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State/Territory Name: New Hampshire

State Plan Amendment (SPA) #: 22-0012

This file contains the following documents in the order listed:

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- 3) Approved SPA Pages

DEPARTMENT OF HEALTH & HUMAN SERVICES Centers for Medicare & Medicaid Services 7500 Security Boulevard, Mail Stop S2-26-12 Baltimore, Maryland 21244-1850



March 09, 2022

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

Re: New Hampshire State Plan Amendment (SPA) 22-0012

Dear Commissioner Shibinette:

We have reviewed the proposed amendment to add section 7.4 Medicaid Disaster Relief for the COVID-19 National Emergency to your Medicaid state plan, as submitted under transmittal number (TN) 22-0012. This amendment proposes to implement temporary policies, which are different from those policies and procedures otherwise applied under your Medicaid state plan, during the period of the Presidential and Secretarial emergency declarations related to the COVID-19 outbreak (or any renewals thereof).

On March 13, 2020, the President of the United States issued a proclamation that the COVID-19 outbreak in the United States constitutes a national emergency by the authorities vested in him by the Constitution and the laws of the United States, including sections 201 and 301 of the National Emergencies Act (50 U.S.C. 1601 et seq.), and consistent with section 1135 of the Social Security Act (Act). On March 13, 2020, pursuant to section 1135(b) of the Act, the Secretary of the United States Department of Health and Human Services invoked his authority to waive or modify certain requirements of titles XVIII, XIX, and XXI of the Act as a result of the consequences of the COVID-19 pandemic, to the extent necessary, as determined by the Centers for Medicare & Medicaid Services (CMS), to ensure that sufficient health care items and services are available to meet the needs of individuals enrolled in the respective programs and to ensure that health care providers that furnish such items and services in good faith, but are unable to comply with one or more of such requirements as a result of the COVID-19 pandemic, may be reimbursed for such items and services and exempted from sanctions for such noncompliance, absent any determination of fraud or abuse. This authority took effect as of 6PM Eastern Standard Time on March 15, 2020, with a retroactive effective date of March 1, 2020. The emergency period will terminate, and this state plan provision will no longer be in effect, upon termination of the public health emergency, including any extensions.

Pursuant to section 1135(b)(5) of the Act, for the period of the public health emergency, CMS is modifying the requirement at 42 C.F.R. 430.20 that the state submit SPAs related to the COVID-19 public health emergency by the final day of the quarter, to obtain a SPA effective date during the quarter, enabling SPAs submitted after the last day of the quarter to have an effective date in a previous quarter, but no earlier than the effective date of the public health emergency.

The State of New Hampshire also requested a waiver of public notice requirements applicable to the SPA submission process. Pursuant to section 1135(b)(1)(C) of the Act, CMS is waiving public notice requirements applicable to the SPA submission process. Public notice for SPAs is required under 42 C.F.R. §447.205 for changes in statewide methods and standards for setting Medicaid payment rates, 42 C.F.R. §447.57 for changes to premiums and cost sharing, and 42 C.F.R. §440.386 for changes to Alternative Benefit Plans (ABPs). Pursuant to section 1135(b)(1)(C) of the Act, CMS is approving the state's request to waive these notice requirements otherwise applicable to SPA submissions.

These waivers of the requirements related to SPA submission timelines and public notice apply only with respect to SPAs that meet the following criteria: (1) the SPA provides or increases beneficiary access to items and services related to COVID-19 (such as by waiving or eliminating cost sharing, increasing payment rates or amending ABPs to add services or providers); (2) the SPA does not restrict or limit payment or services or otherwise burden beneficiaries and providers; and (3) the SPA is temporary, with a specified sunset date that is not later than the last day of the declared COVID-19 public health emergency (or any extension thereof). We nonetheless encourage states to make all relevant information about the SPA available to the public so they are aware of the changes.

