APPENDIX K: Emergency Preparedness and Response and COVID-19 Addendum

Background:

This standalone appendix may be utilized by the state during emergency situations to request amendments to its approved waiver, to multiple approved waivers in the state, and/or to all approved waivers in the state. It includes actions that states can take under the existing Section 1915(c) home and community-based waiver authority in order to respond to an emergency. Other activities may require the use of various other authorities such as the Section 1115 demonstrations or the Section 1135 authorities. This appendix may be applied retroactively as needed by the state. Public notice requirements normally applicable under 1915(c) do not apply to information contained in this Appendix.

Appendix K-1: General Information

General Information:

A. State: New Hampshire (NH)

B. Waiver Title(s):

Choices for Independence Waiver for Elderly and Chronically Ill

Developmental Disabilities Waiver Acquired Brain Disorder Waiver

In Home Supports Waiver for Children with Developmental Disabilities

C. Control Number(s):

NH.0060.R07.06 - Choices for Independence Waiver

NH.0053.R07.01 – Developmental Disabilities Waiver

NH.4177.R06.01 – Acquired Brain Disorder Waiver

NH.0397.R04.01 – In Home Supports Waiver for Children with Developmental Disabilities

D. Type of Emergency (The state may check more than one box):

X	Pandemic or Epidemic
0	Natural Disaster
0	National Security Emergency
0	Environmental
0	Other (specify):

E. Brief Description of Emergency. *In no more than one paragraph each*, briefly describe the: 1) nature of emergency; 2) number of individuals affected and the state's mechanism to identify individuals at risk; 3) roles of state, local and other entities involved in approved waiver operations; and 4) expected changes needed to service delivery methods, if applicable. The state should provide this information for

each emergency checked if those emergencies affect different geographic areas and require different changes to the waiver.

The purpose of this submission is to operationalize the allocation of authorized funds under section 9817 of the American Rescue Plan Act of 2021 (ARP) for supplemental payments to providers via NH Home and Community Based Services (HCBS) Supplemental Recruitment, Retention & Training Payments for HCBS.

This amendment will apply waiver-wide for each waiver included in this Appendix.

On March 13, 2020, the President of the United States declared the 2019 coronavirus (COVID-19) a nationwide emergency pursuant to Sec 501(b) of the Stafford Act. The four approved 1915(c) waivers serve some of the most vulnerable individuals within the State of New Hampshire. Several conditions/factors/variables present increased risk to this population including underlying health conditions, shared housing within residential settings and difficulty engaging in social distancing mandates due to reliance on support from staff and others for basic needs and to follow infection control procedures. Potential increased workforce shortages resulting from illness of frontline care staff and/or family caregivers will surely lead to greater crisis for the served population. New Hampshire seeks temporary changes to the four aforementioned waivers to mitigate the current risks, to allow flexibility in service delivery systems and to ensure ultimately that participant health and safety needs are accommodated throughout the state of emergency.

New Hampshire is experiencing a significant shortage of direct support workers (DSWs) across all of its Medicaid HCBS programs. In this additive submission, New Hampshire seeks to improve the HCBS system that has been tested and strained by the pandemic by stabilizing the workforce through immediate allocation of authorized funds under section 9817 of the American Rescue Plan Act of 2021 (ARP) to provide directed payments to providers to fund recruitment, retention and training payments to new and existing HCBS DSWs and their immediate supervisors.

- F. Proposed Effective Date: Start Date: March 1, 2020 Anticipated End Date: No later than six (6) months after the expiration of the Public Health Emergency (PHE).
- G. Description of Transition Plan.

All activities will take place in response to the impact of COVID-19 as efficiently and effectively as possible based upon the complexity of the change.

H. Geographic Areas Affected:

These actions will apply across the waivers to all individuals impacted by the COVID-19 virus across the state of New Hampshire.

