



Lori A. Shibinette
Commissioner

Henry D. Lipman
Director

STATE OF NEW HAMPSHIRE
DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF MEDICAID SERVICES

129 PLEASANT STREET, CONCORD, NH 03301
603-271-9422 1-800-852-3345 Ext. 9422
Fax: 603-271-8431 TDD Access: 1-800-735-2964
www.dhhs.nh.gov

March 20, 2020

Jackie Glaze, Acting Director
Medicaid and CHIP Operations Group Center
Centers for Medicare & Medicaid Services
7500 Security Boulevard
Baltimore, MD 21244-1850

**Re: Critical Need to Establish Hospital Surge Capacity: State of New Hampshire's Section 1115
Demonstration Application Request Addressing the Effects of COVID-19**

Dear Ms. Glaze:

The New Hampshire Department of Health and Human Services ("Department") hereby submits this initial request for approval for an 1115 Waiver Demonstration, pursuant to Section 1115 of the Social Security Act, from the Centers for Medicare and Medicaid Services (CMS), to prevent the transmission of the Coronavirus Disease (COVID-19) to the extent possible.

Specifically, the State is preparing for a likely surge in severe COVID-19 cases, which, without proactive steps could overwhelm the State's hospitals, putting lives at risk. In order to ensure hospital beds are available for acute cases of COVID-19, the State makes the following request, to be effective retroactive to January 27, 2020 through the end of the emergency.

The Department is seeking a § 1115 demonstration waiver for the duration of the public health emergency to waive federal requirements as follows:

- Temporarily suspend transfer of asset rules under section 1917(c) for individuals placed into nursing facilities or comparable institutions.
 - Section 1902(a)(18) requires compliance with section 1917 with respect to liens, adjustments and recoveries of medical assistance correctly paid, transfer of assets, and treatment of certain trusts.
 - Section 1917(c) to temporarily suspend transfer of asset rules for individuals placed into nursing facilities or comparable institutions.

This waiver is necessary in order to leverage existing hospital resources. On a daily basis, there are a number of patients in New Hampshire hospitals that cannot be discharged to a long-term care facility or other setting because their applications for Medicaid Long-term Supports and Services (LTSS) have not been fully processed due to the time it takes to access necessary

financial information to meet the requirements of the asset transfer rules. As the impacts of COVID-19 continue to increase, applicants and beneficiaries are facing additional hurdles in gathering records as financial institutions, businesses, and the courts are limiting access. This waiver allows for relief of administrative burdens so individuals can be placed in appropriate care settings so that hospital beds can be utilized for only those needing hospital level of care.

- Waive CFR 440.167 to allow for families to perform personal care in light of the COVID-19 Emergency. By allowing people who are not currently authorized to receive payment for services, acute individuals who receive services in their home may remain in place and not cause undue capacity strain to nursing facilities or hospitals. At a time where there is significant workforce shortage and extreme disruptions in service delivery, which is exacerbated by limited availability of personal protective equipment, waiving this rule will result in increased capacity.

Thank you for your consideration of this very urgent request. We greatly appreciate your continued efforts in assisting the State of New Hampshire.

Very Truly Yours,

/s/ Henry D. Lipman

Henry D. Lipman, FACHE
Medicaid Director
New Hampshire Department of Health and Human Services

cc.: Lori A. Shibinette, Commissioner
Melissa A. St. Cyr, Chief Legal Officer
Deborah Scheetz, Director, Long Term Support and Services
Lisa M. English, Esq., Director of Intergovernmental Affairs