We conducted our review of your submittal according to the statutory requirements at section 1902(a) of the Act and implementing regulations. This letter is to inform you that New Hampshire's Medicaid SPA Transmittal Number 22-0012 is approved effective September 27, 2021. This SPA is in addition to the other Disaster Relief SPAs approved for New Hampshire and does not supersede anything approved in those SPAs.

Enclosed is a copy of the CMS-179 summary form and the approved state plan pages.

Please contact Joyce Butterworth at 857-338-0554 or by email at Joyce Butterworth if you have any questions about this approval. We appreciate the efforts of you and your staff in

responding to the needs of the residents of the State of New Hampshire and the health care community.

Sincerely,

Alissa M.
Deboy -S
Deboy -S
Date: 2022.03.09
08:46:15 -05'00'

Alissa Mooney DeBoy On Behalf of Anne Marie Costello, Deputy Director Center for Medicaid and CHIP Services

Enclosures

CENTERS FOR MEDICARE & MEDICAID SERVICES	
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 5. FEDERAL STATUTE/REGULATION CITATION 42 CFR 447, 42 CFR 440.130 7. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT Section 7.4 (Payments section) pages 64-73	2 2 - 0 0 1 2 NH
9. SUBJECT OF AMENDMENT Enhanced rate for intensive ISO foster care	
10. GOVERNOR'S REVIEW (Check One) GOVERNOR'S OFFICE REPORTED NO COMMENT COMMENTS OF GOVERNOR'S OFFICE ENCLOSED THIN 45 DAYS OF SUBMITTAL	OTHER, AS SPECIFIED:
1 DY OFFICIAL Ann H. Landry 13. TITLE Associate Commissioner 14. DATE SUBMITTED -13 - 22-	15. RETURN TO Janine Corbett Division of Medicaid Services - Brown Building Department of Health and Human Services 129 Pleasant Street Concord, NH 03301
	JSE ONLY
16. DATE RECEIVED January 13, 2022	17. DATE APPROVED March 09, 2022
PLAN APPROVED - O	NE COPY ATTACHED
18. EFFECTIVE DATE OF APPROVED MATERIAL September 27, 2021	19. SIGNATURE OF APPROVING OFFICIAL Deboy -S Date: 2022.03.09 08:46:39 -05'00'
20. TYPED NAME OF APPROVING OFFICIAL Alissa Mooney DeBoy	21. TITLE OF APPROVING OFFICIAL On Behalf of Anne Marie Costello, Deputy Director Center for Medicaid and CHIP Services

Box 7 pen and ink change to add "pages 64-73."

22. REMARKS

Section 7 – General Provisions 7.4. Medicaid Disaster Relief for the COVID-19 National Emergency

On March 13, 2020, the President of the United States issued a proclamation that the COVID-19 outbreak in the United States constitutes a national emergency by the authorities vested in him by the Constitution and the laws of the United States, including sections 201 and 301 of the National Emergencies Act (50 U.S.C. 1601 et seq.), and consistent with section 1135 of the Social Security Act (Act). On March 13, 2020, pursuant to section 1135(b) of the Act, the Secretary of the United States Department of Health and Human Services invoked his authority to waive or modify certain requirements of titles XVIII, XIX, and XXI of the Act as a result of the consequences COVID-19 pandemic, to the extent necessary, as determined by the Centers for Medicare & Medicaid Services (CMS), to ensure that sufficient health care items and services are available to meet the needs of individuals enrolled in the respective programs and to ensure that health care providers that furnish such items and services in good faith, but are unable to comply with one or more of such requirements as a result of the COVID-19 pandemic, may be reimbursed for such items and services and exempted from sanctions for such noncompliance, absent any determination of fraud or abuse. This authority took effect as of 6PM Eastern Standard Time on March 15, 2020, with a retroactive effective date of March 1, 2020. The emergency period will terminate, and waivers will no longer be available, upon termination of the public health emergency, including any extensions.

