



*Administrator*  
Washington, DC 20201

**MAY - 7 2018**

Henry D. Lipman  
Medicaid Director  
New Hampshire Department of Health and Human Services  
129 Pleasant Street, Brown Building  
Concord, New Hampshire 03301-3857

Dear Mr. Lipman:

The Centers for Medicare & Medicaid Services (CMS) is approving New Hampshire's request for an amendment to its section 1115 demonstration project, entitled "New Hampshire Health Protection Program Premium Assistance" (Project Number 11-W-00298/1) in accordance with section 1115(a) of the Social Security Act (the Act).

This approval is effective May 7, 2018, through December 31, 2018, upon which date, unless extended or otherwise amended, all authorities granted to operate this demonstration will expire. CMS's approval is subject to the limitations specified in the attached expenditure authorities, waivers, and special terms and conditions (STCs). The state will begin implementation of the community engagement requirement added through this amendment no sooner than January 1, 2019, assuming the state fulfills the requirements outlined within the STCs to continue the demonstration beyond December 31, 2018, and contingent upon the reauthorization of the program by the New Hampshire legislature.

The state may deviate from Medicaid state plan requirements only to the extent those requirements have been listed as waived or as not applicable to expenditures.

### **Extent and Scope of Demonstration**

The current section 1115 demonstration project, New Hampshire Health Protection Program (NHHPP) Premium Assistance, was implemented by the State of New Hampshire ("state") in March 2015. NHHPP Premium Assistance provides Medicaid beneficiaries eligible in the "new adult group" at section 1902(a)(10)(A)(i)(VIII) of the Act with assistance in covering premiums to purchase qualified health plan (QHP) coverage through the Health Insurance Exchange in New Hampshire. As originally approved, NHHPP Premium Assistance was designed to leverage the efficiencies and experience of the commercial market to test whether this premium assistance improves continuity, access, and quality of care for NHHPP Premium Assistance beneficiaries. The demonstration includes a conditional waiver of retroactive coverage, with implementation of the waiver conditioned upon receipt of data demonstrating that the state's coverage system provides a seamless eligibility determination experience for the beneficiary that ensures that the beneficiary will not have periods of uninsurance. With respect to the waiver of retroactive eligibility, should the state fulfill the conditions in the STCs, the state would be testing whether

eliminating retroactive coverage will encourage beneficiaries to obtain and maintain health coverage, even when they are healthy. This feature of the amendment is intended to increase continuity of care by reducing gaps in coverage when beneficiaries chum on and off of Medicaid or sign up for Medicaid only when sick with the ultimate objective of improving beneficiary health.

Approval of this demonstration amendment allows New Hampshire, no sooner than January 1, 2019, to require all NHHPP Premium Assistance beneficiaries in the “new adult group” ages 19 through 64, with certain exemptions<sup>1</sup>, to participate in 100 hours per month of community engagement activities, such as employment, education, job skills training, or community service, as a condition of Medicaid eligibility.

Under the new community engagement program, the state will test whether requiring participation in community engagement activities as a condition of eligibility, as detailed below, will lead to improved health outcomes and greater independence through improved health and wellness. CMS is approving the community engagement program based on our determination that it is likely to assist in promoting the objectives of the Medicaid program.

**Determination that the demonstration project is likely to assist in promoting Medicaid’s objectives**

Demonstration projects under section 1115 of the Act offer a way to give states more freedom to test and evaluate innovative solutions to improve quality, accessibility, and health outcomes in a budget-neutral manner, provided that, in the judgment of the Secretary of Health and Human Services, the demonstrations are likely to assist in promoting the objectives of Medicaid.

While CMS believes that states are in the best position to design solutions that address the unique needs of their Medicaid-eligible populations, the agency has an obligation to ensure that proposed demonstration programs are likely to better enable states to serve their low-income populations, through measures designed to improve health and wellness, including measures to help individuals and families attain or retain capability for independence or self-care. Medicaid programs are complex and shaped by a diverse set of interconnected policies and components, including eligibility standards, benefit designs, reimbursement and payment policies, information technology (IT) systems, and more. Therefore, in making this determination, CMS considers the proposed demonstration as a whole.

In its consideration of the proposed changes to the NHHPP Premium Assistance program, CMS examined whether the demonstration as amended was likely to assist in improving health outcomes; whether it would address behavioral and social factors that influence health outcomes; and whether it would incentivize beneficiaries to engage in their own health care and thereby achieve better health outcomes. CMS has determined that the NHHPP Premium Assistance

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<sup>1</sup> If a NHHPP Premium Assistance beneficiary meets one of the exemption criteria as described in the STCs, they are exempted from the community engagement requirements for the month(s) in which the exemption applies. Exemptions include but are not limited to: pregnant women, beneficiaries identified as medically frail, and certain parents and caretakers of dependents.

demonstration as amended is likely to promote Medicaid objectives, and that the waivers sought are necessary and appropriate to carry out the demonstration.

**1. The demonstration is likely to assist in improving health outcomes through strategies that promote community engagement and address certain health determinants.**

NHHPP Premium Assistance supports coordinated strategies to address certain health determinants, as well as promote health and wellness through increased upward mobility, greater independence, and improved quality of life. Specifically, the NHHPP Premium Assistance community engagement requirement is designed to encourage beneficiaries to obtain and maintain employment or undertake other community engagement activities that research has shown to be correlated with improved health and wellness.<sup>2,3,4,5</sup> As noted in CMS's state Medicaid director (SMD) letter 18-002, Opportunities to Promote Work and Community Engagement Among Medicaid Beneficiaries (January 11, 2018), these activities have been positively correlated with improvements in individuals' health.

Given the significant potential benefits of community engagement in promoting health and wellness, we believe that state Medicaid programs should be able to design and test incentives for beneficiary compliance with community engagement requirements. Under New Hampshire's demonstration, the state will encourage compliance by making participation in community engagement activities a condition of eligibility. As described in the STCs, the state will suspend a beneficiary's eligibility only if the beneficiary fails to meet the required community engagement hours for a month, after being provided an opportunity to cure the hours missing. Beneficiaries who are in an eligibility suspension for failure to meet the requirement on their redetermination date will have their eligibility terminated for beneficiaries who are not in compliance with the community engagement requirement.

New Hampshire has tailored its community engagement incentive structure to include beneficiary protections, such as an opportunity to maintain eligibility for beneficiaries who report that they failed to meet the community engagement hours due to circumstances that give rise to good cause. NHHPP Premium Assistance beneficiaries will have the opportunity to reactivate their suspended eligibility for NHHPP Premium Assistance at any time prior to the beneficiary's redetermination date, by meeting certain criteria described in the STCs, including by completing the missing hours of community engagement activities for the month for which hours were deficient. This also is likely to further incentivize beneficiaries who have had their eligibility suspended to quickly satisfy the community engagement requirement and regain coverage. Individuals whose eligibility is terminated at redetermination for failure to meet the requirement can re-apply at any time, and their prior failure to meet the requirement will not be

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<sup>2</sup> Waddell, G. and Burton, AK. Is Work Good For Your Health And Well-Being? (2006) EurErg Centre for Health and Social Care Research, University of Huddersfield, UK.

<sup>3</sup> Van der Noordt, M, Jzelenberg, H, Droomers, M, and Proper, K. Health effects of employment: a systemic review of prospective studies. *BMJournals. Occupational and Environmental Medicine.* 2014: 71 (10).

<sup>4</sup> United Health Group. Doing good is good for you. 2013 Health and Volunteering Study.

<sup>5</sup> Jenkins, C. Dickens, A. Jones, K. Thompson-Coon, J. Taylor, R. and Rogers, M. Is volunteering a public health intervention? A systematic review and meta-analysis of the health and survival of volunteers *BMC Public Health* 2013. 13 (773).

factored into the state's determination of their eligibility for re-enrollment. The impact of this incentive, as well as other aspects of the demonstration, will be assessed through an evaluation designed to measure how the demonstration affects eligibility and health outcomes over time for persons subject to the demonstration's policies. We anticipate that the incentives provided under the demonstration for community engagement will promote Medicaid's objective of improving beneficiary health.

### **Consideration of Public Comments**

Both New Hampshire and CMS received comments during the state and federal public comment periods. Consistent with federal transparency requirements, CMS reviewed all of the materials submitted by the state, as well as all the public comments it received, when evaluating whether the demonstration project as a whole was likely to assist in promoting the objectives of the Medicaid program, and whether the waiver authorities sought were necessary and appropriate to implement the demonstration. In addition, CMS took public comments submitted during the federal comment period into account as it worked with New Hampshire to develop the STCs that accompany this approval and that will bolster beneficiary protections, including specific state assurances around these protections to further support beneficiaries.

Opposing commenters expressed general disagreement with efforts to modify the current NHHPP Premium Assistance program. Some commenters were concerned that New Hampshire's proposal lacked sufficient detail to permit informed public comments. To ensure meaningful public input at the federal level, and so that the public, including those with disabilities, and CMS can meaningfully assess states' applications, states must follow the requirements set forth in STCs. Upon receipt of New Hampshire's proposal, CMS followed its standard protocols for evaluating the completeness of the application and determined that the application was complete. We continue to believe that New Hampshire submitted sufficient detail to permit meaningful public input. Other commenters expressed the desire to see greater detail regarding how the program would implement the community engagement requirements. In development of the STCs, CMS has included additional detail around community engagement requirements, including qualifying activities, exempt populations, how the state will handle non-compliance, and how beneficiaries might demonstrate good cause to excuse failure to meet the requirement. Many such aspects of the STCs were informed by comments received, including those described below.

Some commenters expressed concerns that community engagement requirements would be burdensome on families and caretakers and create barriers to coverage. To mitigate some of those concerns, New Hampshire has exempted certain beneficiaries who are parents or caretakers, including parents or caretakers where care of a dependent is considered necessary by a licensed provider, and parents or caretakers of a dependent child of any age with a disability. CMS also intends to monitor state-reported data on how the new requirements are impacting enrollment.

Many commenters raised concerns about Medicaid beneficiaries with disabilities. To mitigate these concerns, New Hampshire has exempted beneficiaries with a disability as defined by the Americans with Disabilities Act of 1990 (ADA), section 504 of the Rehabilitation Act of 1973

(section 504), or section 1557 of the Patient Protection and Affordable Care Act (section 1557) from the community engagement requirements, if they are unable to comply with the requirements due to disability-related reasons. New Hampshire must provide reasonable accommodations related to meeting the community engagement requirement for beneficiaries with disabilities as defined by the ADA, section 504 or section 1557, when necessary, to enable them to have an equal opportunity to participate in, and benefit from, the program. This is a condition of approval, as provided in the STCs.

Other commenters were concerned about areas of high unemployment acting as a barrier to meeting the community engagement requirements. Through this demonstration amendment, New Hampshire seeks to incentivize beneficiaries to obtain employment or undertake other community engagement activities through an array of qualifying activities, including training, education, caregiving, and community service, to allow beneficiaries multiple ways to meet this requirement. Additionally, the state assures that it will assess areas within the state that experience high rates of unemployment, areas with limited economies and/or educational opportunities, and areas with lack of public transportation to determine whether there should be further exemptions from the community engagement requirements and/or additional mitigation strategies, so that the community engagement requirements will not be unreasonably burdensome for beneficiaries to meet.

Some commenters raised concerns about whether this proposal is likely to meet the objectives of Medicaid. CMS believes that because community engagement can be positively correlated with health outcomes, it furthers the purposes of the Medicaid statute to test and evaluate whether these requirements improve beneficiaries' health and promote beneficiary independence. However, CMS has included provisions in these STCs to ensure that CMS may withdraw waivers or expenditure authorities at any time if federal monitoring of data indicates that continuing the waivers or expenditure authorities would no longer be in the public interest or promote the objectives of Title XIX, including if data indicates that the community engagement features of this demonstration may not adequately incentivize beneficiary participation or are unlikely to result in improved health outcomes, or that other demonstration features are not operating as intended. To additionally support beneficiaries, CMS will require New Hampshire to provide written notices to beneficiaries that include information such as how to ensure that they are in compliance with the community engagement requirements and how to appeal an eligibility suspension or termination.

