

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
7500 Security Boulevard, Mail Stop S2-01-16
Baltimore, Maryland 21244-1850



Children and Adults Health Programs Group

July 10, 2013

Stephanie Nadeau
Director
MaineCare Services
Department of Health and Human Services
11 State House Station
Augusta, ME 04333-0011

Dear Ms. Nadeau:

Thank you for your recent request to extend Maine's section 1115 demonstration (Project Number 11-W-00128/1) for individuals with human immunodeficiency virus infection/acquired immunodeficiency syndrome (HIV/AIDS). The Centers for Medicare & Medicaid Services (CMS) received your extension request on June 25, 2013. After completing a preliminary review of your extension request we have determined that the state's extension request has not met the requirements for a complete extension request as specified under section 42 CFR 431.412(c).

We have included the specific elements we identified during the review as missing in the enclosure. Specifically, at time of submission, the state did not provide an evaluation report of the demonstration and plans for evaluation activities during the extension period and did not indicate whether the same waiver and expenditure authorities were being requested. The state has also not fulfilled the public notice requirements. Section 42 CFR 431.408 provides specific guidance for the public notice process such as providing the renewal application for public view and comment and utilizing telephonic and/or web conference capabilities for one of two public hearings.

As stated in the CMS final rule and the guidance on transparency in section 1115 demonstration projects issued on April 27, 2012, these items must be present in order for CMS to determine that the request is complete. Once an extension request has been determined complete, CMS can begin the official review process, including initiation of the 30-day federal public comment period. At this time, we will not be able to begin our 30-day federal public comment and notice process as specified under 42 CFR 431.416(b). Once we receive a revised extension request that includes the missing elements, or explains how the current request addresses the missing element, we will conduct another preliminary review to determine if the revised request is complete. We will notify you of our determination no later than 15 days after receipt of your revised extension request.

We look forward to our continuing work with you and your staff, and are available to provide technical assistance as you revise the state's extension request. If you have additional questions or concerns, please feel free to contact me directly or your Project Officer, Wakina Scott at (410) 786-0921, or at Wakina.Scott@cms.hhs.gov.

Sincerely,

/s/

Diane T. Gerrits
Director
Division of State Demonstrations and Waivers

Enclosure

cc: Jennifer Ryan, Acting Director, Children and Adults Health Programs Group, CMCS
Richard McGreal, ARA, Boston Regional Office

Request to Extend Maine's Section 1115 Demonstration for Individuals with HIV/AIDS
Elements needed for "Complete" Extension Request

Specifically, the state did not include the following elements in its extension request:

1. Specific waiver and expenditure authorities or statement that the same waivers and authorities will apply to the extension period (42 C.F.R. 431.412(c)(2)(iii))
2. Evaluation report and plans for evaluation activities during the extension period (42 C.F.R. 431.412(c)(vi));
3. Documentation of the state's compliance with the public notice process (42 C.F.R. 431.412(c)(vii)); and
4. Tribal consultation (42 CFR 431.408) (more detail needed).