

INTERIM RULEMAKING NOTICE FORM

Proposed Interim Rule Number **2016-30** Rule Number **He-W 513.02(q); He-W 513.05 (r) intro & (r)(6)**

<p>1. Agency Name & Address: NH Dept. of Health & Human Services Office of Medicaid Business and Policy 129 Pleasant Street, Brown Building Concord, NH 03301</p> <p>5. Filing Date: October 6, 2016</p>	<p>2. RSA Authority: <u> RSA 161:4-a, X </u></p> <p>3. Federal Authority: <u> 42 CFR Parts 455 and 457 </u></p> <p>4. Type of Action:</p> <p style="padding-left: 20px;">Adoption <u> </u></p> <p style="padding-left: 20px;">Amendment <u> X </u></p> <p style="padding-left: 20px;">Repeal <u> </u></p> <p style="padding-left: 20px;">Readoption <u> </u></p> <p style="padding-left: 20px;">Readoption w/amendment <u> </u></p>
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6. Short Title: **Medicaid Substance Use Disorder (SUD) Treatment and Recovery Support Services**

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

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TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

The proposed rules may be viewed and downloaded at:
<http://www.dhhs.nh.gov/oos/aru/comment.htm>

8. Summary explaining the effect of the rule:

SB 533 (Chapter 330:13, Laws of 2016) awarded a supplemental appropriation to the Department’s Bureau of Drug and Alcohol Services (BDAS) to support direct grants for the creation, initiation, expansion, and/or operational costs for substance use disorder (SUD) peer recovery support services. Currently, the peer recovery programs that are recognized for purposes of providing and being reimbursed for Medicaid covered services under the Department’s SUD Treatment and Recovery Support Services rule, He-W 513, do not include programs under contract with the Department’s BDAS. As a result of this chapter law, He-W 513 is being amended to allow these funded peer recovery support programs, which will be under contract with BDAS, to be recognized and reimbursed by Medicaid for peer recovery support services that are not reimbursable out of the grant monies.

Proposed amendments to He-W 513 are as follows:

- **The definition of “peer recovery program” He-W 513.02(q) is being amended to include programs under contract with the Department’s BDAS in accordance with Chapter 330:13, Laws of 2016.**
- **In the covered services section He-W 513.05(r)(6) is being amended to indicate that billing of services is allowed by the peer recovery program.**

9. Listing of people, enterprises, and government agencies affected by the rule:

Currently, the peer recovery programs that are recognized for purposes of providing and being reimbursed for Medicaid covered services under the Department's SUD Treatment and Recovery Support Services rule, He-W 513, do not include programs under contract with the Department's BDAS. As a result of SB 533 (Chapter 330:13, Laws of 2016), He-W 513 is being amended to allow those peer recovery support programs which are under contract with BDAS to be recognized and reimbursed by Medicaid for peer recovery support services. This rule also affects the NH Medicaid recipients of such services.

10. Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement.

RULE	STATE OR FEDERAL STATUTE THE RULE IMPLEMENTS
He-W 513.02(q)	42 USC 1396u-7(b)(5), RSA 126-A:5, XXIII-XXV, 42 CFR 440.347
He-W 513.05 (r)intro & (r)(6)	42 USC 1396u-7(b)(5), RSA 126-A:5, XXIII-XXV, 42 CFR 440.347

11. Summary of the effect upon the state if the rule were not adopted:

If the interim rule were not adopted, the Department would not be able to enroll into NH Medicaid the providers of peer recovery support services which have contracted directly with the Department's Bureau of Drug and Alcohol Services.

12. Proposed date of review by the Joint Legislative Committee on Administrative Rules:

October 20, 2016

13. The fiscal impact statement prepared by the Legislative Budget Assistant

16:208, dated 10/06/16

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

When compared to the existing interim rules, the proposed rules may increase costs to the state general fund and have an indeterminable impact on independently-owned businesses, to the extent that those business provide peer recovery support services as covered under the rule.

2. Cite the Federal mandate. Identify the impact on state funds:

No federal mandate, no impact on state funds.

3. Cost and benefits of the proposed rule(s):

Chapter 330:13, Laws of 2016 awarded a supplemental appropriation to the Bureau of Drug and Alcohol Services (BDAS) to support direct grants for the creation, initiation, expansion, and/or operational costs for substance use disorder (SUD) peer recovery services. Currently, the peer recovery programs that are recognized for purposes of providing and being reimbursed for Medicaid-covered services under the Department's SUD treatment and recovery support services rule do not include programs under contract with BDAS. As a result of this chapter law, the Department is proposing to amend He-W 513 to allow these funded peer recovery support programs to be recognized and reimbursed by Medicaid for peer recovery support services that are not reimbursable out of the grant funds.

A. To State general or State special funds:

There may be a cost associated with the proposed rule to the extent that an increase in the number of peer recovery providers results in increased utilization of the peer recovery support service. Any such cost is indeterminable.

B. To State citizens and political subdivisions:

None.

C. To independently owned businesses:

Providers who receive grant awards from BDAS will likely experience an indeterminable benefit from the proposed rule in that they will be able to collect Medicaid reimbursement for their services if they enroll as Medicaid SUD providers. Such providers may also experience indeterminable costs associated with the documentation requirements specified by the rule if these providers are not already accustomed to keeping their records in this manner.

CHAPTER He-W 500 MEDICAL ASSISTANCE

PART He-W 513 SUBSTANCE USE DISORDER (SUD) TREATMENT AND RECOVERY SUPPORT SERVICES

Amend He-W 513.02(q), effective 7/1/16 (Document #11107), cited and to read as follows:

He-W 513.02 Definitions.

(q) “Peer recovery program” means a program that is accredited by the Council on Accreditation of Peer Recovery Support Services (CAPRSS), ~~or~~ is under contract with the department’s contracted facilitating organization, or is under contract with the department’s BDAS to provide peer recovery support services in accordance with Chapter 330:13, Laws of 2016.

Amend He-W 513.05(r)(6), effective 7/1/16 (Document #11107), so that (r) intro and (r)(6) are cited and read as follows:

He-W 513.05 Covered Services.

(r) Peer recovery support shall be a covered service when provided as follows:

(6) Peer recovery support services shall be billed by the outpatient or comprehensive SUD program, or the peer recovery program.

APPENDIX B

RULE	STATE OR FEDERAL STATUTE THE RULE IMPLEMENTS
He-W 513.02(q)	42 USC 1396u-7(b)(5), RSA 126-A:5, XXIII-XXV, 42 CFR 440.347
He-W 513.05 (r)intro & (r)(6)	42 USC 1396u-7(b)(5), RSA 126-A:5, XXIII-XXV, 42 CFR 440.347