Finally, some commenters expressed concern that beneficiaries with chronic or acute health conditions may not be able to meet the community engagement requirement and characterized the proposal to suspend eligibility for failure to participate in community engagement activities as having a "potentially detrimental impact on Medicaid beneficiaries' access to coverage and care." CMS and New Hampshire acknowledged these concerns and New Hampshire will be exempting from the requirement those individuals who are medically frail, as well as those individuals whom a licensed provider has documented to be temporarily unable to participate in community engagement activities due to illness or incapacity. Additionally, New Hampshire will also provide multiple ways for beneficiaries to reactivate eligibility or re-enroll in Medicaid, to appropriately support individuals who have experienced a suspension or lapse of eligibility in regaining access to the program's benefits and resources.

**Other Information**

CMS's approval of this demonstration is conditioned upon compliance with the enclosed list of waiver and expenditure authorities and the STCs defining the nature, character and extent of anticipated federal involvement in the project. The award is subject to our receiving your written acknowledgement of the award and acceptance of these STCs within 30 days of the date of this letter.

Your project officer for this demonstration is Ms. Jessica Woodard. She is available to answer any questions concerning your section 1115 demonstration. Ms. Woodard's contact information is as follows:


Centers for Medicare & Medicaid Services  
Center for Medicaid and CHIP Services  
Mail Stop: S2-03-17  
7500 Security Boulevard  
Baltimore, MD 21244-1850  
Email: [Jessica.Woodard@cms.hhs.gov](mailto:Jessica.Woodard@cms.hhs.gov)

Official communications regarding program matters should be sent simultaneously to Ms. Woodard and Mr. Richard McGreal, Associate Regional Administrator (ARA), in our Boston Regional Office. Mr. McGreal's contact information is as follows:

Mr. Richard McGreal  
Associate Regional Administrator  
Centers for Medicare & Medicaid Services  
Division of Medicaid and Children's Health Operations  
15 Sudbury Street, JFK Federal Building  
Boston, Massachusetts 02203

If you have questions regarding this approval, please contact Mrs. Judith Cash, Director, State Demonstrations Group, Center for Medicaid and CHIP Services, at (410) 786-9686. Thank you for all your work with us, as well as stakeholders in New Hampshire, over the past months to reach approval.

Sincerely,

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Seema Verma

Enclosures

**CENTERS FOR MEDICARE & MEDICAID SERVICES  
EXPENDITURE AUTHORITY**

**NUMBER:** 11-W-00298/1

**TITLE:** New Hampshire Health Protection Program Premium Assistance 1115 Demonstration

**AWARDEE:** New Hampshire Department of Health and Human Services

Under the authority of section 1115(a)(2) of the Social Security Act (the Act), expenditures made by the state for the items identified below, which are not otherwise included as expenditures under section 1903, shall, for the period of this demonstration, be regarded as expenditures under the state's Title XIX plan but are further limited by the Special Terms and Conditions (STCs) for the New Hampshire Health Protection Program (NHHPP) Premium Assistance section 1115 demonstration.

As discussed in the Centers for Medicare & Medicaid Services' (CMS) approval letter, the Secretary of Health and Human Services has determined that the NHHPP Premium Assistance section 1115 demonstration, including the expenditure authority described below, is likely to assist in promoting the objectives of title XIX of the Social Security Act.

The following expenditure authority shall enable New Hampshire to implement the NHHPP Premium Assistance section 1115 demonstration:

- 1. Premium Assistance and Cost Sharing Reduction Payments.** Expenditures for part or all of the cost of private insurance premiums, and for payments to reduce cost sharing, for individuals affected by the demonstration.

**Requirements Not Applicable to the Expenditure Authority:**

- 1. Cost Effectiveness**

**Section 1902(a)(4)  
42 CFR 435.1015(a)(4)**

To the extent necessary to permit the state to offer premium assistance and cost sharing reduction payments that are determined to be cost effective using state developed tests of cost effectiveness that differ from otherwise permissible tests for cost effectiveness.

**CENTERS FOR MEDICARE & MEDICAID SERVICES  
WAIVER LIST**

**NUMBER:** 11-W-00298/1

**TITLE:** New Hampshire Health Protection Program Premium Assistance 1115  
Demonstration

**AWARDEE:** New Hampshire Department of Health and Human Services

All requirements of the Medicaid program expressed in law, regulation, and policy statement, not expressly waived or identified as not applicable in accompanying expenditure authorities, shall apply to the demonstration project effective from May 7, 2018 through December 31, 2018. In addition, these waivers may only be implemented consistent with the approved STCs.

As discussed in the Centers for Medicare & Medicaid Services' (CMS) approval letter, the Secretary of Health and Human Services has determined that the New Hampshire Health Protection Program (NHPPP) Premium Assistance section 1115 demonstration, including the waivers described below, is likely to assist in promoting the objectives of title XIX of the Social Security Act.

Under the authority of section 1115(a)(1) of the Social Security Act (the Act), the following waivers of state plan requirements contained in section 1902 of the Act are granted subject to the STCs.

**1. Freedom of Choice**

**Section 1902(a)(23)(A)**

To enable New Hampshire to require that beneficiaries enroll in a QHP to obtain a source of third party coverage, and to limit beneficiary choice of providers to those participating in the network of the beneficiary's QHP.

**2. Prior Authorization**

**Section 1902(a)(54) insofar as it  
incorporates Section 1927(d)(5)**

To permit New Hampshire to require that requests for prior authorization for drugs be addressed within 72 hours, and for expedited review in exigent circumstances within 24 hours, rather than 24 hours for all circumstances as is currently required in their state policy. A 72-hour supply of the requested medication will be provided in the event of an emergency.



**3. Payment to Providers**

**Section 1902(a)(13)  
Section 1902(a)(30)**

To the extent necessary to permit New Hampshire to provide payment to providers equal to the market-based rates determined by the QHP providing primary coverage for services.

**4. Retroactivity**

**Section 1902(a)(34)**

Contingent on a satisfactory submission pursuant to STC 21, to the extent necessary to enable New Hampshire not to provide medical coverage to NHHPP members in the NHHPP Premium Assistance demonstration for any time prior to the first day of the month in which an individual applies.

**5. Comparability**

**Section 1902(a)(17)**

To the extent necessary to enable the state to vary cost sharing requirements for individuals with incomes above 100 percent of the federal poverty level (FPL) who participate in the NHHPP Premium Assistance demonstration and are not determined to be medically frail from cost sharing to which they would otherwise be subject under the state plan.

**6. Provision of Medical Assistance**

**Section 1902(a)(8) and  
1902(a)(10)**

To the extent necessary to enable New Hampshire to suspend or terminate eligibility for, and not make medical assistance available to, beneficiaries who fail to comply with community engagement requirements, as described in the STCs, unless the beneficiary is exempted, or demonstrates good cause, as described in the STCs.

**7. Eligibility**

**Section 1902(a)(10)**

To the extent necessary to enable New Hampshire to require community engagement as a condition of eligibility as described in these STCs.

**CENTERS FOR MEDICARE & MEDICAID SERVICES  
SPECIAL TERMS AND CONDITIONS**

**NUMBER: 11-W-00298/1**

**TITLE: New Hampshire Health Protection Program Premium Assistance**

**AWARDEE: New Hampshire Department of Health and Human Services**

**I. PREFACE**

The following are the Special Terms and Conditions (STCs) for the New Hampshire Health Protection Program Premium (NHHPP) Assistance section 1115(a) Medicaid demonstration (hereinafter “demonstration”) to enable the State of New Hampshire (hereinafter “state”) to operate this demonstration. The Centers for Medicare & Medicaid Services (CMS) has granted waivers of requirements under section 1902(a) of the Social Security Act (Act), and an expenditure authority authorizing federal matching of demonstration costs not otherwise matchable, which are separately enumerated. These STCs further set forth in detail the nature, character, and extent of Federal involvement in the demonstration, the state’s implementation of the waivers and expenditure authorities, and the state’s obligations to CMS during the demonstration period. The STCs are effective on the date of the signed approval. The STCs have been arranged into the following subject areas:

- I. Preface
- II. Program Description And Objectives
- III. General Program Requirements
- IV. Eligibility
- V. New Hampshire Health Protection Program Premium Assistance Enrollment
- VI. Premium Assistance Delivery System
- VII. Benefits
- VIII. Cost Sharing
- IX. Appeals
- X. Community Engagement Requirement
- XI. General Reporting Requirements
- XII. General Financial Requirements
- XIII. Monitoring Budget Neutrality
- XIV. Evaluation

Attachments

**II. PROGRAM DESCRIPTION AND OBJECTIVES**

Under the NHHPP Premium Assistance demonstration, the state has been using premium assistance to support the purchase of coverage by beneficiaries eligible under the new adult group provided by certain qualified health plans (QHPs) doing business in the individual market

through the Exchange. The demonstration affects individuals in the new adult group covered under Title XIX of the Social Security Act, who are adults from age 19 up to and including age 64 with incomes up to and including 133 percent of the federal poverty level (FPL), and who are not enrolled in (or eligible for) Medicare or employer-sponsored insurance. NHHPP Premium Assistance beneficiaries receive the state plan Alternative Benefit Plan (ABP) and have cost sharing obligations consistent with the state plan, as amended by the state.

Approximately 50,000 beneficiaries are enrolled in Exchange QHPs through this demonstration project. The ABP is the same benchmark plan chosen by New Hampshire to establish Essential Health Benefits. QHPs pay primary for covered services. QHP payment rates are considered payment in full for covered services, and beneficiaries enrolled in the QHPs are limited to the QHP provider network, except in the case of family planning providers.

The demonstration is expected to further the objectives of Title XIX by reducing coverage disruptions for individuals moving between Medicaid and coverage available through the Exchange due to changes in income. The demonstration will also test whether the premium assistance structure and resulting coverage affords beneficiaries access to wider provider networks, provides for higher provider payments for covered services, encourages more cross-participation by plans in Medicaid and the Exchange, and achieves cost reductions due to greater competition.

The state will test an approach to promoting community engagement and work by instituting a community engagement requirement as a condition of NHHPP eligibility. Once community engagement requirements are fully implemented, the state will ensure that beneficiaries have been adequately notified of the requirements. In addition, written notices will provide information on resources available to beneficiaries who may require assistance completing community engagement activities. New Hampshire will also provide reasonable accommodations for beneficiaries with disabilities who need them. NHHPP beneficiaries who are ages 19-64 must work or engage in specified activities, including vocational educational training, job training, or job search activities, for at least 100 hours per month to maintain eligibility for coverage through the NHHPP Premium Assistance Program, unless they meet exemption criteria established by the state. If NHHPP beneficiaries fail to meet the community engagement requirements, their Medicaid eligibility will be suspended. Beneficiaries will be able to avoid an eligibility suspension or termination, and will be able to reactivate eligibility following a suspension, by demonstrating that they had good cause for failing to meet the requirement, as described in these STCs.

Over the demonstration period, the state seeks to demonstrate several goals. The state's goals will inform the state's evaluation design hypotheses, subject to CMS approval, as described in these STCs. The state's goals include, and are not limited to the following:

- Continuity of coverage – For individuals whose incomes fluctuate, the premium assistance structure of the demonstration will permit continuity of health plans and provider networks. Individuals and families may receive coverage through the same health plans and may seek treatment and services through the same providers regardless of whether their underlying coverage is through Medicaid or through the Exchange.

- **Plan Variety** – The premium assistance structure of the demonstration could also encourage Medicaid Managed Care carriers to offer QHPs in the Exchange in order to retain Medicaid market share, and could encourage QHP carriers to seek Medicaid managed care contracts. This dual participation in the Medicaid Managed Care program and the Exchange would afford beneficiaries seamless coverage during times of transition either across eligibility groups within Medicaid or from Medicaid to the Exchange, and would increase the selection of plans for both Medicaid and Exchange enrollees. The state will evaluate whether there is an increase in plan variety because of this cross-program participation.
- **Cost Effective Coverage** – The premium assistance approach will increase QHP enrollment and may result in greater economies of scale and competition among QHPs. This, in turn, may result in coverage that achieves cost reductions in comparison to direct Medicaid coverage. The state will evaluate whether QHP coverage is cost effective, looking at the entire demonstration period and trends that emerge as the demonstration proceeds.
- **Uniform provider access** – The state will evaluate access to primary, specialty, and behavioral health care services for beneficiaries in the demonstration to determine if it is comparable to the access afforded to the general population in New Hampshire.
- **Promoting community engagement** – The state will test whether requiring participation in specified community engagement activities as a condition of eligibility improves health outcomes and promotes independence for NHHPP beneficiaries.