The State Medicaid agency (agency) seeks to implement the policies and procedures described below, which are different than the policies and procedures otherwise applied under the Medicaid state plan, during the period of the Presidential and Secretarial emergency declarations related to the COVID-19 outbreak (or any renewals thereof), or for any shorter period described below:

Describe shorter period here.

NH requests this SPA to be effective from September 27, 2021 to the end of the PHE.

NOTE: States may not elect a period longer than the Presidential or Secretarial emergency declaration (or any renewal thereof). States may not propose changes on this template that restrict or limit payment, services, or eligibility, or otherwise burden beneficiaries and providers.

Request for Waivers under Section 1135

<u>x</u>	_ The ag	ency seeks the following under section 1135(b)(1)(C) and/or section 1135(b)(5) of the Act:
	a.	x SPA submission requirements – the agency requests modification of the requirement to submit the SPA by March 31, 2020, to obtain a SPA effective date during the first calendar quarter of 2020, pursuant to 42 CFR 430.20.
	b.	<u>x</u> Public notice requirements – the agency requests waiver of public notice requirements that would otherwise be applicable to this SPA submission. These

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		·	ified in 42 CFR 440.386 (Alternative Benefit Plans), sharing), and 42 CFR 447.205 (public notice of andards for setting payment rates).
	C.		ts – the agency requests modification of tribal sert name of state] Medicaid state plan, as
		Please describe the modifications to th	ne timeline.
Section A	ı – Eliş	ibility	
d o	escrib ption	ed in section 1902(a)(10)(A)(ii) or 1902	e to the following optional groups of individuals (a)(10)(c) of the Act. This may include the new 0)(A)(ii)(XXIII) and 1902(ss) of the Act providing
_		The agency furnishes medical assistance ed in section 1902(a)(10)(A)(ii)(XX) of t	e to the following populations of individuals he Act and 42 CFR 435.218:
	a.	All individuals who are describe	ed in section 1905(a)(10)(A)(ii)(XX)
		Income standard:	
		-or-	
	b.	Individuals described in the foll of the Act:	owing categorical populations in section 1905(a)
	'	Income standard:	
3. <u> </u>			ncial methodologies to individuals excepted from ljusted gross income (MAGI) as follows.
L	ess re	strictive income methodologies:	
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	Less restrictive resource methodologies:
4.	The agency considers individuals who are evacuated from the state, who leave the state for medical reasons related to the disaster or public health emergency, or who are otherwise absent from the state due to the disaster or public health emergency and who intend to return to the state, to continue to be residents of the state under 42 CFR 435.403(j)(3).
5.	The agency provides Medicaid coverage to the following individuals living in the state, who are non-residents:
6.	The agency provides for an extension of the reasonable opportunity period for non-citizens declaring to be in a satisfactory immigration status, if the non-citizen is making a good faith effort to resolve any inconsistences or obtain any necessary documentation, or the agency is unable to complete the verification process within the 90-day reasonable opportunity period due to the disaster or public health emergency.
Section	n B – Enrollment
1.	The agency elects to allow hospitals to make presumptive eligibility determinations for the following additional state plan populations, or for populations in an approved section 1115 demonstration, in accordance with section 1902(a)(47)(B) of the Act and 42 CFR 435.1110, provided that the agency has determined that the hospital is capable of making such determinations.
2.	The agency designates itself as a qualified entity for purposes of making presumptive eligibility determinations described below in accordance with sections 1920, 1920A, 1920B, and 1920C of the Act and 42 CFR Part 435 Subpart L.
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	Please describe any limitations related to the populations included or the number of allowable PE periods.
3.	The agency designates the following entities as qualified entities for purposes of making presumptive eligibility determinations or adds additional populations as described below in accordance with sections 1920, 1920A, 1920B, and 1920C of the Act and 42 CFR Part 435 Subpart L. Indicate if any designated entities are permitted to make presumptive eligibility determinations only for specified populations.
	Please describe the designated entities or additional populations and any limitations related to the specified populations or number of allowable PE periods.
4.	The agency adopts a total of months (not to exceed 12 months) continuous eligibility for children under age enter age (not to exceed age 19) regardless of changes in circumstances in accordance with section 1902(e)(12) of the Act and 42 CFR 435.926.
5.	The agency conducts redeterminations of eligibility for individuals excepted from MAGI-based financial methodologies under 42 CFR 435.603(j) once every months (not to exceed 12 months) in accordance with 42 CFR 435.916(b).
6.	The agency uses the following simplified application(s) to support enrollment in affected areas or for affected individuals (a copy of the simplified application(s) has been submitted to CMS).
	a The agency uses a simplified paper application.
	b The agency uses a simplified online application.
	c The simplified paper or online application is made available for use in call-centers or other telephone applications in affected areas.
Section	C – Premiums and Cost Sharing
1.	The agency suspends deductibles, copayments, coinsurance, and other cost sharing charges as follows:
	Please describe whether the state suspends all cost sharing or suspends only specified deductibles, copayments, coinsurance, or other cost sharing charges for specified items and services or for specified eligibility groups consistent with 42 CFR 447.52(d) or for specified income levels consistent with 42 CFR 447.52(g).
2.	The agency suspends enrollment fees, premiums and similar charges for:
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•	edes TN: N/A Effective Date: 9-27-21 A is in addition to the Disaster Relief SPA #1 NH 20-0034 approved on May 22, 2020, Disaster

