

NH Department of Health and Human Services

**Public Notice for Proposed**

Substance Use Disorder Serious Mental Illness and Serious Emotional Disturbance  
Treatment and Recovery Access Section 1115(a) Research and Demonstration Waiver  
Amendment #4 Request: Presumptive Eligibility for Home and Community-Based Services  
**February 12<sup>th</sup>, 2024**

Notice is hereby given that, as part of its ongoing efforts to maintain and improve access to home and community-based services in the State, the NH Department of Health and Human Services (DHHS) is applying for an amendment to its Substance Use Disorder Serious Mental Illness and Serious Emotional Disturbance Treatment and Recovery Access Section 1115(a) Research and Demonstration Waiver from the Centers for Medicare and Medicaid Services (CMS). This amendment will enable DHHS to engage in Long Term Supports and Services (LTSS) program innovations by extending presumptive eligibility to individuals applying for home and community-based services under the Department's 1915(c), Choices for Independence (CFI) waiver.

This proposed request would amend New Hampshire's existing Section 1115(a) Research and Demonstration Waiver. The current demonstration provides NH authority for a number of behavioral health expenditures, as well as the provision of medical assistance in the form of adult dentures coverage. The following beneficiaries are currently covered by New Hampshire's existing demonstration authorities:

- Beneficiaries under age 65 who are otherwise eligible and primarily receiving treatment and withdrawal management services for substance use disorder (SUD) who are short-term residents in facilities that meet the definition of an institution for mental diseases (IMD);
- Beneficiaries ages 21-64 who are otherwise eligible and primarily receiving short-term inpatient psychiatric treatment or short-term residential mental health treatment for serious mental illness (SMI) in an IMD; and
- Beneficiaries who are otherwise eligible and receiving SUD, SMI or Serious Emotional Disturbance (SED) treatment while an inmate of a public institution within NHDOC's system of state prisons, for a tailored package of care coordination services to be provided during the period 45 days prior to release (Tailored Medicaid Services to Support Successful Community Reentry or "Community Reentry").
- Beneficiaries aged 21 and older who reside in nursing facilities and are in need of removable dentures.

This proposed amendment would add authority for expanded presumptive eligibility for individuals applying for the CFI waiver. There are no proposed changes to the delivery system.

### Overview of Presumptive Eligibility Authority

New Hampshire Chapter 79:568, Laws of 2023 establishes a System of Care for Healthy Aging. As part of the System of Care on Healthy Aging the New Hampshire Department of Health and Human Services (DHHS, or the Department) is required to submit an 1115 Demonstration Waiver in order to implement a robust presumptive eligibility (PE) for home and community-based services (HCBS) on or before September 30, 2024.

New Hampshire is seeking to engage in long-term services and supports (LTSS) program innovations by extending PE to individuals applying for HCBS under the Department's 1915(c), Choices for Independence (CFI) waiver. PE will be designed to prevent unnecessary institutionalization of individuals who are Medicaid-eligible for nursing facility services yet choose to receive services in less restrictive settings.

PE will be an important component of New Hampshire's effort to establish a comprehensive and coordinated system of care. Through the system of care initiative, New Hampshire is working to build upon existing infrastructure to ensure that older adults and adults with disabilities have access to and timely delivery of supports and services. This work is intended to result in several benefits, including: 1) reduced cost of providing long-term care through expanded availability of less costly HCBS; 2) improved access to HCBS in alignment with the State Plan on Aging, the Older Americans Act, and the ADA; 3) streamlined access to long-term care supports; and 4) promotion of healthy aging and the ability to have a meaningful choice in care options, including the ability for older adults and adults with disabilities to receive the care they need in their homes and communities (Source: NH Chapter 79:568, 151-E:22 I-III, and 151-E23).

