

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
7500 Security Boulevard, Mail Stop S2-25-26
Baltimore, Maryland 21244-1850



State Demonstrations Group

August 26, 2020

Henry Lipman
State Medicaid Director
Office of Medicaid Business and Policy
New Hampshire Department of Health and Human Services
129 Pleasant Street
Concord, NH 03301-6521

Dear Mr. Lipman:

Thank you for your request to amend New Hampshire's section 1115(a) demonstration, titled "Substance Use Disorder Treatment and Recovery Access" (Project Number: 11-W-00321/1). The Centers for Medicare & Medicaid Services (CMS) received New Hampshire's request on August 21, 2020. We have completed a preliminary review of your request in accordance with the requirements of Special Term and Condition (STC) #7 and have determined that the state's application meets these requirements for a complete application.

In light of the national public health emergency concerning COVID-19 and statewide social distancing guidance to prevent its spread, a teleconference meeting was held on August 10, 2020 to solicit feedback on the state's proposal. This meeting was permissible through CMS' authority under 42 CFR 431.416(g)(2) which allows a state to depart from normal public notice procedures due to the unforeseen nature of the public health emergency. Under section 431.416(g)(3), in order for a state to receive an exemption under section 431.416(g)(2), the state must meet three criteria: (i) the state must be acting in good faith, and in a diligent, timely, and prudent manner; (ii) the circumstances must constitute an emergency that could not have been reasonably foreseen; and (iii) it must be the case that a delay would undermine or compromise the purpose of the demonstration and be contrary to the interests of beneficiaries. CMS has determined that the state has met these criteria.

New Hampshire's amendment application will be posted on Medicaid.gov and the comment period will last 30 days in accordance with 42 CFR 431.416(b). The state's application will be available at: https://www.medicaid.gov/medicaid/section-1115-demo/demonstration-and-waiver-list/waivers_faceted.html.

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We look forward to working with you and your staff on the review of this demonstration amendment. If you have any questions, please contact your CMS project officer, Ms. Kathleen O'Malley, at Kathleen.OMalley@cms.hhs.gov.

Sincerely,

Angela D. Garner
Director
Division of System Reform Demonstrations

cc: Joyce Butterworth, State Lead, Medicaid and CHIP Operations Group