### III. GENERAL PROGRAM REQUIREMENTS

1. **Compliance with Federal Non-Discrimination Statutes.** The state must comply with all applicable federal statutes relating to non-discrimination. These include, but are not limited to, the Americans with Disabilities Act of 1990 (ADA), Title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973 (Section 504), the Age Discrimination Act of 1975, and Section 1557 of the Affordable Care Act (Section 1557). Such compliance includes providing reasonable modifications to individuals with disabilities under the ADA, Section 504, and Section 1557 with eligibility and documentation requirements, understanding program rules and notices, establishing eligibility for an exemption from community engagement requirements on the basis of disability, meeting and documenting community engagement requirements, and meeting other program requirements necessary to obtain and maintain benefits.
2. **Compliance with Medicaid and Children’s Health Insurance Program (CHIP) Law, Regulation, and Policy.** All requirements of the Medicaid program and CHIP, expressed in law, regulation, and policy statement, not expressly waived or identified as not applicable in the waiver and expenditure authority documents (of which these terms and conditions are part), apply to the demonstration.
3. **Changes in Medicaid and CHIP Law, Regulation, and Policy.** The state must, within the timeframes specified in law, regulation, or policy statement, come into compliance with any changes in federal law, regulation, or policy affecting the Medicaid or CHIP program that occur during this demonstration approval period, unless the provision being changed is

expressly waived or identified as not applicable. In addition, CMS reserves the right to amend the STCs to reflect such changes and/or changes without requiring the state to submit an amendment to the demonstration under STC 7. CMS will notify the state 30 days in advance of the expected approval date of the amended STCs to allow the state to provide comment.

**4. Impact on Demonstration of Changes in Federal Law, Regulation, and Policy.**

- a. To the extent that a change in federal law, regulation, or policy requires either a reduction or an increase in federal financial participation (FFP) for expenditures made under this demonstration, the state must adopt, subject to CMS approval, a modified budget neutrality agreement as well as a modified allotment neutrality worksheet for the demonstration as necessary to comply with such change. The modified budget neutrality agreement will be effective upon the implementation of the change.
- b. If mandated changes in the federal law require state legislation, the changes must take effect on the day such state legislation becomes effective, or on the last day such legislation was required to be in effect under the law.

**5. State Plan Amendments.** If the eligibility of a population eligible through the Medicaid or CHIP state plan is affected by a change to the demonstration, a conforming amendment to the appropriate state plan may be required, except as otherwise noted in these STCs. In all such instances the Medicaid state plan governs.

- a. Should the state amend the state plan to make any changes to eligibility for this population, upon submission of the state plan amendment, the state must notify CMS demonstration staff in writing of the pending state plan amendment, and request a corresponding technical correction to the demonstration.

**6. Changes Subject to the Amendment Process.** Changes related to demonstration features including eligibility, enrollment, benefits, enrollee rights, delivery systems, cost sharing, evaluation design, sources of non-federal share of funding, budget neutrality, and other comparable program elements must be submitted to CMS as amendments to the demonstration. All amendment requests are subject to approval at the discretion of the Secretary in accordance with section 1115 of the Act. The state must not implement changes to the demonstration without prior approval by CMS through an amendment to the demonstration. Amendments to the demonstration are not retroactive and FFP will not be available for changes to the demonstration that have not been approved through the amendment process set forth in STC 7 below.

**7. Amendment Process.** Requests to amend the demonstration must be submitted to CMS for approval no later than 120 days prior to the planned date of implementation of the change and may not be implemented until approved. CMS reserves the right to deny or delay approval of a demonstration amendment based on non-compliance with these STCs, including but not limited to failure by the state to submit required reports and other

deliverables in a timely fashion according to the deadlines specified herein. Amendment requests must include, but are not limited to, the following:

- a. An explanation of the public process used by the state, consistent with the requirements of STC 15, prior to submission of the requested amendment;
- b. A data analysis worksheet which identifies the specific “with waiver” impact of the proposed amendment on the current budget neutrality agreement. Such analysis shall include current total computable “with waiver” and “without waiver” status on both a summary and detailed level through the current approval period using the most recent actual expenditures, as well as summary and detailed projections of the change in the “with waiver” expenditure total as a result of the proposed amendment, which isolates (by Eligibility Group) the impact of the amendment;
- c. An up-to-date CHIP allotment neutrality worksheet, if necessary; and
- d. A detailed description of the amendment, including impact on beneficiaries, with sufficient supporting documentation; and
- e. A description of how the evaluation design will be modified to incorporate the amendment provisions.

**8. Option to Continue Demonstration Beyond DY 1.** If the state intends to continue operating this demonstration beyond DY 1 and the legislature authorizes such continuation, the state must submit a letter of intent to CMS no later than 6 months prior to the end of each DY for which the state seeks continuation of the demonstration. Otherwise, the state should submit a phase-out plan consistent with the requirements of STC 10.

**9. Extension of the Demonstration.** States that intend to request demonstration extensions under sections 1115(e) or 1115(f) are advised to observe the timelines contained in those statutes. Otherwise, no later than six months prior to the expiration date of the demonstration, the governor or chief executive officer of the state must submit to CMS either a demonstration extension request or a transition and phase-out plan consistent with the requirements of STC 10.

- a. Compliance with Transparency Requirements at 42 CFR 431.412.
- b. As part of the demonstration extension requests the state must provide documentation of compliance with the transparency requirements 42 CFR 431.412 and the public notice and tribal consultation requirements outlined in STC 16.

**10. Demonstration Phase Out.** The state may only suspend or terminate this demonstration in whole, or in part, consistent with the following requirements.

- a. Notification of Suspension or Termination: The state must promptly notify CMS in writing of the reason(s) for the suspension or termination, together with the effective date and a transition and phase-out plan. The state must submit its notification letter and a

draft plan to CMS no less than six (6) months before the effective date of the demonstration's suspension or termination. Prior to submitting the draft plan to CMS, the state must publish on its website the draft transition and phase-out plan for a 30-day public comment period. In addition, the state must conduct tribal consultation in accordance with its approved tribal consultation state plan amendment. Once the 30-day public comment period has ended, the state must provide a summary of each public comment received, the state's response to the comment and how the state incorporated the received comment into the revised plan.

- b. The state must obtain CMS approval of the transition and phase-out plan prior to the implementation of the phase-out activities. Implementation of activities must be no sooner than 14 days after CMS approval of the plan.
- c. **Transition and Phase-out Plan Requirements:** The state must include, at a minimum, in its plan the process by which it will notify affected beneficiaries, the content of said notices (including information on the beneficiary's appeal rights), the process by which the state will conduct administrative reviews of Medicaid eligibility prior to the termination of the program for the affected beneficiaries, and ensure ongoing coverage for those beneficiaries determined eligible, as well as any community outreach activities including community resources that are available.
- d. **Phase-out Procedures:** The state must comply with all notice requirements found in 42 CFR 431.206, 431.210, and 431.213. In addition, the state must assure all appeal and hearing rights afforded to demonstration participants as outlined in 42 CFR 431.220 and §431.221. If a demonstration participant requests a hearing before the date of action, the state must maintain benefits as required in 42 CFR 431.230. In addition, the state must conduct administrative renewals for all affected beneficiaries in order to determine if they qualify for Medicaid eligibility under a different eligibility category. 42 CFR Section 435.916.
- e. **Exemption from Public Notice Procedures** 42.CFR Section 431.416(g). CMS may expedite the federal and state public notice requirements in the event it determines that the objectives of title XIX and XXI would be served or under circumstances described in 42 CFR Section 431.416(g).
- f. **Federal Financial Participation (FFP):** If the project is terminated or any relevant waivers suspended by the state, FFP shall be limited to normal closeout costs associated with terminating the demonstration including services and administrative costs of disenrolling participants.

**11. Post Award Forum.** Within six months of the demonstration's implementation, and annually thereafter, the state will afford the public with an opportunity to provide meaningful comment on the progress of the demonstration. At least 30 days prior to the date of the planned public forum, the state must publish the date, time and location of the forum in a prominent location on its website. The state can either use its Medical Care Advisory Committee, or another meeting that is open to the public and where an interested party can learn about the progress of the demonstration to meet the requirements of this STC. The

state must include a summary of the comments in the quarterly report as specified in STC 52 associated with the quarter in which the forum was held. The state must also include the summary in its annual report as required in STC 54.

**12. Federal Financial Participation (FFP).** If the project is terminated or any relevant waivers suspended by the state, FFP shall be limited to normal closeout costs associated with terminating the demonstration including services and administrative costs of disenrolling enrollees.

**13. Expiring Demonstration Authority.** For demonstration authority that expires prior to the demonstration's expiration date, the state must submit a transition plan to CMS no later than six months prior to the applicable demonstration authority's expiration date, consistent with the following requirements:

- a. **Expiration Requirements.** The state must include, at a minimum, in its demonstration expiration plan the process by which it will notify affected beneficiaries, the content of said notices (including information on the beneficiary's appeal rights), the process by which the state will conduct administrative reviews of Medicaid eligibility for the affected beneficiaries, and ensure ongoing coverage for eligible individuals, as well as any community outreach activities.
- b. **Expiration Procedures.** The state must comply with all notice requirements found in 42 CFR Sections 431.206, 431.210 and 431.213. In addition, the State must assure all appeal and hearing rights afforded to demonstration enrollees as outlined in 42 CFR Sections 431.220 and 431.221. If a demonstration enrollee requests a hearing before the date of action, the state must maintain benefits as required in 42 CFR Section 431.230. In addition, the state must conduct administrative renewals for all affected beneficiaries in order to determine if they qualify for Medicaid eligibility under a different eligibility category as discussed in October 1, 2010, State Health Official Letter #10-008.
- c. **Federal Public Notice.** CMS will conduct a 30-day federal public comment period consistent with the process outlined in 42 CFR Section 431.416 in order to solicit public input on the state's demonstration expiration plan. CMS will consider comments received during the 30-day period during its review and approval of the state's demonstration expiration plan. The state must obtain CMS approval of the demonstration expiration plan prior to the implementation of the expiration activities. Implementation of expiration activities must be no sooner than 14 days after CMS approval of the plan.
- d. **Federal Financial Participation (FFP):** FFP shall be limited to normal closeout costs associated with the expiration of the demonstration including services and administrative costs of disenrolling enrollees.

**14. Withdrawal of Demonstration Authority.** CMS reserves the right to amend and withdraw waivers or expenditure authorities at any time it determines that continuing the waivers or expenditure authorities would no longer be in the public interest or promote the objectives of Title XIX, including if federal monitoring of data indicates that the community engagement features of this demonstration may not adequately incentivize beneficiary participation or are



unlikely to result in improved health outcomes, or that other demonstration features are not operating as intended. CMS will promptly notify the State in writing of the determination and the reasons for the amendment and withdrawal, together with the effective date, and afford the State an opportunity to request a hearing to challenge CMS' determination prior to the effective date. If a waiver or expenditure authority is withdrawn or amended, FFP is limited to normal closeout costs associated with terminating the waiver or expenditure authority, including services and administrative costs of disenrolling beneficiaries.

**15. Adequacy of Infrastructure.** The state must ensure the availability of adequate resources for implementation and monitoring of the demonstration, including education, outreach, and enrollment; maintaining eligibility systems; compliance with cost sharing requirements; and reporting on financial and other demonstration components.

**16. Public Notice, Tribal Consultation, and Consultation with Interested Parties.** The state must comply with the State Notice Procedures set forth in 59 Fed. Reg. 49249 (September 27, 1994), to the extent applicable. The state must also comply, to the extent applicable, with the tribal consultation requirements in section 1902(a)(73) of the Act as amended by section 5006(e) of the American Recovery and Reinvestment Act (ARRA) of 2009, the implementing regulations for the Review and Approval Process for Section 1115 demonstrations at 42 CFR Section 431.408, and the tribal consultation requirements contained in the state's approved state plan, when any program changes to the demonstration are proposed by the state.

- a. In states with federally recognized Indian tribes consultation must be conducted in accordance with the consultation process outlined in the July 17, 2001 letter or the consultation process in the state's approved Medicaid state plan if that process is specifically applicable to consulting with tribal governments on waivers (42 CFR Section 431.408(b)(2)).
- b. In states with federally recognized Indian tribes, Indian health programs, and/or Urban Indian organizations, the state is required to submit evidence to CMS regarding the solicitation of advice from these entities prior to submission of any demonstration proposal, amendment and/or renewal of this demonstration (42 CFR Section 431.408(b)(3)).
- c. The state must also comply with the Public Notice Procedures set forth in 42 CFR Section 447.205 for changes in statewide methods and standards for setting payment rates.

