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State/Territory Name:   New Hampshire

State Plan Amendment (SPA) #: 22-0006

This file contains the following documents in the order listed:

1) Approval Letter
2) Summary Form (with 179-like data)
3) Approved SPA Pages
May 9, 2022

Lori Shbinette RN, MBA, NHA
Commissioner
Department of Health and Human Services
Pleasant St.
Concord, NH 03301

Re: New Hampshire State Plan Amendment (SPA)

Dear Commissioner Shbinette:

The Centers for Medicare & Medicaid Services (CMS) reviewed your Medicaid State Plan Amendment (SPA) submitted under transmittal number (TN) 22-0006. This amendment proposes to amend the Title XIX State Plan to provide assurance regarding coverage of routine patient costs associated with participation in qualifying clinical trials on or after January 1, 2022.

We conducted our review of your submittal according to statutory requirements in Title XIX of the Social Security Act (SSA) and Section 1905(a)(30) of the SSA. This letter is to inform you that New Hampshire’s Medicaid SPA Transmittal Number 22-0006 was approved on May 5, 2022 with an effective day of January 1, 2022.

If you have any questions, please contact Joyce Butterworth at 857-338-0554 or via email at Joyce.Butterworth@cms.hhs.gov.

Sincerely,

James G. Scott, Director
Division of Program Operations

cc: Henry Lipman, State Medicaid Director
    Dawn Landry, Medicaid Business and Policy
TRANSMITTAL AND NOTICE OF APPROVAL OF STATE PLAN MATERIAL
FOR: CENTERS FOR MEDICARE & MEDICAID SERVICES

TO: CENTER DIRECTOR
CENTERS FOR MEDICAID & CHIP SERVICES
DEPARTMENT OF HEALTH AND HUMAN SERVICES

4. PROPOSED EFFECTIVE DATE
January 1, 2022

5. FEDERAL STATUTE/REGULATION CITATION
Section 1905(a)(30) of the SSA

6. FEDERAL BUDGET IMPACT (Amounts in WHOLE dollars)
   a. FFY 2022 $ 0
   b. FFY 2023 $ 0

7. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT
   Attachment 3.1-A, Page 12
   Attachment 3.1-B, Page 12
   Attachment 4.19-B, Page 7.1

8. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (If Applicable)
   N/A, new page
   N/A, new page
   N/A, new page

9. SUBJECT OF AMENDMENT
Mandatory Clinical Trials Benefit

10. GOVERNOR’S REVIEW (Check One)
   ☐ GOVERNOR’S OFFICE REPORTED NO COMMENT
   ☐ COMMENTS OF GOVERNOR’S OFFICE ENCLOSED
   ☐ NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL

   ☐ OTHER, AS SPECIFIED:

   Governor’s Review:
   Comments, if any, will follow.

Ann H. Landry
13. TITLE
Associate Commissioner
14. DATE SUBMITTED
3-28-22

FOR CMS USE ONLY

15. RETURN TO
Janine Corbett
Division of Medicaid Services - Brown Building
129 Pleasant Street
Concord, NH 03301

16. DATE RECEIVED
03/28/2022
17. DATE APPROVED
06/05/2022

18. EFFECTIVE DATE OF APPROVED MATERIAL
01/01/2022
19. SIGNATURE OF APPROVING OFFICIAL

20. TYPED NAME OF APPROVING OFFICIAL
James G. Scott
21. TITLE OF APPROVING OFFICIAL
Director
Division of Program Operations
State/Territory: New Hampshire

AMOUNT, DURATION AND SCOPE OF SERVICES PROVIDED

CATEGORICALLY NEEDY GROUP(S)

30. Coverage of Routine Patient Cost in Qualifying Clinical Trials

*The state needs to check each assurance below.

Provided: X

I. General Assurances:

Routine Patient Cost – Section 1905(gg)(1)

X Coverage of routine patient cost for items and services as defined in section 1905(gg)(1) that are furnished in connection with participation in a qualified clinical trial.

