

Implementation Guide: Submission – Public Comment

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Submission – Public Comment

POLICY CITATION

BACKGROUND

On this screen states provide information about public notices issued and comments received pertaining to the package they are submitting, if the package does not include any Payment Methodology RUs. If the package contains Payment Methodology RUs, either as part of a Health Homes program or related to specific benefits, there is a separate RU that will display, which is specifically designed for these types of packages. Please refer to the Submission – Public Notice/Process Implementation Guide for these packages.

For packages without Payment Methodology RUs, this screen must be completed for all official state plan amendments to indicate if public notice was issued and comments were received. If the state is completing a draft submission package, the fields are all optional and may be left blank.

There are a variety of provisions in Medicaid law requiring the issuance of public notice and providing the public with the opportunity to comment on state plan submissions. There are no federal public notice requirements related to the Administration, Eligibility and Benefits and Coverage authorities, or for the Health Homes authority RUs other than the Health Homes Payment Methodologies RU.

Some states have state statutes or regulations that require that the Medicaid agency request public comment on Medicaid state plan amendments. If this is the case, the state must also complete more detailed information on this screen concerning public comments received.

The date of any public hearing, meeting, forum or other process used to solicit input concerning the proposed SPA must be prior to the date the State Medicaid Director certifies the SPA submission.

INSTRUCTIONS

Note: All of the fields in this screen are optional if you are completing a draft submission package.

Indicate whether public comment was solicited with respect to this submission

Select one of the three initial options presented:

- Public notice was not required and comment was not solicited
- Public notice was not required, but comment was solicited
- Public notice was required and comment was solicited

If either the second or third option is selected, additional screen content will appear for you to record information about the public comment process and the comments received.

Indicate how public comment was solicited

Next, select from six additional options to indicate how the public notice was provided. Select as many of these choices as apply to the package being submitted.

The following options are presented for selection:

- ***Newspaper Announcement***
If this choice is selected,
 - Provide the following information about the newspaper announcement in the text boxes:
 - The name of the newspaper
 - The date of publication
 - The geographic areas covered by the newspaper
 - If more than one newspaper carried the announcement, add additional spaces by selecting the **+Add a Newspaper** link.

- ***Publication in the state’s administrative record, in accordance with the administrative procedures requirements***
If this choice is selected, enter the date of publication in the space provided.

- ***Email to Electronic Mailing List or Similar Mechanism***
If this choice is selected, provide the following information in the text boxes:
 - The date of the email or other electronic notification
 - A description of the email list or other similar mechanism in the space provided. Include the particular parties and organizations included in the list

- ***Website Notice***
If this choice is selected, select the type of website from the options listed, selecting as many of the choices as apply to this package:
 - Enter the additional information requested for each selection made.
 - If there is more than one **Other** website, add additional spaces by clicking the **+Add a website** link.

- ***Public Hearing or Meeting***
If this choice is selected,
 - Start by clicking on the **Add a Public Hearing/Meeting** button.
 - The **Add/Edit a Public Hearing or Meeting** screen appears.
 - On this screen provide the following information about the hearing or meeting:
 - The date and time of the hearing or meeting
 - The location of the hearing or meeting, including a street address or other readily understandable method of establishing the location
 - Whether telephonic capability was used
 - Whether web connectivity was used

REVIEW CRITERIA

The RU must be completed and the review criteria apply only if this is an official submission package – states do not have to complete any fields in this RU if they are submitting a draft package.

If Email to Electronic Mailing List or Similar Mechanism is selected, the parties and organizations to which the emails and/or other methods were directed must be identified. If any mechanism other than email was used it must be described adequately.

If Newspaper Notice is selected, the newspaper in which the notice is published must meet the “widest circulation” requirements.

If Website Notice is selected, the website must be identifiable and have a working link..

If “Other similar process for public input...” is selected the description of the process must be clear so that it can be determined it provided interested parties an opportunity to comment.

If “Other Method” is selected the description of the method used must be clear so that it can be determined it provided interested parties an opportunity to comment.

The state’s summary of comments received and its responses to such comments must clearly describe the issue and the state’s response.