### Demonstration Hypothesis and Evaluation Approach

The goals of the PE component of the demonstration are:

1. Improve the ratio of people using HCBS compared to institutional settings such as nursing facilities;
2. Reduce utilization rate of institutional care while waiting for Medicaid eligibility determination;
3. Reduce the average length of delay from the time an individual submits a Medicaid application until the time the individual begins to receive their first services in order to improve health outcomes and prevent decompensation while awaiting services; and
4. Improve access to the range of options and consumer choice by coordinating with state designated Aging and Disability Resource Centers and person-centered counseling.

Please see below for the full table highlighting the draft goals and associated hypotheses and measures.

Goals	Hypothesis	Measures
<b>Goal 1:</b> Improve the ratio of people using HCBS compared to institutional settings such as nursing facilities.	<b>Hypothesis 1:</b> The Demonstration will result in a higher percentage of people using HCBS, as compared to institutional settings such as nursing facilities.	<ul style="list-style-type: none"> <li>• Number of people receiving HCBS through the CFI waiver</li> <li>• Number of people receiving LTSS in institutional settings</li> <li>• Ratio of people enrolled in HCBS as compared to total population receiving LTSS</li> </ul>
<b>Goal 2:</b> Reduce utilization rate of institutional care while waiting for Medicaid eligibility determination.	<b>Hypothesis 2:</b> The Demonstration will decrease the utilization rate of institutional care while waiting for Medicaid eligibility	<ul style="list-style-type: none"> <li>• Number of individuals who utilize institutional settings in the period between Medicaid application submission and eligibility determination</li> </ul>
<b>Goal 3:</b> Reduce the average length of delay from the time an individual submits a Medicaid application until the time the individual begins to receive their first service in order to improve health outcomes and prevent decompensation while awaiting services.	<b>Hypothesis 3:</b> The Demonstration will reduce the average length of delay from the time an individual submits a Medicaid application until the time the individual begins to receive their first service.	<ul style="list-style-type: none"> <li>• Average length of time from the Medicaid application submission date until service initiation</li> </ul>
<b>Goal 4:</b> Improve rate of utilization of the Aging and Disability Resource Centers person centered counseling.	<b>Hypothesis 4:</b> The Demonstration will improve the rate of utilization of the Aging and Disability Resource Centers person centered counseling.	<ul style="list-style-type: none"> <li>• Number of person centered counseling encounters</li> </ul>

## Eligibility and Benefits

This demonstration will not affect any of the eligibility categories or criteria set forth in the New Hampshire Medicaid State Plan (the State Plan). Individuals aged 18 and older who qualify for an eligibility group approved in the current 1915(c) CFI HCBS Waiver will be eligible for this demonstration. The following eligibility groups will be excluded:

- Temporary eligibility groups;
- Non-citizens qualifying for emergency services only benefits; and
- Family planning only.

Through this requested demonstration amendment, the State will provide the following benefits to PE eligible individuals. PE eligible individuals will receive CFI HCBS PE benefits through a person-centered planning process. Individuals cannot receive HCBS PE benefits while also receiving services under a 1915(c) waiver. HCBS PE services are not duplicative of services covered under private insurance, Medicare, State Plan Medicaid, or through other federal or state programs. The following list illustrates the select set of CFI waiver services intended to be covered under the PE Demonstration:

- a. Case Management
- b. Cell Based PERS
- c. Community Transition
- d. Day Care Services (Adult Medical Day Care)
- e. Electronic Rx / Cell Based PERS
- f. Electronic Rx / PERS Device
- g. Electronic Rx Device Installation
- h. Electronic Rx Device Monthly Service
- i. Emergency Response System
- j. Home Delivered Meal
- k. Home Health Aide Per Visit
- l. Homemaker
- m. Personal Care Agency Directed
- n. Personal Care Consumer Directed
- o. Personal Care Special Rate
- p. Skilled Nurse Per Visit
- q. Specialized Medical Equipment
- r. Financial Management
- s. PDMS Personal Care
- t. PDMS Home Health Aide
- u. PDMS Homemaker
- v. PDMS Skilled Nurse
- w. Individual Directed Goods & Services
- x. Consultation

### Waiver and Expenditure Authorities

New Hampshire requests a waiver of comparability, 1902(a)(10)(B), to allow the State to provide benefits for the PE population that are not available in the standard Medicaid State Plan. New Hampshire also requests a waiver of financial eligibility, Section 1902(e)(14), to allow the State to accept attestation of income and resources for enrollment in Medicaid medical services, as well as waiver of any other related federal statutes and regulations required to implement this authority.