I. Description of State Disaster Plan (if available) Reference to external documents is acceptable:

New Hampshire's State Emergency Plan and COVID-19 Interactive Dashboard can be found at: https://www.nh.gov/covid19/

New Hampshire's Declaration of State of Emergency:

https://www.governor.nh.gov/news-media/orders-2020/documents/2020-04.pdf

Appendix K-2: Temporary or Emergency-Specific Amendment to Approved Waiver

Temporary or Emergency-Specific Amendment to Approved Waiver:

These are changes that, while directly related to the state's response to an emergency situation, require amendment to the approved waiver document. These changes are time limited and tied specifically to individuals impacted by the emergency. Permanent or long-ranging changes will need to be incorporated into the main appendices of the waiver, via an amendment request in the waiver management system (WMS) upon advice from CMS.

i Temporarily increase the cost limits for entry into the waiver.
[Provide explanation of changes and specify the temporary cost limit.]
ii. Temporarily modify additional targeting criteria.
[Explanation of changes]
_ Services
i Temporarily modify service scope or coverage.
[Complete Section A- Services to be Added/Modified During an Emergency.]
ii. Temporarily exceed service limitations (including limits on sets of service
iiTemporarily exceed service limitations (including limits on sets of service described in Appendix C-4) or requirements for amount, duration, and prior
authorization to address health and welfare issues presented by the emergency.
[Explanation of changes]
[Explanation of changes]

needs; emergency medical supplies and equipment; individually directed goods and

services; ancillary services to establish temporary residences for dislocated waiver enrollees; necessary technology; emergency evacuation transportation outside of the scope of non-emergency transportation or transportation already provided through the waiver). [Complete Section A-Services to be Added/Modified During an Emergency] iv. Temporarily expand setting(s) where services may be provided (e.g. hotels, shelters, schools, churches). Note for respite services only, the state should indicate any facility-based settings and indicate whether room and board is included: [Explanation of modification, and advisement if room and board is included in the respite rate1: v. Temporarily provide services in out of state settings (if not already permitted in the state's approved waiver). [Explanation of changes] c. Temporarily permit payment for services rendered by family caregivers or legally responsible individuals if not already permitted under the waiver. Indicate the services to which this will apply and the safeguards to ensure that individuals receive necessary services as authorized in the plan of care, and the procedures that are used to ensure that payments are made for services rendered. d. Temporarily modify provider qualifications (for example, expand provider pool, temporarily modify or suspend licensure and certification requirements). i. Temporarily modify provider qualifications. [Provide explanation of changes, list each service affected, list the provider type, and the changes in provider qualifications.] ii. Temporarily modify provider types. [Provide explanation of changes, list each service affected, and the changes in the .provider type for each service]. iii. Temporarily modify licensure or other requirements for settings where waiver services are furnished.

 T	emporarily modify processes for level of care evaluations or re-evaluations (within
ılat	ory requirements). [Describe]
Properties	emporarily increase payment rates. ovide an explanation for the increase. List the provider types, rates by service, and specether this change is based on a rate development method that is different from the current roved waiver (and if different, specify and explain the rate development method). If the evaries by provider, list the rate by service and by provider.
cril	eations. be any modifications including qualifications of individuals responsible for service plan
_	ment, and address Participant Safeguards. Also include strategies to ensure that service as authorized.]
_	
Teip	emporarily modify incident reporting requirements, medication management or o
Tacip	emporarily modify incident reporting requirements, medication management or or an early and to account for emergent and welfare, and to account for emergents.

j Temporarily include retainer payments to address emergency related issues. [Describe the circumstances under which such payments are authorized and applicable limits on their duratio Retainer payments are available for habilitation and personal care only.]
k Temporarily institute or expand opportunities for self-direction. [Provide an overview and any expansion of self-direction opportunities including a list of service that may be self-directed and an overview of participant safeguards.]
l Increase Factor C. [Explain the reason for the increase and list the current approved Factor C as well as the propose revised Factor C]

m. X Other Changes Necessary [For example, any changes to billing processes, use of contracted entities or any other changes needed by the State to address imminent needs of individuals in the waiver program]. [Explanation of changes]

New Hampshire (NH) operationalizes the allocation of authorized funds under section 9817 of the American Rescue Plan Act of 2021 (ARP) for additional payments to providers via the New Hampshire Home and Community Based Services (HCBS) Recruitment, Retention & Training Payment Program (RRTPP).