	a All beneficiaries			
	b The following eligibility groups or categoric	al populations:		
[
3.	The agency allows waiver of payment of the enrollr charges for undue hardship.	ment fee, premiums and similar		
	Please specify the standard(s) and/or criteria that the state will use to determine undue hardship.			
Section	n D – Benefits			
Benefit	ts:			
1.	The agency adds the following optional benefits in idescriptions, provider qualifications, and limitations on an benefit):	•		
2.	The agency makes the following adjustments to be plan:	nefits currently covered in the state		
3.	The agency assures that newly added benefits or ac applicable statutory requirements, including the statewide 1902(a)(1), comparability requirements found at 1902(a)(23).	eness requirements found at		
4.	Application to Alternative Benefit Plans (ABP). The 42 CFR Part 440, Subpart C. This section only applies to st			
	 a The agency assures that these newly added made available to individuals receiving services 	. ,		
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-	edes TN: <u>N/A</u> PA is in addition to the Disaster Relief SPA #1 NH 20-0034 an	Effective Date: 9-27-21		

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	b.	Individuals receiving services under ABPs will not receive these newly added and/or adjusted benefits, or will only receive the following subset:			
		Please describe.			
Telehe	alth:				
5.	5 The agency utilizes telehealth in the following manner, which may be different than outlined in the state's approved state plan:				
	Please	describe.			
Drug B	enefit:				
6.	covere	The agency makes the following adjustments to the day supply or quantity limit for doutpatient drugs. The agency should only make this modification if its current state plan have limits on the amount of medication dispensed.			
		describe the change in days or quantities that are allowed for the emergency period and ich drugs.			
7.		Prior authorization for medications is expanded by automatic renewal without clinical , or time/quantity extensions.			
8.	when a	The agency makes the following payment adjustment to the professional dispensing fee additional costs are incurred by the providers for delivery. States will need to supply sentation to justify the additional fees.			
	Please	describe the manner in which professional dispensing fees are adjusted.			
9.	occur.	The agency makes exceptions to their published Preferred Drug List if drug shortages This would include options for covering a brand name drug product that is a multi-source a generic drug option is not available.			