No additional waivers of Title XIX or Title XXI are requested through this amendment.

### Enrollment and Expenditure Projections

Below are the projected enrollment and expenditures for each demonstration year.

#### Projected Enrollment and Expenditures

	SFY25	SFY26	SFY27	SFY28	SFY29
Member Months	2,544	2,544	2,544	2,544	2,544
Expenditures	\$5,941,363	\$6,633,700	\$7,406,714	\$8,269,806	\$9,233,472
Individual Members	848	848	848	848	848

Cost sharing will not be part of this demonstration. There will be no changes other than those described above.

### Opportunities to Provide Feedback

The 30-day public comment period for Amendment #4 is from Monday, February 12<sup>th</sup>, 2024 until Wednesday, March 13<sup>th</sup>, 2024 at 5:00 pm (Eastern). All comments must be received by 5:00 pm (Eastern) on Wednesday, March 13<sup>th</sup>, 2024.

#### Public Hearings

DHHS will host two public hearings during the public comment period:

The MCAC meeting Public Hearing will be held:

- Monday, February 12, 2024, from 10 a.m. - 12 p.m. at Fred H. Brown Building Auditorium, 129 Pleasant Street, Concord, NH 03301
- Microsoft Teams meeting

- [Click here to join the meeting](#)
- Meeting ID: 269 760 344 562
- Passcode: WMfr2V

The second Public Hearing will be held virtually:

- Thursday, February 22, 2024, from 4:30 p.m. – 6:30 p.m.
- Microsoft Teams meeting
  - [Click here to join the meeting](#)
  - Meeting ID: 295 912 849 177
  - Passcode: PpGZ94

If accommodations are needed for communication access such as interpreters, CART (captioning), assistive listening devices, or other auxiliary aids and/or services, please contact Carolyn Richards at [Carolyn.S.Richards@dhhs.nh.gov](mailto:Carolyn.S.Richards@dhhs.nh.gov) or (603) 271-9439. Every effort will be made to accommodate needs identified with advance notice.

### **Ways to Submit Comments**

DHHS would like to hear your comments about the amendment request. After hearing the public's ideas and comments about the proposed changes, DHHS will make final decisions about what changes to make to the amendment request and then submit to CMS for final approval. The summary of comments will be posted for public viewing at <https://www.dhhs.nh.gov/programs-services/medicaid/medicaid-waivers-and-demonstrations> along with the amendment request when it is submitted to CMS.

There are several ways to give your comments to DHHS:

- Attend either of the public hearing or MCAC meeting held at the dates / locations noted above. At these events, you can give verbal or written comments to DHHS representatives. Additional information about providing comments is noted below.
- Email comments to [1115EligibilityAmendment@dhhs.nh.gov](mailto:1115EligibilityAmendment@dhhs.nh.gov)
- Mail written comments to:  
Carolyn Richards  
NH Department of Health and Human Services  
Attn: 1115(a) Presumptive Eligibility Amendment  
129 Pleasant Street  
Concord, NH 03301

When mailing or emailing please specify "Presumptive Eligibility Amendment" as the subject.

### **Additional Information**

Requests for a hard copy of the document should be submitted by mail to:

Carolyn Richards  
NH Department of Health and Human Services  
Attn: 1115(a) Presumptive Eligibility Amendment  
129 Pleasant Street  
Concord, NH 03301

A hard copy of the amendment request can also be picked up at DHHS, which is located at:

NH Department of Health and Human Services  
Fred H. Brown Building Reception  
129 Pleasant Street  
Concord, NH 03301

All information regarding the proposed amendment request can be found on the DHHS web site at <https://www.dhhs.nh.gov/programs-services/medicaid> under "Helpful Resources". DHHS will update this website throughout the public comment and application process.