Bureau of Elderly and Adult Services (BEAS), Choices for Independence (CFI) Waiver:

- 1. NH HCBS RRTPP funds will be allocated and paid to CFI waiver providers. Distribution of funds to providers of CFI HCBS was determined as follows:
 - The Bureau of Elderly and Adult Services (BEAS) reviewed the Medicaid Management and Information System to determine estimated actual expenditures trended through March 31, 2022, for eligible codes.
 - Distribution of funds to providers was determined by identifying providers of the following service codes:
 - i. G0156 & T1021 Home Health Aide;
 - ii. H0043 Supported Housing:
 - iii. S5102 Adult Day Care;
 - iv. S5130 Homemaker;
 - v. S5140 Adult Foster Care;
 - vi. T1019 Personal Care;
 - vii. T1030 Skilled Nursing; and,
 - viii. T2033 Mid-level Residential.
- 2. Provider payments are based on a uniform add-on payment per service unit for each of the respective codes enumerated above, to arrive at a one-time lump sum payment per provider. Lump sum payments were determined using the following analysis:
 - Projected expenditures were broken out for the chosen services listed above, by service unit: Per Diem, per visit and per 15 min.
 - A percentage of total BEAS projected expenditures for each service unit was calculated to total overall BEAS projected expenditures.
 - The calculated percentages were used to break out the allocated ARP dollar amount available to BEAS in order to calculate an add-on to each service unit.
 - The add-on amount was determined for each unit to keep the dollars within the projected amounts by service unit. Please see worksheet below:

	Summary of Bureau of Elderly and Adult Service (BEAS) Selected HCBS Services											
1915 (c) Waiver	Procedure Code	Code Description	Service Unit	Projected Distinct # of Service Units 4/1/21 to 9/23/21	Projected of Distinct # of Service Units Trended through 3/31/22	penditures 4/1/21 to	Projected Claims Reimbursed/Ex penditures Trended through 3/31/22	Expenditures by Service	Distribute Projected ARP by Projected Trend Expenditures per Service Unit	Proposed Uniform Service Unit Add On	Proposed Lump Sum Payment by Procedure Code	Projected Lump Sum by Service Unit
A	В	С	D	E	F = (E/176)*365	G	H = (G/176)*365	I = (H)/H17	J = I * J17	K = rounddown (J/(F),2)	L = K * F	M = L
CFI	G0156	Home Health Aide	15 Minute	180,203	373,716	\$ 1,174,210	\$ 2,435,152			\$ 1.87	\$ 698,850	
CFI	S5130	Homemaker Services	15 Minute	182,623	378,735	\$ 946,152	\$ 1,962,190	63.4%	\$ 13,711,814	\$ 1.87	\$ 708,235	\$ 13,654,075
CFI	T1019	Personal Care	15 Minute	3,157,967	6,549,193	\$ 16,269,836	\$ 33,741,421			\$ 1.87	\$ 12,246,991	
CFI	H0043	Supported Housing	Per Diem	14,431	29,928	\$ 794,010	\$ 1,646,669			\$ 23.19	\$ 694,029	
CFI	S5102	Adult Day Care	Per Diem	10,985	22,781	\$ 651,008	\$ 1,350,102			\$ 23.19	\$ 528,300	
CFI	S5140	Adult Foster Care	Per Diem	12,565	26,058	\$ 929,187	\$ 1,927,007	35.3%	\$ 7,629,869	\$ 23.19	\$ 604,287	\$ 7,628,976
CFI		Skilled Nursing - RN	Per Diem	19,985	41,446					\$ 23.19		
CFI		Residential - Mid-Level	Per Diem	100,664	208,763					\$ 23.19	, , , , , ,	
CFI	T1021	Home Health Aide	Per Visit	11,345	23,528			1.3%		\$ 11.70		
		Total BEAS				\$ 28,992,718	\$ 60,126,944	100.0%	\$ 21,617,100		\$ 21,558,329	\$ 21,558,329

- 3. At least 80% of the RRTPP funds will be spent on:
 - Existing DSWs, including direct support professionals (DSPs) and existing immediate supervisors.
 - New DSWs, including DSPs, and new immediate supervisors.

