

STATE OF NEW HAMPSHIRE BDS GENERAL MEMORANDUM (GM)	
DATE:	March 27, 2023, Updated June 30, 2023, Updated January 12, 2024
TO:	Designated Area Agencies, Service Coordination Agencies, all In Home Supports, Developmental Disabilities, and Acquired Brain Disorder Waiver Service Providers
FROM:	DHHS Bureau of Developmental Services
SIGNATURE:	<i>Melissa Hardy</i>
SUBJECT:	Pass-through Services
GM NUMBER:	GM#23-001
EFFECTIVE DATE:	July 1, 2023
REGULATORY GUIDANCE:	This memo is a communication tool circulated for informational purposes only. The goal is to provide information and guidance to the individuals to whom it is addressed. The contents of this memo and the information conveyed are subject to change. This communication is not intended to take the place of or alter written law, regulations or rule.

MEMORANDUM SUMMARY	
The purpose of this memorandum is to provide clarification to service providers regarding the use of Area Agencies in their role as the Organized Health Care Delivery Systems (OHCDS) as pass-through billing providers, the process in which an individual obtains pass-through services, and standard invoicing/billing for the OHCDS.	

In compliance with federal Centers for Medicare and Medicaid Services (CMS) regulations, providers must have the option to bill for services directly through the State’s Medicaid Management Information System (MMIS) or use a third-party biller (trading partner). This memo provides clarification to service providers regarding the use of Area Agencies in their role as the Organized Health Care Delivery Systems (OHCDS) as pass-through billing providers.

Under regulatory requirements of 42 CFR §447.10, an OHCDS may be the enrolled provider of waiver services that are provided pursuant to an agreement between the provider and the OHCDS. The qualified providers that enter into an agreement with an OHCDS must meet all standards under the waiver to provide services for the OHCDS.

Using this flexibility, BDS is allowing exclusion of certain service providers from Medicaid provider enrollment to enable billing for these certain services to be conducted by an OHCDS on behalf of the provider. Per 42 CFR §447.10, the provider must have an agreement with the OHCDS under which the OHCDS submits the claim.

The use of an OHCDS arrangement does not alter fundamental waiver requirements with respect to provider qualifications or service standards.

Providers of the following services may enter into an agreement with an OHCDS to be the qualified provider and bill on their behalf:

- Assistive Technology;
- Environmental and Vehicle Modification Services;
- Individual Goods & Services;
- Non-Medical Transportation;
- Personal Emergency Response System (PERS);
- Community Integration Services;
- Respite;
- Wellness Coaching; and
- Specialty Services for assessments, consultations, and evaluations (refer to Specialty Service Memorandum for additional information for services covered under Specialty Services Assessment/Consultation).

BDS is using this flexibility to support reduction of administrative burdensomeness, timely access to services, and to promote a robust provider network for these services and reducing any potential delays in acquisition of goods and services authorized in a person's Individual Service Agreement.

Providers of the services indicated above under the Developmental Disabilities (DD), In-Home Supports (IHS), and/or Acquired Brain Disorder (ABD) waivers may enroll in Medicaid directly as developmental services providers or may enter into an agreement with an OHCDS to do so on their behalf. Importantly, only a designated Area Agency serving as the OHCDS can contract with another entity to provide these services and provide billing on behalf of the provider. In the absence of a contract with an OHCDS, a provider of the services above may complete the services through its own organization and enroll as a Medicaid provider.

The following tools are included within the guidance to assist with an individual's access to pass-through services:

- Standard workflow for how an individual accesses pass-through services.
- Pass-through service tool to assist Area Agencies and Service Coordinators with their roles as it relates to assisting the individual to access pass-through services, required documentation per the waiver.
- Standard invoice template to be used by the OHCDS as back-up documentation for bill the pass-through services on behalf of the rendering community provider or for goods purchased on behalf of the individual.