**17. Federal Financial Participation (FFP).** No federal matching for administrative or service expenditures for this demonstration will take effect until the effective date identified in the demonstration approval letter.

#### **IV. Eligibility**

**18. Populations Affected by the NHHPP Premium Assistance Demonstration.** Except as described in STCs 19, 20, and 23, the NHHPP Premium Assistance Demonstration affects the coverage and delivery of benefits for adults aged 19 through 64 eligible under the state plan consistent with section 1902(a)(10)(A)(i)(VIII) of the Act and 42 CFR section 435.119 who are not medically frail or enrolled in employer sponsored insurance (ESI). Eligibility and coverage for these individuals are subject to all applicable Medicaid laws and regulations in accordance with the Medicaid state plan, except to the extent expressly waived. Implementation of such waiver authority must be consistent with these STCs. Any Medicaid state plan amendments to this eligibility group will apply to this demonstration.

Medicaid State Plan Mandatory Groups	Federal Poverty Level	Funding Stream	Expenditure and Eligibility Group Reporting
Adults in Section 1902(a)(10)(A)(i)(VIII) Group	Adults at or below 133 percent FPL, who are not medically frail or enrolled in cost effective ESI coverage through the state HIPP program.	Title XIX	MEG – 1

**19. Medically Frail Individuals.** New Hampshire will institute a process to determine whether an individual is medically frail. The process will be described in the ABP state plan provisions. Individuals who are medically frail will be exempted from the demonstration.

**20. American Indian/Alaska Native Individuals.** Individuals identified as American Indian or Alaskan Native (AI/AN) have the ability to opt out of enrollment into QHPs, but are otherwise included in the demonstration. If an AI/AN individual opts out of enrollment into QHPs, the individual would receive the ABP offered under the Alternative Benefit State Plan through fee for service Medicaid. An AI/AN individual will be able to access covered benefits through Indian Health Service, Tribal, or urban Indian organization (I/T/U) facilities. Under the Indian Health Care Improvement Act (IHICIA), I/T/U facilities are entitled to payment notwithstanding network restrictions. As of the approval of this amendment, there are no I/T/U facilities in the state of New Hampshire.

**21. Retroactive Coverage.** Prior to making any change in policies regarding retroactive coverage for the demonstration population, the state shall submit data to CMS to establish that there is seamless coverage that does not result in gaps in coverage prior to the time that a Medicaid application is filed, for individuals in the populations affected by the demonstration. The state will submit a description of its renewal process and data related to that process, as well as any relevant data related to coverage continuity to evaluate whether individuals are losing coverage upon renewal. Upon a CMS determination that sufficient data has been provided to establish that retroactive coverage prior to the date of application is not necessary to fill gaps in coverage, the state shall not have to provide retroactive coverage

prior to the date of application under the demonstration; coverage for demonstration applicants will begin at the date of application.

## **V. NHHPP PREMIUM ASSISTANCE ENROLLMENT**

- 22. NHHPP Premium Assistance.** For individuals who are eligible for the NHHPP Premium Assistance, enrollment in a QHP will be mandatory unless the individual is determined to be exempt as described in STC 23.
- 23. Exclusions and Exemptions from Enrollment.** The following individuals are either not permitted or not required to enroll in NHHPP Premium Assistance or QHPs.
- a. Individuals who are eligible for the NH state plan Health Insurance Premium Payment (HIPP) Program for individuals with access to cost-effective ESI are not permitted to enroll in NHHPP Premium Assistance.
  - b. Individuals who are determined to be medically frail are not permitted to enroll in NHHPP Premium Assistance.
  - c. Individuals who are AI/AN are not required to enroll in QHPs, but are otherwise included in NHHPP Premium Assistance.
- 24. Notices.** NHHPP Premium Assistance beneficiaries will receive a notice from New Hampshire Medicaid advising them of the following:
- a. **QHP Plan Selection.** The notice will include information regarding how NHHPP Premium Assistance beneficiaries can select a QHP, including guidance on selecting the plan that will best address their needs and information on the state's auto-enrollment process in the event that the beneficiary does not select a plan.
  - b. **Access to Services until QHP Enrollment is Effective.** The notice will include the Medicaid client identification number (CIN) and Medicaid card. The notice will include information on how beneficiaries can use the CIN number or Medicaid card to access services until their QHP enrollment is effective.
  - c. **Wrapped Benefits.** The notice accompanying the Medicaid card will also include information on how enrollees can use the card to access wrapped benefits. The notice will include specific information regarding services that are covered directly through fee-for-service Medicaid, what phone numbers to call or websites to visit to access wrapped services, and any cost-sharing for wrapped services pursuant to STC 37.
  - d. **Appeals.** The notice will also include information regarding the grievance and appeals process.
  - e. **Exemptions.** The notice will include information describing how new adult enrollees who believe they may be exempt from participation in the demonstration, enrollment into QHPs, and/or the community engagement requirements of the demonstration, can request an exemption. The notice will include information on available exemptions and on community engagement requirements.
  - f. **Additional Notices.** The eligibility determination notice will advise that the NHHPP Premium Assistance program is subject to cancellation upon notice.

**25. QHP Selection.** The QHPs in which NHHPP Premium Assistance beneficiaries will enroll will be reviewed by the New Hampshire Insurance Department (NHID) and certified through the Federally Facilitated Exchange's QHP certification process. The QHPs available for selection by the beneficiary will be determined by the Medicaid agency.

**26. Enrollment Process.** The enrollment process will begin on November 1, 2015 through the following procedures for new applicants and transition population.

New Applicants:

- a. Individuals will submit a joint application for insurance affordability programs— Medicaid, CHIP and Advanced Premium Tax Credits/Cost Sharing Reductions— electronically, via phone, by mail, or in-person.
- b. An eligibility determination will be made through the New Hampshire Eligibility & Enrollment Framework (EEF).
- c. Individuals determined to be Medicaid eligible will receive coverage through the State Plan until January 1, 2016, after which they will receive coverage through the demonstration except as specified in d.
- d. Individuals who are determined to be medically frail based on the definition and process identified in the state's approved alternative benefit plan will be excluded from the demonstration and will receive direct coverage as described in the state plan Alternative Benefit Plan for the medically frail.
- e. Individuals who are not identified as medically frail will receive a notice informing them that they may select a QHP and providing guidance on how to select a QHP. The notice will also include information on selecting a QHP and comparisons highlighting the differences between plans with respect to, among other things, networks, access to patient-centered medical homes, and use of care coordination programs.
- f. Individuals may select a QHP (1) through the state's online portal, NHEASY, (2) by phone, or (3) in person.
- g. Individuals who fail to select a QHP within 30 days of an eligibility determination will be auto-assigned. New Hampshire will send individuals a notice informing them of the QHP to which they have been auto-assigned and that they have the right to select a different plan.
- h. Once an individual has either selected a QHP or the time period to select a QHP has ended, New Hampshire will send an 834 transaction to the issuer. 834 transactions will be sent to carriers daily in batch.
- i. Upon receipt of an 834 enrollment transaction, the carrier will send an enrollment package, including the benefit card, to the enrollee.

- j. On at least a monthly basis, the carriers will send DHHS a list of all QHP Premium Assistance enrollees, identified by a unique ID number, for New Hampshire's Department of Health and Human Services (NHHHS) to reconcile. Upon reconciliation NHHHS will send back an updated list for carriers.
- k. The state's MMIS will generate an 820 transaction to pay premiums and cost sharing reductions on behalf of beneficiaries directly to the QHP issuer.
- l. State MMIS premium payments will continue until the individual is determined to no longer be eligible; the individual selects an alternative plan during the next open enrollment period; or the individual is determined to be medically frail and exempted from the NHHPP Premium Assistance.

Transition Population:

- a. Prior to and during the open enrollment period, New Hampshire Medicaid will send enrollees a notice informing them either: (1) that they have been auto-assigned to the QHP offered by their Medicaid managed care organization (MCO) in which they are currently enrolled (if the MCO elects to offer QHPs), but that they may select a different plan that is included in the NHHPP program or (2), if they have not been auto-assigned, that they may select a QHP that is included in the NHHPP Premium Assistance program. The notices will provide guidance on how to select a QHP. The notice will also include comparisons highlighting the differences between plans with respect to, among other things, networks, access to patient-centered medical homes, and use of care coordination programs.
- b. Individuals may select a QHP (1) through the state's online portal, NHEASY, (2) by phone, or (3) in person.
- c. Individuals who were not auto-assigned to a QHP offered by their MCO and who fail to select a QHP within 30 days of receiving the notice informing them to select a QHP will be auto-assigned. New Hampshire Medicaid will send the individuals a notice informing them of the QHP to which they have been auto-assigned and that they have the right to select a different plan.
- d. Once an individual has either selected a QHP or the time period to select a QHP has ended, New Hampshire will send an 834 transaction to the issuer. 834 transactions will be sent to carriers daily in batch.
- e. Upon receipt of an 834 enrollment transaction, the carrier will send an enrollment package, including the benefit card, to the enrollee.
- f. On at least a monthly basis, the carriers will send DHHS a list of all QHP Premium Assistance enrollees, identified by a unique ID number, for New Hampshire's Department of Health and Human Services (NHHHS) to reconcile. Upon reconciliation NHHHS will send back an updated list for carriers.

- g. The state's MMIS will generate an 820 transaction to pay premiums and cost sharing reductions on behalf of beneficiaries directly to the QHP issuer.
- h. State MMIS premium and cost sharing reduction payments will continue until the individual is determined to no longer be eligible; the individual selects an alternative plan during the next open enrollment period; the individual is determined to be medically frail and exempted from the NHHPP Premium Assistance.

**27. Auto-assignment.** The following categories will be auto-assigned a QHP: (1) individuals who are enrolled in a Medicaid MCO that offers a QHP, and (2) individuals who are not enrolled in a Medicaid MCO or whose Medicaid MCO is not offering a QHP and who fail to select a QHP within 30 days of an eligibility determination or receipt of a notice to select a plan. New Hampshire Medicaid will send the individuals a notice informing them of the QHP to which they have been auto-assigned and their right to select a different plan. Individuals will be given a thirty-day period to request enrollment in another plan.

**28. Auto-assignment Methodology.** The auto-assignment methodology in DY 1 will take into account, among other factors, family affiliation, primary care provider affiliation, and premium costs.

**29. Changes to Auto-assignment Methodology.** The state will advise CMS 60 days prior to implementing a change to the auto-assignment methodology.

**30. Disenrollment.** Enrollees in the NHHPP Premium Assistance may be disenrolled from the QHP if (i) they are determined to be medically frail after they were previously determined eligible or (ii) if they become enrolled in the mandatory HIPP program.

## **VI. PREMIUM ASSISTANCE DELIVERY SYSTEM**

**31. Memorandum of Understanding.** The New Hampshire Department of Health and Human Services shall enter into a memorandum of understanding (MOU) with each QHP issuer that will enroll individuals covered under the demonstration. Areas to be addressed in the MOU include, but are not limited to:

- a. Enrollment of individuals in populations affected by the demonstration;
- b. Payment of premiums and cost-sharing reductions;
- c. Reporting and data requirements necessary to monitor and evaluate the NHHPP Premium Assistance including those referenced in STC 76, ensuring coordination of benefits and enrollee access to EPSDT and other covered benefits through the QHP;
- d. Noticing requirements; and, audit rights.

**32. Qualified Health Plans.** The state will provide premium assistance to support the purchase of coverage for NHHPP Premium Assistance beneficiaries through Exchange QHPs.

- 33. Choice.** Each NHHPP Premium Assistance beneficiary will have the option to choose between at least two silver plans offered in the individual market through the Exchange. The state will pay the full cost of QHP premiums and will provide cost sharing reductions.
- a. NHHPP Premium Assistance enrollees with incomes below 100 percent of the FPL will be enrolled in plans that effectively are 100 percent actuarial value (AV) high-value silver plans (after accounting for cost sharing reductions). Enrollees with incomes above 100 up to 133 percent of the FPL will be enrolled in plans that effectively are 94 percent AV high-value silver plans (after accounting for cost sharing reductions).
  - b. NHHPP Premium Assistance beneficiaries will be able to choose from at least two silver plans in each rating area of the state.
  - c. The state will comply with Essential Community Provider network requirements, as part of the Qualified Health Plan certification process.
- 34. Coverage Prior to Enrollment in a QHP.** The state will provide coverage through fee-for-service Medicaid from the date of application for coverage under the new adult group until the individual's enrollment in the QHP becomes effective.
- a. For individuals who select (or are auto-assigned) to a QHP between the first and fifteenth day of a month, QHP coverage will become effective as of the first day of the month following QHP selection (or auto-assignment).
  - b. For individuals who select (or are auto-assigned) to a QHP between the sixteenth and last day of a month, QHP coverage will become effective as of the first day of the second month following QHP selection (or auto-assignment).

