

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



State Demonstrations Group

JAN 13 2017

Meghan Peel
TPA Program Supervisor
Montana Department of Public Health and Human Services
111 North Sanders, P.O. Box 4210
Helena, MT 59604

Dear Ms. Peel:

Thank you for your recent request to extend the Montana Plan First section 1115 family planning demonstration (project no. 11-W-00276/8). The Centers for Medicare & Medicaid Services (CMS) received your extension request on December 30, 2016. We have completed a preliminary review of your extension request in accordance with the April 27, 2012 CMS Final Rule on transparency and public notice procedures for section 1115 demonstration projects and determined that the state's application does not meet the requirements for a complete extension request as specified under section 42 C.F.R. §431.412(c).

The specific elements that are missing from the state's extension application that are needed in order for CMS to determine that the request is complete are outlined in the attached enclosure. At this time, CMS will not begin our 30-day federal public comment and notice process as specified under 42 C.F.R. §431.416(b). When the state submits a revised extension application that includes the missing elements as described in the enclosure, after completion of another minimum 30-day public comment period, CMS will conduct another preliminary review to determine if the revised request is complete in accordance with the requirements at 42 C.F.R. §431.416(a).

We look forward to working with you and your staff, and are available to provide technical assistance as you revise the state's extension application. If you have additional questions or concerns, please contact your project officer Patricia Hansen, Division of State Demonstrations and Waivers, at (410) 786-4252, or at Patricia.Hansen@cms.hhs.gov.

Sincerely,

A black rectangular redaction box covers the signature of Kim Howell.

Kim Howell
Director
Division of State Demonstrations & Waivers

Enclosure

cc: Richard Allen, Associate Regional Administrator, CMS Denver Region
Barbara Prehmuš, Montana State Lead, CMS Denver Region

ENCLOSURE

Elements Needed for “Complete” Section 1115 Demonstration Extension Request

The state did not include the following elements in its extension application:

1. Historical Narrative of Demonstration (42 C.F.R. §431.412(c)(2)(1)).
The state must include a historical narrative summary of the demonstration that includes the objectives set forth at the time the demonstration was approved, evidence of how these objectives have or have not been met, and the future goals of the program.
2. Quality Reports and Assurance Monitoring (42 C.F.R. §421.412(c)(2)(iv)).
The state must include summaries of External Quality Review Organization (EQRO) reports, managed care organization (MCO), State quality assurance monitoring, and/or any other documentation of the quality of and access to care provided under the demonstration.
3. Research and Evaluation (42 C.F.R. §431.412(c)(2)(vi)).
The state must include the latest evaluation report of the demonstration, inclusive of evaluation activities and findings to date and plans for evaluation activities during the extension period. In review of Attachment C of the application, the state provided an interim evaluation design with some performance statistics but this does not appear to be a full evaluation report as required. It was also unclear whether the evaluation design is for the current approval period or being proposed for the requested extension period. The state's application should clearly distinguish between the evaluation activities implemented and associated findings to date and the state's plan for evaluation activities during the requested extension period.
4. Documentation of Public Notice Requirements in 431.408 (42 C.F.R. §431.412(c)(2)(vii)).
 - a. The state's application did not include any information on how the state followed the public notice requirements at 42 C.F.R. §431.408. While the state submitted copies of tribal letters and newspaper notices, the state's application does not describe its overall state public notice process for meeting the minimum requirements in §431.408 such as did the state utilize an electronic mailing list, how did the state communicate information on web conference capabilities for the 10/5/16 public hearing, and how the state met all tribal consultation requirements.
 - b. In review of the state's website where it provided public notice of the demonstration, the state did not post the full extension application for public notice and comment. The extension application posted on Montana's website does not include Attachments A – D as the state indicates on page 20 is included in the application.
 - c. The state's public notice did not include an estimate of the expected increase or decrease in annual enrollment, and in annual aggregate expenditures, including

historic enrollment or budgetary data as required by 42 C.F.R. §431.408(a)(1)(i)(C).

- d. The state's application did not include a report of the issues raised during its 30-day public comment process and how the state considered the issues raised. While the state submitted a copy of one public comment and abbreviated minutes from the two state public hearings, it is unclear whether this is the totality of the public comments received, inclusive of any comments from Federally-recognized tribes, and how the state considered these comments in developing the application submitted to CMS.
5. Documentation of the post-award public input process required by 42 C.F.R. §431.420(c) (42 C.F.R. §431.412(c)(2)(vii)).
The state's application did not include documentation of the how the state complied with the annual post-award public input process as described in this subsection.