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Section E - Payments

Option	al benej	its described in Section D:		
1.		Newly added benefits described in Section D are paid using the following methodology:		
	a.	Published fee schedules -		
		Effective date (enter date of change):		
		Location (list published location):		
	b.	Other:		
		Describe methodology here.		
Increas	ses to st	ate plan payment methodologies:		
2.		The agency increases payment rates for the following services:		
	Please	lease list all that apply.		
	a.	Payment increases are targeted based on the following criteria:		
		Please describe criteria.		
	b.	Payments are increased through:		
		 i A supplemental payment or add-on within applicable upper payment limits: 		
		Please describe.		
		ii An increase to rates as described below.		
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	Rates are increased:
	Uniformly by the following percentage:
	Through a modification to published fee schedules –
	Effective date (enter date of change):
	Location (list published location):
	Up to the Medicare payments for equivalent services.
	By the following factors:
	Please describe.
Payment for ser	vices delivered via telehealth:
	or the duration of the emergency, the state authorizes payments for telehealth services
that:	
a.	Are not otherwise paid under the Medicaid state plan;
b.	Differ from payments for the same services when provided face to face;
	Differ from current state plan provisions governing reimbursement for telehealth;
Г	
	Describe telehealth payment variation.
d.	Include payment for ancillary costs associated with the delivery of covered services via telehealth, (if applicable), as follows:
	 Ancillary cost associated with the originating site for telehealth is incorporated into fee-for-service rates.
	ii Ancillary cost associated with the originating site for telehealth is separately reimbursed as an administrative cost by the state when a Medicaid service is delivered.

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State/	eritory. New Hampshire
	Disaster Relief SPA #
Other:	
4.	X Other payment changes:
	Please describe. Intensive ISO Foster Care Enhanced Rate:
	(1) Qualifying Intensive ISO Foster Care Programs. Effective September 27, 2021 until the end of the PHE, qualifying ISO Foster Care programs will be able to receive a member-based per diem rate for children in care with severe mental, neurological, or developmental disorders who are receiving specialized care and services for such disorders.
	(2) Per Diem Rate for Approved Admitted Members. Qualifying Intensive ISO Foster Care programs may receive a flat member-based per diem rate of \$224.85 for children with a mental neurological, or developmental disorder that severely affects the child's behavior who are admitted on or after September 27, 2021, provided that the qualifying ISO Foster Care program receives approval from NH DHHS prior to the child's admission that the child requires specialized care and rehabilitation services and is therefore eligible for this enhanced rate. The specialized services program is designed to transition the child back to NH community-based care or less-restrictive placement and/or prevent a residential placement for the child; such rate applies only during the time that the member has been approved by NH DHHS-DCYF for the enhanced rate.
	Qualifying programs may not admit members without seeking approval from NH DHHS-DCYF.

Section F - Post-Eligibility Treatment of Income

1.	The state elects to modify the basic personal needs allowance for institutionalized individuals. The basic personal needs allowance is equal to one of the following amounts:
	a The individual's total income
	b 300 percent of the SSI federal benefit rate
	c Other reasonable amount:
2.	The state elects a new variance to the basic personal needs allowance. (Note: Election

of this option is not dependent on a state electing the option described the option in F.1. above.)

The state protects amounts exceeding the basic personal needs allowance for individuals who have the following greater personal needs:

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Please describe the group or groups of individuals with greater needs and the amount(s) protected for each group or groups.

Section G – Other Policies and Procedures Differing from Approved Medicaid State Plan /Additional Information	

PRA Disclosure Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0938-1148 (Expires 03/31/2021). The time required to complete this information collection is estimated to average 1 to 2 hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. Your response is required to receive a waiver under Section 1135 of the Social Security Act. All responses are public and will be made available on the CMS web site. If you have comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to: CMS, 7500 Security Boulevard, Attn: PRA Reports Clearance Officer, Mail Stop C4-26-05, Baltimore, Maryland 21244-1850. ***CMS Disclosure*** Please do not send applications, claims, payments, medical records or any documents containing sensitive information to the PRA Reports Clearance Office. Please note that any correspondence not pertaining to the information collection burden approved under the associated OMB control number listed on this form will not be reviewed, forwarded, or retained. If you have questions or concerns regarding where to submit your documents, please contact the Centers for Medicaid & CHIP Services at 410-786-3870.

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