- 4. NH DHHS will create a Provider Agency Attestation form, relative to the RRTPP. The attestation will serve to ensure that the agency understands that BEAS will make payments if the provider completes the Provider Agency Attestation form to attest that the provider will use the payments for the express purpose of recruitment, retention and/or training of direct support staff.
- 5. Each provider agency shall adopt a written RRTPP plan that outlines:
 - That 80% of funds received will be used for recruitment, retention and/or training of existing DSWs, including direct support professionals (DSPs) and existing immediate supervisors and/or new DSWs, including DSPs, and new immediate supervisors.
 - How funds will be used to support recruitment, retention and/or training of existing DSWs and/or new DSWs.
 - The rationale of how payments will be distributed to eligible DSWs.
 - The amount of payments to be distributed to eligible DSWs.

The plan shall be submitted to the NH DLTSS, and communicated with the employees of the agency and provider agencies, if applicable.

6. RRTPP payments shall supplement and not supplant current agency practices and policies regarding planned bonuses and wage increases.

Bureau of Developmental Services, Developmental Disabilities (DD), Acquired Brain Disorder (ABD) and In Home Supports (IHS) Waivers:

- 1. NH HCBS RRTPP funds will be allocated and paid to the Developmental Services system. Distribution of funds to providers of ABD, DD and IHS HCBS was determined as follows:
 - The Bureau of Developmental Services (BDS) reviewed the Medicaid Management and Information System to determine estimated actual expenditures trended through March 31, 2022, for eligible codes.
 - Distribution of funds to providers was determined by identifying providers of the following service codes:
 - i. DD Waiver:
 - 1. H2015 Community Support Services;
 - 2. H2023 Supported Employment Services;
 - 3. T1020 Residential Personal Care Services; and
 - 4. T2021 Day Habilitation Services.
 - ii. ABD Waiver:
 - 1. H2015 Community Support Services;
 - 2. H2023 Supported Employment Services:
 - 3. T1020 Residential Personal Care Services; and
 - 4. T2021 Day Habilitation Services.
 - iii. IHS Waiver: T2025 In Home Residential Habilitation.
- 2. Provider payments are based on a uniform add-on payment per service unit for each of the respective codes enumerated above, to arrive at a one-time lump sum payment per provider. Lump sum payments were determined using the following analysis:
 - Projected expenditures were broken out for the chosen services listed above, by service unit: Per Diem, per visit and per 15 min, for the three waivers combined.
 - A percentage of total BDS projected expenditures for each service unit was calculated to total overall BDS projected expenditures.
 - The calculated percentages were used to break out the allocated ARP dollar amount available to BDS in order to calculate an add-on to each service unit.

• The add-on amount was determined for each unit to keep the dollars within the projected amounts by service unit. Please see worksheet below:

	Summary of Bureau of Developmental Services (BDS) Selected HCBS Services											
1915 (c) Waiver	Procedure Code	Code Description	Service Unit	Projected Distinct # of Service Units 4/1/21 to 9/23/21	Projected of Distinct # of Service Units Trended through 3/31/22	Projected Claims Reimbursed/Ex penditures 4/1/21 to 9/23/21	Reimbursed/Ex	Expenditures by Service	Distribute Projected ARP by Projected Trend Expenditures per Service Unit	Proposed Uniform Service Unit Add On	Proposed Lump Sum Payment by Procedure Code	Projected Lump Sum by Service Unit
A	В	С	D	E	F = (E/176)*365	G	H = (G/176)*365	I = (H)/H17	J = I * J17	K = rounddown (J/(F),2)	L = K * F	M = L
DD DD DD ABD ABD ABD	H2023 T2021 H2015	Community Support Services Supported Employment Community Participation Services Community Support Services Supported Employment Community Participation Services	15 Minute 15 Minute 15 Minute 15 Minute 15 Minute 15 Minute	151,630 491,379 3,637,662 5,039 4,874 138,534	314,460 1,019,053 7,544,015 10,450 10,108 287,301	\$ 3,494,982 \$ 28,974,366 \$ 36,609 \$ 46,492 \$ 1,162,843	\$ 7,248,117 \$ 60,088,885 \$ 75,923 \$ 96,418 \$ 2,411,578	29.5%	\$ 6,366,907	\$ 0.69 \$ 0.69 \$ 0.69 \$ 0.69 \$ 0.69 \$ 0.69	\$ 703,147 \$ 5,205,370	\$ 6,337,917
ABD IHS	T1020	Residential Personal Care Residential Personal Care In Home Residential Habilitation Total BDS	Per Diem Per Diem Per Diem	221,840 24,654 1,730	460,066 51,129 3,588	\$ 10,046,277	\$ 20,834,608 \$ 3,268,029		\$ 15,250,193 \$ 21,617,100	\$ 29.62	\$ 13,627,152 \$ 1,514,442 \$ 106,270 \$ 21,585,781	\$ 15,247,864 \$ 21,585,781
		iotai bus				φ 110,043,079	φ 244,005,240	100.076	φ 21,017,100	Total DLTSS	\$ 43,144,110	

- 3. At least 80% of the RRTPP funds will be spent on:
 - Existing direct support workers (DSW), including direct support professionals (DSPs), and existing immediate supervisors.
 - New DSWs, including DSPs, and new immediate supervisors.
- 4. NH DHHS will create a Provider Agency Attestation form, relative to the RRTPP. The attestation form will serve to ensure that the agency understands that:
 - BDS will make payments if the provider completes the Provider Agency Attestation form, to attest that the provider will use the payments for the express purpose of recruitment, retention and/or training of direct support staff.
 - The ten (10) area agencies, as NH's Designated Organized Health Care Delivery System, will distribute the funds to their vendors after obtaining a Provider Agency Attestation form from the vendors. The area agencies will retain these attestation forms with their billing records.
- 5. Each provider agency shall develop a written RRTPP plan that outlines:
 - That 80% of funds received will be used for recruitment, retention and/or training of existing DSWs, including direct support professionals (DSPs) and existing immediate supervisors and/or new DSWs, including DSPs, and new immediate supervisors.
 - How funds will be used to support recruitment, retention and/or training of existing DSWs and/or new DSWs.
 - The rationale of how payments will be distributed to eligible DSWs
 - The amount of payments to be distributed to eligible DSWs.

The plan shall be submitted to the NH DLTSS, and communicated with the employees of the agency and provider agencies, if applicable.

6. RRTPP payments shall supplement and not supplant current agency practices and policies regarding planned bonuses and wage increases.

Appendix K Addendum: COVID-19 Pandemic Response

1.	HCBS Regulations
	a. \square Not comply with the HCBS settings requirement at 42 CFR 441.301(c)(4)(vi)(D) that
	individuals are able to have visitors of their choosing at any time, for settings added after
	March 17, 2014, to minimize the spread of infection during the COVID-19 pandemic.
2.	Services
	a. \square Add an electronic method of service delivery (e.g., telephonic) allowing services to
	continue to be provided remotely in the home setting for:
	i. Case management
	ii. Personal care services that only require verbal cueing
	iii. In-home habilitation
	iv. \square Monthly monitoring (i.e., in order to meet the reasonable indication of need
	for services requirement in 1915(c) waivers).
	v. \square Other [Describe]:
	b. Add home-delivered meals
	c. \square Add medical supplies, equipment and appliances (over and above that which is in the
	state plan)
	d. Add Assistive Technology
3.	Conflict of Interest: The state is responding to the COVID-19 pandemic personnel crisis
	by authorizing case management entities to provide direct services. Therefore, the case
	management entity qualifies under 42 CFR 441.301(c)(1)(vi) as the only willing and
	qualified entity.
	a. \square Current safeguards authorized in the approved waiver will apply to these entities.
	b. Additional safeguards listed below will apply to these entities.
4.	Provider Qualifications
	a. Allow spouses and parents of minor children to provide personal care services
	b. Allow a family member to be paid to render services to an individual.
	c. \square Allow other practitioners in lieu of approved providers within the waiver. [Indicate
	the providers and their qualifications]

