



New Hampshire Department of Health and Human Services

Public Notice for Proposed
**Substance Use Disorder Treatment and Recovery Access Section 1115(a)
Research and Demonstration Waiver**

February 27, 2018

[Revised March 12, 2018](#)

Due to the impending snow storm, the public hearing scheduled for Tuesday, March 13, 2018, will be held on the snow date, Wednesday, March 14, 2018, 1-2:30, same location.

Notice is hereby given that the New Hampshire Department of Health and Human Services (DHHS) is convening two public hearings to seek public input on a Substance Use Disorder Treatment and Recovery Access Section 1115(a) Research and Demonstration Waiver that will enable New Hampshire to provide Medicaid payments for individuals receiving substance use disorder (SUD) services in an Institution for Mental Disease (IMD). Specifically, New Hampshire is requesting:

- The Center for Medicare and Medicaid Services (CMS) waive Section 1905(a)(29)(B), 42 CFR 438.6(e), and 42 CFR 435.1010 to allow a waiver of the IMD exclusion for Medicaid-eligible individuals ages 21-64 receiving residential substance use disorder (SUD) treatment in an IMD as long as is medically necessary.
- CMS expand the exception to the IMD exclusion in 42 CFR 441.11(c)(5) to the provider type, Comprehensive SUD Program, as described in He-W 513.02(b) to allow New Hampshire to claim federal financial participation (FFP) for individuals under 21 receiving residential substance use disorder treatment in these facilities for as long as is medically necessary.

Expenditure authority is being requested for individuals who meet the criteria above who are either covered as Medicaid fee-for-service or enrolled in Medicaid managed care.

The Demonstration will further the objectives of Title XIX of the Social Security Act by increasing access to, stabilizing, and strengthening providers and provider networks, available to serve Medicaid and low-income populations in the state. This will be accomplished by ensuring continuity of care for individuals receiving SUD treatment, increasing access to residential treatment services for adolescents with SUD, and ensuring consistency between public and private coverage for SUD services in New Hampshire.

The complete version of the *Substance Use Disorder Treatment and Recovery Access Section 1115(a) Research and Demonstration Waiver* is available for public review at: <https://www.dhhs.nh.gov/sud-imd/index.htm>

DHHS will host two public hearings during the public comment period:

- **Tuesday, March 6, 2018 – Manchester**
6:00 - 7:30 pm
Manchester Health Department
1528 Elm St
Manchester, NH
Call-in option: To participate by phone, call in at 6:00 pm to:
1-866-470-8024
When prompted, use this code: 965 412 0884
Snow Date – Thursday, March 8, 2018, 6 - 7:30 pm, Manchester Health Department

- **Tuesday, March 13, 2018 - Nashua - POSTPONED TO MARCH 14 (same time and location)**

1:00 - 2:30 pm

Harbor Homes - Partnership for Successful Living

77 Northeastern Blvd.

Nashua, NH

Snow Date – Wednesday, March 14, 2018, 1-2:30 pm, Harbor Homes Partnership for Successful Living

If accommodations are needed for communication access such as interpreters, CART (captioning), assistive listening devices, or other auxiliary aids and/or services, please contact Leslie Melby at Leslie.Melby@dhhs.nh.gov or 603-271-9074 no later than March 1, 2018. Every effort will be made to accommodate needs identified with advance notice.

Public Comment

The 30-day public comment period for the *Substance Use Disorder Treatment and Recovery Access Section 1115(a) Research and Demonstration Waiver* is from **Tuesday, February 27, 2018** until **Friday, March 30, 2018 at 12 Noon (Eastern)**. All comments must be received by **12 Noon (Eastern) on Friday, March 30, 2018**.

DHHS would like to hear your comments about the changes it is proposing. After hearing the public's ideas and comments about the proposed changes, DHHS will make final decisions about what changes to make to the *Substance Use Disorder Treatment and Recovery Access Section 1115(a) Research and Demonstration Waiver* and then submit to CMS. The summary of comments will be posted for public viewing at <https://www.dhhs.nh.gov/> along with the waiver application when it is submitted to CMS.

There are several ways to give your comments to DHHS:

- Attend either of the two public hearings held at the dates/locations noted above. At the public hearings, you can give verbal or written comments to DHHS. Additional information about providing comments is noted below.
- Email comments to imsudwaiver@dhhs.nh.gov or mail written comments to:

Ms. Leslie Melby

New Hampshire Department of Health and Human Services

Attn: *Substance Use Disorder Treatment and Recovery Access Section 1115(a) Research and Demonstration Waiver*

129 Pleasant Street

Concord, NH 03301

When mailing or emailing please specify the *Substance Use Disorder Treatment and Recovery Access Section 1115(a) Research and Demonstration Waiver*.

Additional Information

Requests for a hard copy of the Waiver application should be submitted by mail to:

Ms. Leslie Melby

New Hampshire Department of Health and Human Services

Attn: *Substance Use Disorder Treatment and Recovery Access Section 1115(a) Research and Demonstration Waiver*

129 Pleasant Street

Concord, NH 03301

A hard copy of the *Substance Use Disorder Treatment and Recovery Access Section 1115(a) Research and Demonstration Waiver* can also be picked up at DHHS, which is located at:

New Hampshire Department of Health and Human Services

Fred H. Brown Building

129 Pleasant Street

Concord, NH 03301

All information regarding the IMD/SUD Waiver can be found on the DHHS web site at <https://www.dhhs.nh.gov/> under "Quick Links." DHHS will update this website throughout the public comment and application process.