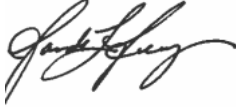


NH Department of Health and Human Services (DHHS)  
Division of Long Term Supports and Services  
Bureau of Developmental Services (BDS)

105 Pleasant St.  
Concord, NH 03301

<b>STATE OF NEW HAMPSHIRE BDS GENERAL MEMORANDUM (GM)</b>	
<b>DATE:</b>	February 7, 2023
<b>TO:</b>	Area Agency (AA) CEOs; AA Business Managers; AA Service Coordination Supervisors; BDS Staff
<b>FROM:</b>	Sandy Feroz, BDS Bureau Chief
<b>SIGNATURE:</b>	
<b>SUBJECT:</b>	Out-of-State Service Provision Requests
<b>GM NUMBER:</b>	
<b>EFFECTIVE DATE:</b>	February 7, 2023
<b>REGULATORY GUIDANCE:</b>	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.

<b>MEMORANDUM SUMMARY</b>
The purpose of this memorandum is to:  Communicate the process for requesting BDS approval for out-of-state service provision for certain Acquired Brain Disorder (ABD) or Developmental Disabilities (DD) Waiver services.

**Out-of-State Service Provision:**

In order to receive approval for out-of-state service provision, a request shall be sent to BDS for an Out-of-State Review, as outlined below. This includes instances when an individual is changing out-of-state providers. This does not include those settings in a border town where the out-of-state provider is identified during person-centered-planning to be within the individual’s community. In these situations, service planning shall continue in accordance with current processes and the area agency must obtain and keep on file verification of all provider qualifications and Waiver eligibility of services provided.

Services that require out-of-state service provision include: Community Participation Services, Residential Habilitation, Supported Employment, Assistive Technology, Community Integration Services, Community Support Services, Crisis Response Services, Environmental and Vehicle Modifications, Individual Goods and Services, Non-Medical Transportation, Personal Emergency Response Services, Specialty Services and Wellness Coaching.

## **BDS Out-of-State Review**

Requests for out-of-state service provision shall be submitted to BDS via the attached form titled, “Bureau of Developmental Services Request for Out-of-State Approval”. The submission of this form and all necessary supporting documentation will be considered the request for out-of-state service provision. The request shall be reviewed initially and every six months after initial approval to ensure that all services are provided in accordance with He-M 517.03(b). Submissions that lack the necessary information or documentation will not be considered and will be returned to the AA. The following documentation shall be included with the form upon submission, both initially and during review, to the BDS Liaison:

- A plan for oversight and monitoring of the service plan in accordance with in He-M 503.10(m) or He-M 522.11(m), as applicable.
- A transition plan with a timeframe for the individual’s return to New Hampshire.
- The cost for services (final or estimate), including transportation.
- A plan to demonstrate how an individual will access acute care as well as ongoing medical and clinical needs that are not covered by the Waiver.

By signing the form, the AA will attest to the following:

- This setting meets the Home and Community Based Settings Expectations\*.
- Provider qualifications information has been reviewed and determined satisfactory, including:
  - The home-state license and/or certification from the previous 5 years, or the maximum number available for providers established within the previous 5 years, including deficiency reports and compliance records.
- If applicable, accreditations for Home and Community Based Waiver Services.
- For out of state requests after 7/1/23, this setting is an enrolled NH Medicaid Provider, as applicable based upon service(s) sought.

Out of state placements that do not have approval from BDS are at risk of payment recoupment and possibly losing ongoing funding.

### **\*Home and Community Based Settings Expectations**

All settings must demonstrate that the provider meets expectations for the home and community based setting in which the services are provided and complies with all applicable Federal, State, and local law and regulation, including, but not limited to, 42 C.F.R. § 441.301(c)(4), and any amendments thereto. BDS will not approve any funding for settings that do not meet this criteria. Please contact the Institute on Disabilities for assistance in making this determination.

Thank you. Please contact your BDS Liaison with any questions.