## **VII. BENEFITS**

- 35. Alternative Benefit Plan.** Individuals affected by this demonstration will receive benefits described in an alternative benefit plan set forth in the approved state plan. Individuals enrolled in QHPs will be restricted to the QHP provider network (except for family planning providers) to receive such benefits, and the QHP will pay primary to Medicaid for covered benefits. The QHP payment rate will be payment in full for such benefits.
- 36. Medicaid Wrap Benefits.** The state will provide through its fee-for-service Medicaid program wrap-around benefits that are included in the ABP but not covered by qualified health plans. These benefits include non-emergency medical transportation (NEMT), Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) services for individuals participating in the demonstration who are under age 21, family planning services and supplies, and certain limited adult dental and adult vision services.
- 37. Access to Wrap Around Benefits.** In addition to receiving an insurance card from the applicable QHP issuer, NHHPP Premium Assistance beneficiaries will be sent a notice. The notice will contain information on how enrollees can use the card to access wrapped benefits. The notice will include specific information regarding services that are covered directly

through fee-for-service Medicaid, what phone numbers to call or websites to visit to access wrapped services, and any cost-sharing for wrapped services pursuant to STC 36.

- 38. Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) Services.** The state must fulfill its responsibilities for coverage, outreach, and assistance with respect to EPSDT services that are described in the requirements of sections 1905(a)(4)(B) (services), 1902(a)(43) (administrative requirements), and 1905(r) (definitions).
- 39. Access to Federally Qualified Health Centers and Rural Health Centers.** NHHPP Premium Assistance enrollees will have access to at least one QHP in each service area that contracts with at least one FQHC or RHC.

## **VII. COST SHARING**

- 40. Cost sharing.** Cost sharing for NHHPP Premium Assistance enrollees must be in compliance with federal requirements that are set forth in statute, regulation and policies, including exemptions from cost-sharing set forth in 42 CFR Section 447.56. All cost sharing on demonstration participants will be consistent with New Hampshire's approved state plan, as amended by the state. NHHPP Premium Assistance enrollees who have income above 100 percent of the FPL will pay copayment amounts listed in Attachment A.
- 41. Payment Process for Payment of Cost Sharing Reduction to QHPs.** Agreements with QHP issuers may provide for advance monthly cost-sharing reduction (CSR) payments to cover the costs associated with the reduced cost-sharing for NHHPP Premium Assistance beneficiaries. Such payments will be subject to reconciliation at the conclusion of the benefit year based on enrollee's actual usage of services. The state's reconciliation process will follow 45 CFR Section 156.430 to the extent possible.

## **IX. APPEALS**

- 42.** Beneficiary safeguards of appeal rights will be provided by the state, including fair hearing rights. No waiver will be granted related to appeals. The state must ensure compliance with all federal and state requirements related to beneficiary appeal rights.

## **X. COMMUNITY ENGAGEMENT REQUIREMENT**

- 43. Overview.** Subject to these STCs, the state will implement a community engagement requirement as a condition of eligibility for NHHPP Premium Assistance Program beneficiaries, unless they are exempt as described in STC 44, or unless they demonstrate good cause as described in STC 47(a). To maintain Medicaid eligibility, non-exempt members will be required to participate in specified activities that may include employment, education, or community service, as specified in these STCs. The community engagement requirement will be implemented no sooner than January 1, 2019, and the state will provide CMS with notice 30 days prior to its implementation.

- 44. Exempt Populations.** The following NHHPP Premium Assistance beneficiaries are exempt



from the community engagement requirement:

- Beneficiaries who are temporarily unable to participate due to illness or incapacity as documented by a licensed provider;
- Beneficiaries who are participating in a state-certified drug court program;
- Beneficiaries who are a parent or caretaker where care of a dependent is considered necessary by a licensed provider;
- Beneficiaries who are a custodial parent or caretaker of a dependent child under 6 years of age (only applies to one parent or caretaker in case of a 2-parent household);
- Beneficiaries who are a parent or caretaker of a dependent child of any age with a disability;
- Beneficiaries who are pregnant or 60 days or less post-partum;
- Beneficiaries identified as medically frail;
- Beneficiaries with a disability as defined by the ADA, Section 504, or Section 1557, who are unable to comply with the requirements due to disability-related reasons;
- Beneficiaries residing with an immediate family member who has a disability as defined by the ADA, Section 504, or Section 1557, who are unable to meet the requirement for reasons related to the disability of that family member;
- Beneficiaries who experience a hospitalization or serious illness;
- Beneficiaries residing with an immediate family member who experiences a hospitalization or serious illness;
- Beneficiaries who are exempt from Supplemental Nutrition Assistance Program (SNAP) and/or Temporary Assistance for Needy Families (TANF) employment requirements; or
- Beneficiaries who are enrolled in New Hampshire's voluntary Health Insurance Premium Program (HIPP).

Beneficiaries meeting one or more of the above listed exemptions will not be required to complete community engagement qualifying activities to maintain eligibility.

**45. Qualifying Activities.** Beneficiaries without an exemption must document their participation in any one or a combination of qualifying activities by attesting compliance with the community engagement requirements and reporting applicable changes in circumstances in accordance with 42 CFR 435.916(c). NHHPP Premium Assistance beneficiaries may satisfy their community engagement requirements through a variety of activities, including but not limited to:

- Unsubsidized employment;
- Subsidized private or public sector employment;
- Subsidized or unsubsidized employment at a non-profit organization;
- On the job training;
- Job skills training related to employment;
- Enrollment at an accredited community college, college or university that is counted on a credit hour basis;
- Job search and readiness assistance, including but not limited to job training or job search activities that are required in order to receive unemployment benefits; and other job training related services, such as job training workshops and time spent with employment counselors, offered by the department of employment security;

- Vocational educational training not to exceed 12 months with respect to any individual;
- Education directly related to employment, in the case of a recipient who has not received a high school diploma or certificate of high school equivalency;
- Attendance at a secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate;
- Participation in substance use disorder treatment;
- Community service and public service;
- Caregiving services for a non-dependent relative or other person with a disabling health, mental health, or developmental condition; or
- Participation in and compliance with Supplemental Nutrition Assistance Program (SNAP) and/or Temporary Assistance for Needy Families (TANF) employment requirements.

**46. Hour Requirements.** The community engagement initiative will require beneficiaries to participate for at least 100 hours per calendar month in one or more community engagement activities using the options described in 42 CFR 435.907(a). Beneficiaries may also be required to provide appropriate supporting documentation when requested by the state.

- a. **Reasonable modifications for people with disabilities:** The state must provide reasonable modifications related to meeting community engagement requirements for beneficiaries with disabilities as defined under the ADA, Section 504, or Section 1557, when necessary, to enable them to have an equal opportunity to participate in, and benefit from, the program. The state must also provide reasonable modifications for protections and procedures, including but not limited to assistance with demonstrating eligibility for an exemption from community engagement requirements on the basis of disability; appealing disenrollments; documenting community engagement activities and other documentation requirements; understanding notices and program rules related to community engagement requirements; navigating ADA compliant web sites as required by 42 CFR 435.1200(f); and other types of reasonable modifications. The reasonable modifications must include exemptions from participation where an individual is unable to participate for disability-related reasons, modification in the number of hours of participation required where an individual is unable to participate for the otherwise-required number of hours, and provision of support services necessary to participate, where participation is possible with supports. In addition, the state should evaluate individuals' ability to participate and the types of reasonable modifications and supports needed.

**47. Non-Compliance.** Eligibility will be suspended, effective under the time frame described in subsection (e), for beneficiaries who fail to meet required community engagement hours, unless the beneficiary demonstrates that they have good cause for failing to meet the requirement, or appeals the suspension, prior to its effective date.

- a. **Good Cause.** The state will not suspend eligibility, if beneficiaries who failed to meet the community engagement hours qualify for good cause to excuse that failure due to a circumstance that occurred in the month in which the beneficiary failed to meet their

required community engagement hours. Good cause includes, but is not limited to, at a minimum, the following verified circumstances:

- i. The beneficiary has a disability as defined by the ADA, section 504, or section 1557, and was unable to meet the requirement for reasons related to that disability, but was not exempted from community engagement requirements;
- ii. The beneficiary resides with an immediate family member who has a disability as defined by the ADA, section 504, or section 1557, and was unable to meet the requirement for reasons related to the disability of that family member, but was not exempted from community engagement requirements;
- iii. The beneficiary experienced a hospitalization or serious illness, but was not exempted from community engagement requirements;
- iv. The beneficiary resides with an immediate family member who experienced a hospitalization or serious illness, but the beneficiary was not exempted from community engagement requirements;
- v. The beneficiary experiences the birth, or death, of a family member residing with the beneficiary;
- vi. The beneficiary experiences severe inclement weather (including natural disaster) and therefore was unable to meet the requirement;
- vii. The beneficiary has a family emergency or other life-changing event (e.g., divorce or domestic violence); or
- viii. Other good cause reasons as defined or approved by the state.

b. **Notice Period.** All currently enrolled beneficiaries will have 75 calendar days after the start date of the community engagement requirement before they must begin to meet the community engagement hours requirement. Beneficiaries who are determined eligible after the start date of the community engagement requirement will also have 75 calendar days beginning with the date of their eligibility determination before they must begin to meet the community engagement hours requirement. Beneficiaries who reapply after their eligibility was terminated at redetermination for failure to meet community engagement requirements will also have 75 calendar days beginning with the date of their eligibility determination before they must begin to meet the community engagement hours requirement, provided that they had been disenrolled for at least six (6) months. Beneficiaries must begin to meet the community engagement hours requirement beginning with the first full month following any applicable 75-day notice period.

c. **Opportunity to Cure.** If beneficiaries are non-compliant with community engagement requirements in a month, the state will send a written notice informing them that their eligibility will be suspended at the end of the following month, until they report that they:

- i. Demonstrate good cause;
- ii. Demonstrate an exemption status; or
- iii. Satisfy community engagement requirements by making up the deficient hours for the month that resulted in noncompliance.

d. **Extra Hours.** Beneficiaries will not be able to carry-over extra hours forward in order to satisfy community engagement requirements.

- e. **Suspension Effective Date.** If a beneficiary is out of compliance with the community engagement requirement and failed to cure under subsection (c), the state will suspend eligibility effective the first of the month following the one-month opportunity to cure. The suspension will remain in effect until the beneficiary reactivates eligibility by (1) satisfying the deficiency in community engagement hours that resulted in non-compliance, (2) meeting the qualifications for an exemption listed at STC 44, (3) demonstrating good cause as described in subsection (a), or (4) becoming eligible for Medicaid under an eligibility category that is not subject to the community engagement requirement. Beneficiaries can reactivate eligibility prior to their redetermination date without having to complete a new application, provided that at least one of the above-listed criteria for reactivation is met.
- f. **Redetermination.** The state will send beneficiaries whose eligibility has been suspended due to failure to meet the community engagement requirement a notice informing them of their upcoming redetermination period and of the consequences of failing to meet the community engagement requirement during their redetermination period. During redetermination, the state will terminate eligibility for beneficiaries who are not in compliance with the community engagement requirement. Beneficiaries whose eligibility has been terminated at redetermination for failure to meet the community engagement requirement can reapply at any time for Medicaid. When a person whose enrollment was terminated during redetermination reapplies, their previous noncompliance with the community engagement requirement will not be factored into the state's determination of their eligibility for re-enrollment.

