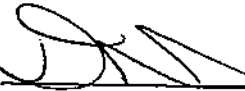
The Affordable Care Act specifies that entities covered under section 340B(a)(4) of the Public Health Services Act, which includes federally recognized Hemophilia Treatment Centers (HTC), be designated as essential community providers and that designation requires that qualified health plan networks to include HTCs. HTCs with 340B programs integrate clinical and pharmacy services to provide comprehensive high-quality care to patients and closely monitor drug utilization, allowing for more immediate changes in treatment and better management of treatment costs. The National Hemophilia Program administered by the Health Resources & Services (HRSA) provides grants that help establish and maintain regional networks of HTCs across the United States. These HTCs provide comprehensive services. The HTC in Mississippi is the Mississippi Center for Advanced Medicine. Therefore, the Contractor, as well as the Division of Medicaid (DOM) shall include the HTCs in their provider networks.

All other language not modified as stated herein for Section 7.B shall remain unchanged and in full force and effect.

All other terms, conditions, and provisions set out in the Original SFY24 Emergency Contract and Amendment 1 to the Original SFY24 Emergency Contract, other than those modified and amended herein, remain in full force and effect for the duration of the SFY24 Emergency Contract.

IN WITNESS WHEREOF, the parties have executed this Amendment Number Two by their duly authorized representatives as follows:

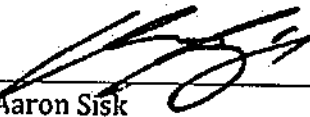
Mississippi Division of Medicaid

By: 

Drew L. Snyder
Executive Director

Date: 1/18/2024

Magnolia Health Plan, Inc.

By: 

Aaron Sisk
President & Chief Executive Officer

Date: 01/11/2024

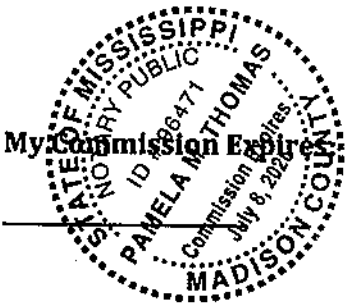
STATE OF MISSISSIPPI
COUNTY OF Madison

THIS DAY personally came and appeared before me, the undersigned authority, in and for the aforesaid jurisdiction, the within named, **Drew L. Snyder**, in his official capacity as the duly appointed **Executive Director of the Division of Medicaid in the Office of the Governor**, an administrative agency of the **State of Mississippi**, who acknowledged to me, being first duly authorized by said agency that he signed and delivered the above and foregoing written **Amendment Number Two** for and on behalf of said agency and as its official act and deed on the day and year therein mentioned.

GIVEN under my hand and official seal of office on this the 18th day of January, A.D., 2024.

NOTARY PUBLIC

Pamela M. Thomas



STATE OF Mississippi
COUNTY OF Hinds

THIS DAY personally came and appeared before me, the undersigned authority, in and for the aforesaid jurisdiction, the within named, **Aaron Sisk**, in his respective capacity as the **President and Chief Executive Officer of Magnolia Health Plan, Inc.**, a corporation authorized to do business in Mississippi, who acknowledged to me, being first duly authorized by said corporation that he signed and delivered the above and foregoing written **Amendment Number Two** for and on behalf of said corporation and as its official act and deed on the day and year therein mentioned.

GIVEN under my hand and official seal of office on this the 11th day of January, A.D., 2024.

NOTARY PUBLIC

Angela C. Bates

