

NH Medical Care Advisory Committee Medicaid Rules Review Process

PURPOSE: To carry out the provisions of 42 CFR §431.12 to provide the Medical Care Advisory Committee (MCAC) with the opportunity to participate in Medicaid related rule development.

GENERAL PROCESS STATEMENT: MCAC will have an opportunity to review, comment, and make recommendations on all Department rules related to Medicaid. All such rules will be sent to the MCAC for review in accordance with this document, and Department staff will be made available for presentation of such rules at an MCAC meeting, as appropriate. The MCAC may establish subcommittees regarding proposed or existing rules for the purpose of making comments and recommendations to the Department. In addition, individual MCAC members may provide comments and recommendations as representatives of their respective organizations for Department consideration. In all cases, the MCAC and its members may participate in the formal public hearing and public comment period during rule promulgation pursuant to RSA 541-A.

SUBJECT RULES: He-W 500s, He-W 800s, certain He-C, He-E, and He-M rules with Medicaid service, waiver, eligibility, or ratesetting components, and any other rule located in another chapter that has a Medicaid component.

STEP 1

The Department develops a proposed draft of a rule. This may include preliminary stakeholder input.

STEP 2

The Department sends the proposed rule and rule summary to the MCAC via email at least 2 weeks prior to the MCAC meeting described in STEP 3.

Consent Rules: For rules that include no substantive policy changes, where the Department expects no questions, discussion, or objection, the Department may request that the rule be placed on a “consent” agenda. Such rules will be “on consent” and will not have a Department presentation unless specifically requested by a committee member within one week of the rule’s submission to MCAC.

In the event that the Department does not send a rule to the MCAC at least 2 weeks prior to the meeting in STEP 3, the rule will not be placed on a consent agenda unless the Chair of the MCAC, at the request of the Department and after consultation with members, so directs. The rule will not be placed on the consent agenda if the rule is not sent to the MCAC at least 3 business days prior to the meeting.

STEP 3

The Department presents the proposed rule to the MCAC at least one month/meeting prior to the anticipated filing deadline for the Fiscal Impact Statement, subject to certain exceptions.*

*In the event the Department must promulgate rules more quickly, including the promulgation of interim rules necessary to implement recent changes in the law, the Department will move through this process in an abbreviated fashion.

STEP 4

The MCAC may establish a subcommittee at the meeting or in accordance with MCAC by-laws.

STEP 5A

If a **subcommittee is established**, MCAC members will be appointed and will undertake activities in accordance with the MCAC by-laws. The subcommittee will provide its comments/recommendations to the Department as soon as is practicable, with the understanding that all comments will be considered regardless of whether the Department has entered formal rulemaking by the time that the comments/recommendations have been received.

STEP 5B

If **no subcommittee is established**, the MCAC as a body, or individual MCAC members, may provide comment/recommendations to the Department for consideration as soon as is practicable, with the understanding that all comments will be considered regardless of whether the Department has entered formal rulemaking by the time that the comments/recommendations have been received.

STEP 6

The Department considers the MCAC subcommittee and member comments/recommendations and revises the rule as appropriate. Depending on when the MCAC comments are received, changes to the rule may be incorporated into the Initial Proposal prior to the initial filing of the rule or into the Final Proposal prior to review by the Joint Legislative Committee on Administrative Rules (JLCAR).

For those rules for which a subcommittee was established, the Department will send a copy of the Initial Proposal to the MCAC at the time it files that proposal with the Legislative Budget Assistant (LBA) and the Department will send a copy of the Final Proposal to the MCAC at the time it files that proposal with JLCAR.