**48. Community Engagement: State Assurances.** Prior to implementation of the community engagement requirements as a condition of eligibility, the state shall:

- a. Maintain system capabilities to operationalize both the suspension of eligibility and the lifting of suspensions once community engagement requirements are met.
- b. Maintain mechanisms that would stop payments to QHPs when a beneficiary's eligibility is suspended and to trigger payments once the suspension is lifted.
- c. Ensure that there are processes and procedures in place to seek data from other sources, including SNAP and TANF, and systems to permit beneficiaries to efficiently report community engagement hours or obtain an exemption, in accordance with 42 CFR 435.907(a), 435.916(c), and 435.945, and to permit New Hampshire to monitor compliance.
- d. Ensure that there are timely and adequate beneficiary notices provided in writing, including but not limited to:
  - i. When the community engagement requirement will commence for that specific beneficiary;
  - ii. Whether a beneficiary is exempt, how the beneficiary must indicate to the state that she or he is exempt, and under what conditions the exemption would end;
  - iii. The specific number of community engagement hours per month that a beneficiary is required to complete, and when and how the beneficiary must report participation;
  - iv. A list of the specific activities that may be used to satisfy community engagement requirements and a list of the specific activities that beneficiaries can engage in to cure an impending suspension or termination of eligibility, as described in STC 45;

- v. Information about resources that help connect beneficiaries to opportunities for activities that would meet the community engagement requirement, and information about the community supports that are available to assist beneficiaries in meeting community engagement requirements;
  - vi. Information about how community engagement hours will be counted and documented;
  - vii. What gives rise to a suspension or a termination of eligibility, what a suspension or termination would mean for the beneficiary, and how to avoid a suspension or termination, including how to apply for good cause and what kinds of circumstances might give rise to good cause;
  - viii. If a beneficiary is not in compliance for a particular month, that the beneficiary is out of compliance, and how the beneficiary can cure the non-compliance in the immediately following month, including the specific number of hours needed to cure the non-compliance;
  - ix. If a beneficiary's eligibility is suspended or terminated, how to appeal the suspension or termination;
  - x. How to lift a suspension if the beneficiary is suspended, including the specific number of community engagement hours that must be completed to lift the suspension;
  - xi. How to reapply if a beneficiary's eligibility is terminated during redetermination;
  - xii. Any differences in the program requirements that individuals will need to meet in the event they transition off of SNAP or TANF but remain subject to the community engagement requirements of this demonstration; and
  - xiii. If a beneficiary has sought to demonstrate good cause, whether good cause has been approved or denied, with an explanation of the basis for the decision and how to appeal a denial.
- e. Ensure application assistance is available to beneficiaries (in person and by phone).
  - f. Ensure that specific activities that may be used to satisfy community engagement requirements and specific activities that would allow beneficiaries to cure an impending suspension or termination of eligibility (as described in STC 45) are available during a range of times and through a variety of means (e.g., online, in person) at no cost to the beneficiary.
  - g. Maintain an annual redetermination process, including systems to complete ex parte redeterminations and use of notices that contain prepopulated information known to the state, consistent with all applicable Medicaid requirements.
  - h. Maintain ability to report on and process applications in-person, via phone, via mail and electronically;
  - i. Provide full appeal rights as required under 42 CFR, Part 431, subpart E prior to suspension or termination of eligibility, and observe all requirements for due process for beneficiaries whose eligibility will be suspended, denied, or terminated for failing to meet the community engagement requirement, including allowing beneficiaries the opportunity to raise additional issues in a hearing, including whether the beneficiary should be subject to the suspension or termination, and provide additional documentation through the appeals process.
  - j. Assure that termination, disenrollment, or denial of eligibility will only occur after an individual has been screened and determined ineligible for all other bases of Medicaid eligibility and reviewed for eligibility for insurance affordability programs in accordance with 435.916(f).

- k. Establish beneficiary protections, including assuring that NHHPP Premium Assistance beneficiaries do not have to duplicate requirements to maintain access to all public assistance programs that require community engagement and employment.
- l. Make good faith efforts to connect NHHPP Premium Assistance beneficiaries to existing community supports that are available to assist beneficiaries in meeting community engagement requirements, including available non-Medicaid assistance with transportation, child care, language access services and other supports.
- m. Make good faith efforts to connect beneficiaries with disabilities as defined in the ADA, Section 504, or Section 1557 with services and supports necessary to enable them to meet community engagement requirements. The existence of separate programs and services providing such supports does not relieve the state of its obligation to provide reasonable modifications for people with disabilities with respect to its Medicaid community engagement requirements.
- n. Ensure the state will assess areas within the state that experience high rates of unemployment, areas with limited economies and/or educational opportunities, and areas with lack of public transportation to determine whether there should be further exemptions from the community engagement requirements and/or additional mitigation strategies, so that the community engagement requirements will not be unreasonably burdensome for beneficiaries to meet.
- o. Provide beneficiaries with written notice of the rights of people with disabilities to receive reasonable modifications related to meeting community engagement requirements.
- p. Maintain a system that provides reasonable modifications related to meeting the community engagement requirement to beneficiaries with disabilities as defined in the ADA, Section 504, or Section 1557.
- q. The state must submit an eligibility and enrollment monitoring plan within 90 calendar days after approval of the community engagement amendment of this demonstration. CMS will work with the state if it determines changes are necessary to the state's submission, or if issues are identified as part of its review. Once approved, the eligibility and enrollment monitoring plan will be incorporated into the STCs as an Attachment. The state will provide status updates on the implementation of the eligibility and enrollment monitoring plan in the quarterly reports. Should the state wish to make additional changes to the eligibility and enrollment monitoring plan, the state should submit a revised plan to CMS for review and approval. The state may not take adverse action on a beneficiary for failing to complete community engagement requirements until CMS has reviewed and approved eligibility and enrollment monitoring plan for completeness and determined that the state has addressed all of the required elements in a reasonable manner.
- r. The State makes the general assurance that it is in compliance with protections for beneficiaries with disabilities under the ADA, Section 504, and Section 1557.
- s. **Plan Requirements.** At a minimum, the eligibility and enrollment monitoring plan will describe the strategic approach and detailed project implementation plan, including metrics, timetables, and programmatic content to ensure processes are in place where applicable, for defining and addressing how the state will comply with the assurances described in these STCs. Where possible, metrics baselines for the following data points will be informed by state data, and targets will be benchmarked against performance in best practice settings:
  - i. Number and percentage of beneficiaries who are exempt from the community engagement requirement;

- ii. Number and percentage of beneficiaries granted good cause from community engagement requirements;
- iii. Number and percentage of beneficiaries who requested reasonable accommodations;
- iv. Number and percentage and type of reasonable accommodations provided to beneficiaries;
- v. Number and percentage of beneficiaries whose eligibility was suspended for failing to comply with community engagement requirements;
- vi. Number and percentage of beneficiaries whose eligibility was terminated at redetermination for not meeting community engagement requirements;
- vii. Number and percentage of community engagement-related appeal requests;
- viii. Number, percentage and type of community engagement good cause requested;
- ix. Number, percentage, and type of community engagement good cause granted; and
- x. Number and percentage of applications made in-person, via phone, via mail and electronically.

## **XI. GENERAL REPORTING REQUIREMENTS**

**49. General Financial Requirements.** The state must comply with all general financial requirements under Title XIX, including reporting requirements related to monitoring budget neutrality, set forth in Section XII of these STCs.

**50. Reporting Requirements Related to Budget Neutrality.** The state must comply with all reporting requirements for monitoring budget neutrality set forth in Section XII of these STCs.

**51. Monitoring Calls.** CMS will convene periodic conference calls with the state. The purpose of these calls is to discuss any significant actual or anticipated developments affecting the demonstration; including planning for future changes in the program or intent to further implement the NHHPP Premium Assistance beyond December 31, 2016. CMS will provide updates on any amendments or concept papers under review, as well as federal policies and issues that may affect any aspect of the demonstration. The state and CMS will jointly develop the agenda for the calls.

Areas to be addressed include, but are not limited to:

- a. Transition and implementation activities;
- b. Stakeholder concerns;
- c. QHP operations and performance;
- d. Community engagement operations and performance
- e. Enrollment;
- f. Cost sharing;
- g. Quality of care;
- h. Beneficiary access,
- i. Benefit package and wrap around benefits;
- j. Audits;
- k. Lawsuits;
- l. Financial reporting and budget neutrality issues;

- m. Progress on evaluation activities and contracts;
- n. Related legislative developments in the state; and
- o. Any demonstration changes or amendments the state is considering.

**52. Quarterly Progress Reports.** The state will provide quarterly reports to CMS.

- a. The reports shall provide sufficient information for CMS to understand implementation progress of the demonstration, including the reports documenting key operational and other challenges, underlying causes of challenges, how challenges are being addressed, as well as key achievements and to what conditions and efforts successes can be attributed.
- b. Monitoring and performance metric reporting templates are subject to review and approval by CMS. Where possible, information will be provided in a structured manner that can support federal tracking and analysis.

**53. Compliance with Federal Systems Innovation.** As MACBIS or other federal systems continue to evolve and incorporate 1115 waiver reporting and analytics, the state shall work with CMS to revise the reporting templates and submission processes to accommodate timely compliance with the requirements of the new systems.

**54. Demonstration Annual Report.** The annual report must, at a minimum, include the requirements outlined below. The state will submit the draft annual report no later than 90 days after the end of DY 1 and after the end of each additional demonstration year, if applicable. Within 30 days of receipt of comments from CMS, a final annual report must be submitted for the demonstration year (DY) to CMS.

- a. All items included in the quarterly report pursuant to STC 46 must be summarized to reflect the operation/activities throughout the DY;
- b. Total annual expenditures for the demonstration population for each DY, with administrative costs reported separately; and
- c. Yearly enrollment reports for demonstration enrollees for each DY (enrollees include all individuals enrolled in the demonstration) that include the member months, as required to evaluate compliance with the budget neutrality agreement;

**55. Final Report.** Within 120 days following the end of the demonstration, the state must submit a draft final report to CMS for comments. The state must take into consideration CMS' comments for incorporation into the final report. The final report is due to CMS no later than 120 days after receipt of CMS' comments.

## **XI. GENERAL FINANCIAL REQUIREMENTS**

This project is approved for Title XIX expenditures applicable to services rendered during the demonstration period. This section describes the general financial requirements for these expenditures.

**56. Quarterly Expenditure Reports.** The state must provide quarterly Title XIX expenditure reports using Form CMS-64, to separately report total Title XIX expenditures for services provided through this demonstration under section 1115 authority. CMS shall provide Title



XIX FFP for allowable demonstration expenditures, only as long as they do not exceed the pre-defined limits on the costs incurred, as specified in section XII of the STCs.

**57. Reporting Expenditures under the Demonstration.** The following describes the reporting of expenditures subject to the budget neutrality agreement:

- a. **Tracking Expenditures.** In order to track expenditures under this demonstration, the state will report demonstration expenditures through the Medicaid and State Children's Health Insurance Program Budget and Expenditure System (MBES/CBES), following routine CMS-64 reporting instructions outlined in section 2500 and Section 2115 of the SMM. All demonstration expenditures subject to the budget neutrality limit must be reported each quarter on separate forms CMS-64.9 WAIVER and/or 64.9P WAIVER, identified by the demonstration project number assigned by CMS (including the project number extension, which indicates the DY in which services were rendered or for which capitation payments were made). For monitoring purposes, and consistent with annual CSR reconciliation, cost settlements must be recorded on the appropriate prior period adjustment schedules (forms CMS-64.9 Waiver) for the summary line 10B, in lieu of lines 9 or 10C. For any other cost settlements (i.e., those not attributable to this demonstration), the adjustments should be reported on lines 9 or 10C, as instructed in the SMM. The term, "expenditures subject to the budget neutrality limit," is defined below in STC 62.
- b. **Cost Settlements.** For monitoring purposes, and consistent with annual CSR reconciliation, cost settlements attributable to the demonstration must be recorded on the appropriate prior period adjustment schedules (form CMS-64.9P Waiver) for the summary sheet sine 10B, in lieu of lines 9 or 10C. For any cost settlement not attributable to this demonstration, the adjustments should be reported as otherwise instructed in the SMM.
- c. **Premium and Cost Sharing Contributions.** To the extent New Hampshire collects premiums, Premiums and other applicable cost sharing contributions from enrollees that are collected by the state from enrollees under the demonstration must be reported to CMS each quarter on Form CMS-64 summary sheet line 9.D, columns A and B. In order to assure that these collections are properly credited to the demonstration, premium and cost-sharing collections (both total computable and federal share) should also be reported separately by DY on the form CMS-64 narrative. In the calculation of expenditures subject to the budget neutrality expenditure limit, premium collections applicable to demonstration populations will be offset against expenditures. These section 1115 premium collections will be included as a manual adjustment (decrease) to the demonstration's actual expenditures on a quarterly basis.
- d. **Pharmacy Rebates.** Pharmacy rebates are not considered here as this program is not eligible.
- e. **Use of Waiver Forms for Medicaid.** For each DY, separate Forms CMS-64.9 Waiver and/or 64.9P Waiver shall be submitted reporting expenditures for individuals enrolled in the demonstration, subject to the budget neutrality limit (Section XII of these STCs). The

state must complete separate waiver forms for the following eligibility groups/waiver names:

**i. MEG 1 – “New Adult Group”**

- f. The first Demonstration Year (DY1) will begin on January 1, 2016. In the event that the state requests an extension of the demonstration consistent with STC 8, subsequent DYs will be defined as follows:

Demonstration Year 1 (DY1)	January 1, 2016	12 months
Demonstration Year 2 (DY2)	January 1, 2017	12 months
Demonstration Year 3 (DY3)	January 1, 2018	12 months

**58. Administrative Costs.** Administrative costs will not be included in the budget neutrality limit, but the state must separately track and report additional administrative costs that are directly attributable to the demonstration, using Forms CMS-64.10 Waiver and/or 64.10P Waiver, with waiver name Local Administration Costs (“ADM”).