Qualifying Clinical Trial – Section 1905(gg)(2)

X A qualified clinical trial is a clinical trial that meets the definition at section 1905(gg)(2).

Coverage Determination – Section 1905(gg)(3)

X A determination with respect to coverage for an individual participating in a qualified clinical trial will be made in accordance with section 1905(gg)(3).

PRA Disclosure Statement - This information is being collected to assist the Centers for Medicare & Medicaid Services in implementing Section 210 of the Consolidated Appropriations Act of 2021 amending section 1905(a) of the Social Security Act (the Act), by adding a new mandatory benefit at section 1905(a)(30). Section 210 mandates coverage of routine patient services and costs furnished in connection with participation by Medicaid beneficiaries in qualifying clinical trials effective January 1, 2022. Section 210 also amended sections 1902(a)(10)(A) and 1937(b)(5) of the Act to make coverage of this new benefit mandatory under the state plan and any benchmark or benchmark equivalent coverage (also referred to as alternative benefit plans, or ABPs). Under the Privacy Act of 1974 any personally identifying information obtained will be kept private to the extent of the law. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. The OMB control number for this project is 0938-1148 (CMS-10398 #74). Public burden for all of the collection of information requirements under this control number is estimated to take about 56 hours per response. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to CMS, 7500 Security Boulevard, Attn: Paperwork Reduction Act Reports Clearance Officer, Mail Stop C4-26-05, Baltimore, Maryland 21244-1850.

TN: 22-0006          Approval Date: 05/05/2022

Supersedes TN: n/a, new page        Effective Date: 01/01/2022
State/Territory: New Hampshire

AMOUNT, DURATION AND SCOPE OF SERVICES PROVIDED

CATEGORICALLY NEEDY GROUP(S)

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Provided: X

I. General Assurances:

Routine Patient Cost – Section 1905(gg)(1)

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Qualifying Clinical Trial – Section 1905(gg)(2)

X A qualified clinical trial is a clinical trial that meets the definition at section 1905(gg)(2).

Coverage Determination – Section 1905(gg)(3)

X A determination with respect to coverage for an individual participating in a qualified clinical trial will be made in accordance with section 1905(gg)(3).

PRA Disclosure Statement - This information is being collected to assist the Centers for Medicare & Medicaid Services in implementing Section 210 of the Consolidated Appropriations Act of 2021 amending section 1905(a) of the Social Security Act (the Act), by adding a new mandatory benefit at section 1905(a)(30). Section 210 mandates coverage of routine patient services and costs furnished in connection with participation by Medicaid beneficiaries in qualifying clinical trials effective January 1, 2022. Section 210 also amended sections 1902(a)(10)(A) and 1937(b)(3) of the Act to make coverage of this new benefit mandatory under the state plan and any benchmark or benchmark equivalent coverage (also referred to as alternative benefit plans, or ABPs). Under the Privacy Act of 1974 any personally identifying information obtained will be kept private to the extent of the law. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. The OMB control number for this project is 0938-1148 (CMS-10398 #74). Public burden for all of the collection of information requirements under this control number is estimated to take about 56 hours per response. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to CMS, 7500 Security Boulevard, Attn: Paperwork Reduction Act Reports Clearance Officer, Mail Stop C4-26-05, Baltimore, Maryland 21244-1850.

TN: 22-0006 Approval Date: 05/05/2022

Supersedes TN: n/a, new page Effective Date: 01/01/2022
30. Coverage of Routine Patient Cost in Qualifying Clinical Trials

1905(a)(30) and 1905(gg) Qualifying Clinical Trials

Coverage of routine patient cost for items and services as defined in section 1905(gg)(1) that are furnished in connection with participation in a qualifying clinical trial will be reimbursed according to the methodologies described in various entries in the State Plan. All fee schedules are accessible at www.nhmmis.nh.gov, under the “documents and forms” tab under “documentation,” and are applicable to all public and private providers.