	d.	☐ Modify service providers for home-delivered meals to allow for additional providers,
		including non-traditional providers.
5.	Proce	sses
	a.	\Box Allow an extension for reassessments and reevaluations for up to one year past the
		due date.
	b.	☐ Allow the option to conduct evaluations, assessments, and person-centered service
		planning meetings virtually/remotely in lieu of face-to-face meetings.
	c.	☐ Adjust prior approval/authorization elements approved in waiver.
	d.	☐ Adjust assessment requirements
	e.	☐ Add an electronic method of signing off on required documents such as the person-
		centered service plan

Contact Person(s)

A. The Medicaid agency representative with whom CMS should communicate regarding the request:

First Name: Jessica Last Name Gorton

Title: HCBS Waiver Administrator

Agency: Bureau of Developmental Services

Address 1: 105 Pleasant Street

Address 2: Main Building City Concord

State NH Zip Code 03301

Telephone: 603-271-8942

E-mail Jessica.d.gorton@dhhs.nh.gov

Fax Number 603-271-5166

B. If applicable, the State operating agency representative with whom CMS should communicate regarding the waiver is:

First Name: Nancy Last Name Rollins

Title: Interim Director

Agency: Division of Long Term Supports and Services

Address 1: 105 Pleasant Street

Address 2: Main Building
City Concord

City Concor State NH Zip Code 03301

Telephone: 603-271-0643

E-mail Nancy.L.Rollins@dhhs.nh.gov

Fax Number 603-271-5166

8. Authorizing Signature

Signature: Date: 11/29/2021

/S/

State Medicaid Director or Designee

First Name: Henry
Last Name Lipman

Title: State Medicaid Director

Agency: Division of Medicaid Services

Address 1: 129 Pleasant Street Address 2: Brown Building

City Concord State NH Zip Code 03301

Telephone: 603-271-9434

E-mail Henry.D.Lipman@dhhs.nh.gov
Fax Number Click or tap here to enter text.

Section A---Services to be Added/Modified During an Emergency

Complete for each service added during a time of emergency. For services in the approved waiver that the state is temporarily modifying, enter the entire service definition and highlight the change. State laws, regulations and policies referenced in the specification should be readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Service Specification										
Service Title:										
Complete this part for a renewal application or a new waiver that replaces an existing waiver. Select one:										
Service Definition (Scope):										
Specify applicable (if any) limits on the amount, frequency, or duration of this service:										
				Provider Specific	ations	8				
Provider		Ind	ividual	. List types:		Age	ency	. List the	types	of agencies:
Category(s) (check one or both):										
(eneen ene er eemyt										
						1				
Specify whether the service may be provided by (check each that applies): Legally Responsible Person Relative/Legal Guardian										
Provider Qualifications (provide the following information for each type of provider):										
Provider Type:	Licer	nse (spe	cify)	Certificate (speci	fy)			Other Sta	ndaro	d (specify)
Verification of Prov	vider Q	ualifica	ıtions							
Provider Type:		En	tity Re	esponsible for Verif	catio	n:		Free	uenc	y of Verification
				Service Delivery N	/letho	d				
Service Delivery Mo (check each that appl			Participant-directed as specified in Appendix E						Provider managed	

Numerous changes that the state may want to make may necessitate authority outside of the scope of section 1915(c) authority. States interested in changes to administrative claiming or changes that require section 1115 or section 1135 authority should engage CMS in a discussion as soon as possible. Some examples may include: (a) changes to administrative activities, such as the establishment of a hotline; or (b) suspension of general Medicaid rules that are not addressed under section 1915(c) such as payment rules or eligibility rules or suspension of provisions of section 1902(a) to which 1915(c) is typically bound.