**59. Claiming Period.** All claims for expenditures subject to the budget neutrality limit (including any cost settlements) must be made within 2 years after the calendar quarter in which the state made the expenditures. Furthermore, all claims for services during the demonstration period (including any cost settlements) must be made within 2 years after the conclusion or termination of the demonstration. During the latter 2-year period, the state must continue to identify separately net expenditures related to dates of service during the operation of the section 1115 demonstration on the Form CMS-64 and Form CMS-21 in order to properly account for these expenditures in determining budget neutrality.

**60. Reporting Member Months.** The following describes the reporting of member months for demonstration populations:

- a. For the purpose of calculating the budget neutrality expenditure cap and for other purposes, the state must provide to CMS, as part of the quarterly report required under STC 46, the actual number of eligible member months for the demonstration populations defined in STC 17. The state must submit a statement accompanying the quarterly report, which certifies the accuracy of this information.

To permit full recognition of “in-process” eligibility, reported counts of member months may be subject to revisions after the end of each quarter. Member month counts may be revised retrospectively as needed.

- b. The term “eligible member months” refers to the number of months in which persons are eligible to receive services. For example, a person who is eligible for three months contributes three eligible member months to the total. Two individuals who are eligible

for two months each contribute two eligible member months to the total, for a total of four eligible member months.

**61. Standard Medicaid Funding Process.** The standard Medicaid funding process must be used during the demonstration. The state must estimate matchable demonstration expenditures (total computable and federal share) subject to the budget neutrality expenditure cap and separately report these expenditures by quarter for each federal fiscal year on the Form CMS-37 for both the Medical Assistance Payments (MAP) and State and Local Administration Costs (ADM). CMS will make federal funds available based upon the state's estimate, as approved by CMS. Within 30 days after the end of each quarter, the state must submit the Form CMS-64 quarterly Medicaid expenditure report, showing Medicaid expenditures made in the quarter just ended. The CMS will reconcile expenditures reported on the Form CMS-64 quarterly with federal funding previously made available to the state, and include the reconciling adjustment in the finalization of the grant award to the state.

**62. Extent of FFP for the Demonstration.** Subject to CMS approval of the source(s) of the non-federal share of funding, CMS will provide FFP at the applicable federal matching rate for the demonstration as a whole as outlined below, subject to the limits described in STC 64:

- a. Administrative costs, including those associated with the administration of the demonstration.
- b. Net expenditures and prior period adjustments of the Medicaid program that are paid in accordance with the approved state plan.
- c. Medical Assistance expenditures made under section 1115 demonstration authority, including those made in conjunction with the demonstration, net of enrollment fees, cost sharing, pharmacy rebates, and all other types of third party liability or CMS payment adjustments.

**63. Sources of Non-Federal Share.** The state must certify that the matching non-federal share of funds for the demonstration are state/local monies. The state further certifies that such funds shall not be used as the match for any other federal grant or contract, except as permitted by law. All sources of non-federal funding must be compliant with section 1903(w) of the Act and applicable regulations. In addition, all sources of the non-federal share of funding are subject to CMS approval.

- a. CMS may review the sources of the non-federal share of funding for the demonstration at any time. The state agrees that all funding sources deemed unacceptable by CMS shall be addressed within the time frames set by CMS.
- b. Any amendments that impact the financial status of the program shall require the state to provide information to CMS regarding all sources of the non-federal share of funding.
- c. The state assures that all health care-related taxes comport with section 1903(w) of the Act and all other applicable federal statutory and regulatory provisions, as well as the

approved Medicaid state plan.

**64. State Certification of Funding Conditions.** The State must certify that the following conditions for non-federal share of demonstration expenditures are met:

- a. Units of government, including governmentally operated health care providers, may certify that state or local tax dollars have been expended as the non-federal share of funds under the demonstration.
- b. To the extent the state utilizes certified public expenditures (CPEs) as the funding mechanism for Title XIX (or under section 1115 authority) payments, CMS must approve a cost reimbursement methodology. This methodology must include a detailed explanation of the process by which the state would identify those costs eligible under Title XIX (or under section 1115 authority) for purposes of certifying public expenditures.
- c. To the extent the state utilizes CPEs as the funding mechanism to claim federal match for payments under the demonstration, governmental entities to which general revenue funds are appropriated must certify to the state the amount of such tax revenue (state or local) used to satisfy demonstration expenditures. The entities that incurred the cost must also provide cost documentation to support the state's claim for federal match.
- d. The state may use intergovernmental transfers to the extent that such funds are derived from state or local tax revenues and are transferred by units of government within the state. Any transfers from governmentally operated health care providers must be made in an amount not to exceed the non-federal share of Title XIX payments.

Under all circumstances, health care providers must retain 100 percent of the reimbursement amounts claimed by the state as demonstration expenditures. Moreover, no pre-arranged agreements (contractual or otherwise) may exist between the health care providers and the state and/or local government to return and/or redirect any portion of the Medicaid payments. This confirmation of Medicaid payment retention is made with the understanding that payments that are the normal operating expenses of conducting business (such as payments related to taxes—including health care provider-related taxes—fees, and business relationships with governments that are unrelated to Medicaid and in which there is no connection to Medicaid payments) are not considered returning and/or redirecting a Medicaid payment.

## **XII. MONITORING BUDGET NEUTRALITY FOR THE DEMONSTRATION**

**65. Limit on Title XIX Funding.** The state shall be subject to a limit on the amount of federal Title XIX funding that the state may receive on selected Medicaid expenditures during the period of approval of the demonstration. The limit is determined by using the per capita cost method described in STC 63, and budget neutrality expenditure limits are set on a yearly basis with a cumulative budget neutrality expenditure limit for the length of the entire demonstration. The data supplied by the state to CMS to set the annual caps is subject to review and audit, and if found to be inaccurate, will result in a modified budget neutrality

expenditure limit. CMS' assessment of the state's compliance with these annual limits will be done using the Schedule C report from the CMS-64.

**66. Risk.** The state will be at risk for the per capita cost (as determined by the method described below) for demonstration populations as defined in STC 63, but not at risk for the number of enrollees in the demonstration population. By providing FFP without regard to enrollment in the demonstration populations, CMS will not place the state at risk for changing economic conditions that impact enrollment levels. However, by placing the state at risk for the per capita costs of current eligibles, CMS assures that the demonstration expenditures do not exceed the levels that would have been realized had there been no demonstration.

**67. Calculation of the Budget Neutrality Limit.** For the purpose of calculating the overall budget neutrality limit for the demonstration, separate annual budget limits will be calculated for each DY on a total computable basis, as described in STC63 below. In the event that there is more than one DY, the annual limits will then be added together to obtain a budget neutrality limit for the entire demonstration period. The federal share of this limit will represent the maximum amount of FFP that the state may receive during the demonstration period for the types of demonstration expenditures described below. The federal share will be calculated by multiplying the total computable budget neutrality limit by the Composite Federal Share, which is defined in STC 63 below.

**68. Demonstration Populations Used to Calculate the Budget Neutrality Limit.** For each DY, separate annual budget limits of demonstration service expenditures will be calculated as the product of the trended monthly per person cost times the actual number of eligible/member months as reported to CMS by the state under the guidelines set forth in STC 66. The trend rates and per capita cost estimates for each Mandatory Enrollment Group (MEG) for each year of the demonstration are listed in the table below.

MEG	TREND	DY 1 - PMPM	DY 2 -PMPM	DY 3-PMPM
New Adult Group	3.7%	\$701.53	\$727.49	\$754.41

- a. If the state's experience of the take up rate for the new adult group and other factors that affect the costs of this population indicates that the PMPM limit described above in paragraph (a) may underestimate the actual costs of medical assistance for the new adult group, the state may submit an adjustment to paragraph (a), along with detailed expenditure data to justify this, for CMS review without submitting an amendment pursuant to STC 7. Adjustments to the PMPM limit for a demonstration year must be submitted to CMS by no later than October 1 of the demonstration year for which the adjustment would take effect.
- b. The budget neutrality cap is calculated by taking the PMPM cost projection for the above group in each DY, times the number of eligible member months for that group and DY, and adding the products together across DYs. The federal share of the budget neutrality cap is obtained by multiplying total computable budget neutrality cap by the federal share.

c. The state will not be allowed to obtain budget neutrality “savings” from this population.

**69. Composite Federal Share Ratio.** The Composite Federal Share is the ratio calculated by dividing the sum total of federal financial participation (FFP) received by the state on actual demonstration expenditures during the approval period, as reported through the MBES/CBES and summarized on Schedule C (with consideration of additional allowable demonstration offsets such as, but not limited to, premium collections) by total computable demonstration expenditures for the same period as reported on the same forms. Should the demonstration be terminated prior to the end of the extension approval period (see STC 8), the Composite Federal Share will be determined based on actual expenditures for the period in which the demonstration was active. For the purpose of interim monitoring of budget neutrality, a reasonable estimate of Composite Federal Share may be developed and used through the same process or through an alternative mutually agreed upon method.

**70. Future Adjustments to the Budget Neutrality Expenditure Limit.** CMS reserves the right to adjust the budget neutrality expenditure limit to be consistent with enforcement of impermissible provider payments, health care related taxes, new federal statutes, or policy interpretations implemented through letters, memoranda, or regulations with respect to the provision of services covered under the demonstration.

**71. Enforcement of Budget Neutrality.** CMS shall enforce budget neutrality over the life of the demonstration rather than on an annual basis, in the event that there is more than one Demonstration Year. However, if the state’s expenditures exceed the calculated cumulative budget neutrality expenditure cap by the percentage identified below for any of the demonstration years, the state must submit a corrective action plan to CMS for approval. The state will subsequently implement the approved corrective action plan.

Year	Cumulative target definition	Percentage
DY 1	Cumulative budget neutrality limit plus:	3%
DY 2	Cumulative budget neutrality limit plus:	1.5%
DY 3	Cumulative budget neutrality limit plus:	0%

**72. Exceeding Budget Neutrality.** If at the end of the demonstration period the cumulative budget neutrality limit has been exceeded, the excess federal funds will be returned to CMS. If the demonstration is terminated prior to the end of the budget neutrality agreement, an evaluation of this provision will be based on the time elapsed through the termination date.

### XIII. EVALUATION

**73. Submission of Evaluation Design.** The state shall submit a draft evaluation design to CMS no later than 90 days after the award of the Demonstration or Demonstration amendments.

The evaluation design, including the budget and adequacy of approach to meet the scale and rigor of the requirements of STC 3, is subject to CMS approval. CMS shall provide comment within 30 days of receipt from the state. The state shall provide the Final Evaluation Design within 45 days of receipt of CMS comments. If CMS finds that the Final Evaluation Design adequately accommodates its comments, then CMS will approve the Final Evaluation Design within 30 days and attach to these STCs as Attachment B.

- 74. Cost-effectiveness.** While not the only purpose of the evaluation, the core purpose of the evaluation is to support a determination as to whether the preponderance of the evidence about the costs and effectiveness of the NHHPP Premium Assistance Demonstration using premium assistance when considered in its totality demonstrates cost effectiveness taking into account both initial and longer term costs and other impacts such as improvements in service delivery and health outcomes.
- a. The evaluation will explore and explain through developed evidence the effectiveness of the demonstration for each hypothesis, including total costs in accordance with the evaluation design as approved by CMS.
  - b. Included in the evaluation will be examinations using a robust set of measures of provider access and clinical quality measures under the NHHPP Premium Assistance Demonstration compared to what would have happened for a comparable population in Medicaid Care Management.
  - c. The state will compare total costs under the NHHPP Premium Assistance Demonstration to costs of what would have happened under a traditional Medicaid expansion. This will include an evaluation of provider rates, healthcare utilization and associated costs, and administrative expenses over time.
  - d. The state will compare changes in access and quality to associated changes in costs within the NHHPP Premium Assistance. To the extent possible, component contributions to changes in access and quality and their associated levels of investment in New Hampshire will be determined and compared to improvement efforts undertaken in other delivery systems.

**75. Evaluation Requirements.** The state shall engage the public in the development of its evaluation design. The evaluation design shall be a summative evaluation and will discuss the following requirements as they pertain to each:

- a. The scientific rigor of the analysis;
- b. A discussion of the goals, objectives and specific hypotheses that are to be tested;
- c. Specific performance and outcomes measures used to evaluate the demonstration's impact;
- d. How the analysis will support a determination of cost effectiveness;
- e. Data strategy including sources of data, sampling methodology, and how data will be obtained;
- f. The unique contributions and interactions of other initiatives; and
- g. How the evaluation and reporting will develop and be maintained.

The demonstration evaluation will meet the prevailing standards of scientific and academic rigor, as appropriate and feasible for each aspect of the evaluation, including standards for the evaluation design, data collection and analysis, interpretation and reporting of findings. The demonstration evaluation will use the best available data; use controls and adjustments for and reporting of the limitations of data and their effects on results; and discuss the generalizability of results.

The state shall acquire an independent entity to conduct the evaluation. The evaluation design shall discuss the state's process for obtaining an independent entity to conduct the evaluation, including a description of the qualifications the entity must possess, how the state will assure no conflict of interest, and a budget for evaluation activities.

**76. Evaluation Design.** The Evaluation Design shall include the following core components to be approved by CMS:

- a. Research questions and hypotheses: This includes a statement of the specific research questions and testable hypotheses that address the goals of the demonstration. At a minimum, the research questions shall address the goals of improving access, reducing churning, improving quality of care thereby leading to enhanced health outcomes, and lowering costs. The research questions will have appropriate comparison groups and may be studied in a time series. The analyses of these research questions will provide the basis for a robust assessment of cost effectiveness.

The following are among the hypotheses to be considered in development of the evaluation design and will be included in the design as appropriate:

- i. Premium assistance beneficiaries will have equal or better access to care, including primary care and specialty physician networks and services.
- ii. Premium assistance beneficiaries will have equal or better access to preventive care services.
- iii. Premium assistance beneficiaries will have lower non-emergent use of emergency room services.
- iv. Premium assistance beneficiaries will have fewer gaps in insurance coverage.
- v. Premium assistance beneficiaries will maintain continuous access to the same health plans, and will maintain continuous access to providers.
- vi. Premium assistance beneficiaries, including those who become eligible for Exchange Marketplace coverage, will have fewer gaps in plan enrollment, improved continuity of care, and resultant lower administrative costs.
- vii. Premium assistance beneficiaries will have lower rates of potentially preventable emergency department and hospital admissions.
- viii. Premium assistance beneficiaries will report equal or better satisfaction in the care provided.
- ix. Premium assistance beneficiaries who are young adults eligible for EPSDT benefits will have at least as satisfactory and appropriate access to these benefits.



- x. Premium assistance beneficiaries will have appropriate access to non-emergency transportation.
  - xi. The cost for covering Premium Assistance beneficiaries will be comparable to what the costs would have been for covering the same expansion group in New Hampshire Medicaid in accordance with STC 69 on determining cost effectiveness and other requirements in the evaluation design as approved by CMS.
  - xii. The demonstration could lead to an increase in plan variety by encouraging Medicaid Care Management carriers to offer QHPs in the Marketplace in order to retain Medicaid market share, and encouraging QHP carriers to seek Medicaid managed care contracts. This dual participation in the Medicaid Care Management program and the Marketplace could afford beneficiaries seamless coverage during times of transition either across eligibility groups within Medicaid or from Medicaid to the Marketplace, and could increase the selection of plans for both Medicaid and Marketplace enrollees.
  - xiii. Requiring participation in specified community engagement activities as a condition of eligibility improves health outcomes and promotes independence for NHHPP beneficiaries.
- b. Study Design: The design will consider through its research questions and analysis plan the appropriate application of the following dimensions of access and quality:
- i. Comparisons of provider networks;
  - ii. Consumer satisfaction and other indicators of consumer experience;
  - iii. Provider experience; and
  - iv. Evidence of improved access and quality across the continuum of coverage and related health outcomes.
- c. The design will include a description of the quantitative and qualitative study design (e.g., cohort, controlled before-and-after studies, interrupted time series, case-control, etc.), including a rationale for the design selected. The discussion will include a proposed baseline and approach to comparison; examples to be considered as appropriate include the definition of control and/or comparison groups or within-subjects design, use of propensity score matching and difference in differences design to adjust for differences in comparison populations over time. The discussion will include approach to benchmarking, and should consider applicability of national and state standards. The application of sensitivity analyses as appropriate shall be considered
- d. Study Population: This includes a clear description of the populations impacted by each hypothesis, as well as the comparison population, if applicable. The discussion may include the sampling methodology for the selected population, as well as support that a statistically valid sample size is available.
- e. Access, Service Delivery Improvement, Health Outcome, Satisfaction and Cost Measures: This includes identification, for each hypothesis, of quantitative and/or qualitative process and/or outcome measures that adequately assess the impact and/or effectiveness of the Demonstration. Nationally recognized measures may be used where appropriate.

Measures will be clearly stated and described, with the numerator and dominator clearly defined. To the extent possible, the state may incorporate comparisons to national data and/or measure sets. A broad set of performance metrics may be selected from nationally recognized metrics, for example from sets developed by the Centers for Medicare and Medicaid Services Medicaid Adult Core measures, for meaningful use under HIT, or from the National Quality Forum. Among considerations in selecting the metrics shall be opportunities identified by the State for improving quality of care and health outcomes, and controlling cost of care.

f. Data Collection: This discussion shall include:

1. A description of the data sources; the frequency and timing of data collection; and the method of data collection. The following shall be considered and included as appropriate:
  - i. Medicaid encounter and claims data,
  - ii. enrollment data, and
  - iii. consumer and provider surveys

g. Assurances Needed to Obtain Data: The design report will discuss the State's arrangements to assure needed data to support the evaluation design are available.

h. Data Analysis: This includes a detailed discussion of the method of data evaluation, including appropriate statistical methods that will allow to the greatest extent possible that the effects of the Demonstration are isolated from other initiatives occurring in the State. The level of analysis may be at the beneficiary, provider, and program level, as appropriate, and shall include population stratifications, for further depth. Sensitivity analyses may be used when appropriate. Qualitative analysis methods may also be described, if applicable.

i. Timeline: This includes a timeline for evaluation-related milestones, including those related to procurement of an outside contractor, if applicable, and deliverables.

j. Evaluator: This includes a discussion of the State's process for obtaining an independent entity to conduct the evaluation, including a description of the qualifications that the selected entity must possess; how the state will assure no conflict of interest, and a budget for evaluation activities.

**77. Interim Evaluation Report.** If the state continues the demonstration beyond DY 1, then the state is required to submit a draft Interim Evaluation Report 90 days following completion of year two of the demonstration. The Interim Evaluation Report shall include the same core components as identified in STC 79 for the Final Summative Evaluation Report.

**78. Summative Evaluation Report.** The Summative Evaluation Report will include analysis of data from the Demonstration. The state is required to submit a preliminary summative report in 180 days of the expiration of the demonstration including documentation of outstanding assessments due to data lags to complete the summative evaluation. Within 360 days of the expiration date of the Premium Assistance Demonstration, the State shall submit a draft of

the final summative evaluation report to CMS. CMS will provide comments on the draft within 60 days of draft receipt. The state should respond to comments and submit the Final Summative Evaluation Report within 30 days.

**79. The Final Summative Evaluation Report.** The Final Summative Report shall include the following core components:

- a. **Executive Summary.** This includes a concise summary of the goals of the Demonstration; the evaluation questions and hypotheses tested; and key findings including whether the evaluators find the demonstration to be budget neutral and cost effective, and policy implications.
- b. **Demonstration Description.** This includes a description of the Demonstration programmatic goals and strategies, particularly how they relate to budget neutrality and cost effectiveness.
- c. **Study Design.** This includes a discussion of the evaluation design employed including research questions and hypotheses; type of study design; impacted populations and stakeholders; data sources; and data collection; analysis techniques, including controls or adjustments for differences in comparison groups, controls for other interventions in the State and any sensitivity analyses, and limitations of the study.
- d. **Discussion of Findings and Conclusions.** This includes a summary of the key findings and outcomes, particularly a discussion of cost effectiveness, as well as implementation successes, challenges, and lessons learned.
- e. **Policy Implications.** This includes an interpretation of the conclusions; the impact of the Demonstration within the health delivery system in the State; the implications for State and Federal health policy; and the potential for successful Demonstration strategies to be replicated in other State Medicaid programs.
- f. **Interactions with Other State Initiatives.** This includes a discussion of this demonstration within an overall Medicaid context and long range planning, and includes interrelations of the demonstration with other aspects of the State's Medicaid program, and interactions with other Medicaid waivers, the SIM award and other federal awards affecting service delivery, health outcomes and the cost of care under Medicaid.

**80. State Presentations for CMS.** The State will present to and participate in a discussion with CMS on the final design plan, post approval, in conjunction with STC 71. The State will present on its interim evaluation in conjunction with STC 72. The State will present on its summative evaluation in conjunction with STC 73.

**81. Public Access.** The State shall post the final approved Evaluation Design, Interim Evaluation Report, and Summative Evaluation Report on the State Medicaid website within 30 days of approval by CMS.

- a. For a period of 24 months following CMS approval of the Summative Evaluation Report, CMS will be notified prior to the public release or presentation of these reports and related journal articles, by the State, contractor or any other third party. Prior to release of these reports, articles and other documents, CMS will be provided a copy including press materials. CMS will be given 30 days to review and comment on journal articles before they are released. CMS may choose to decline some or all of these notifications and reviews.

**82. Electronic Submission of Reports.** The State shall submit all required plans and reports using the process stipulated by CMS, if applicable.

**83. Cooperation with Federal Evaluators.** Should CMS undertake an evaluation of the demonstration or any component of the demonstration, or an evaluation that is isolating the effects of Premium Assistance, the State shall cooperate fully with CMS and its contractors. This includes, but is not limited to, submitting any required data to CMS or the contractor in a timely manner and at no cost to CMS or the contractor.

**84. Cooperation with Federal Learning Collaboration Efforts.** The State will cooperate with improvement and learning collaboration efforts by CMS.

**85. Evaluation Budget.** A budget for the evaluation shall be provided with the evaluation design. It will include the total estimated cost, as well as a breakdown of estimated staff, administrative and other costs for all aspects of the evaluation such as any survey and measurement development, quantitative and qualitative data collection and cleaning, analyses, and reports generation. A justification of the costs may be required by CMS if the estimates provided do not appear to sufficiently cover the costs of the design or if CMS finds that the design is not sufficiently developed.

**86. Deferral for Failure to Provide Summative Evaluation Reports on Time.** The State agrees that when draft and final Interim and Summative Evaluation Reports are due, CMS may issue deferrals in the amount of \$5,000,000 if they are not submitted on time to CMS or are found by CMS not to be consistent with the evaluation design as approved by CMS.

**Attachment A: Copayment Amounts**

<b>Copayments for Newly Eligible, Non-Medically Frail, Non-HIPP Beneficiaries above 100% FPL enrolled in the NHPP Premium Assistance Demonstration for DY2</b>	
Service	Amount
Primary Care Provider to Treat Illness/Injury	\$3.00 per visit
Specialty Physician Visit	\$8.00 per visit
Inpatient Hospital Services	\$125.00 for entire stay
Mental Health Inpatient Services	\$125.00 for entire stay
Substance Use Disorder Inpatient Services	\$125.00 for entire stay
Mental Health Outpatient Services	\$3.00 per visit
Substance Use Disorder Outpatient Services	\$3.00 per visit
High cost Imaging (CT/PET, Scans, MRI)	\$35.00 per procedure
Rehabilitative Speech Therapy	\$8.00 per visit
Rehabilitative Occupational Therapy	\$3.00 per visit
Rehabilitative Physical Therapy	\$3.00 per visit
Preferred Drugs	\$4.00 per prescription
Non-Preferred Drugs	\$8.00 per prescription
Chiropractic Care	\$3.00 per visit
Other Medical Professional Office Visit (Nurse, PA)	\$3.00 per visit

**Attachment B: Demonstration Evaluation Design**