

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
7500 Security Boulevard, Mail Stop S2-25-26
Baltimore, Maryland 21244-1850



State Demonstrations Group

October 14, 2022

Henry Lipman
State Medicaid Director
Office of Medicaid Business and Policy
New Hampshire Department of Health and Human Services
129 Pleasant Street
Concord, NH 03301-6521

Dear Mr. Lipman:

Thank you for your request to extend the New Hampshire's section 1115(a) demonstration titled "New Hampshire Substance Use Disorder Serious Mental Illness and Serious Emotional Disturbance Treatment Recovery and Access" (Project Number: 11-W-00321/1). The Centers for Medicare & Medicaid Services (CMS) received New Hampshire's extension request on September 30, 2022. We have completed a preliminary review in accordance with the requirements of 42 C.F.R. § 431.408 and have determined that the request has met the requirements for a complete extension application.

In light of the national public health emergency concerning COVID-19 and statewide social distancing guidance to prevent its spread, two virtual public hearings were held on August 10, 2022 and August 18, 2022 to solicit feedback on the state's proposal. These meetings were permissible through CMS' authority under 42 CFR § 431.416(g)(2) which allows a state to depart from normal public notice procedures due to the unforeseen nature of the public health emergency. Under section 431.416(g)(3), in order for a state to receive an exemption under Section 431.416(g)(2), the state must meet three criteria: (i) the state must be acting in good faith, and in a diligent, timely, and prudent manner; (ii) the circumstances must constitute an emergency that could not have been reasonably foreseen; and (iii) it must be the case that a delay would undermine or compromise the purpose of the demonstration and be contrary to the interests of beneficiaries. CMS has determined that the state has met these criteria.

New Hampshire's extension application will be posted on Medicaid.gov for a 30-day federal comment period in accordance with 42 CFR § 431.416(b) and will be available at: <https://www.medicaid.gov/medicaid/section-1115-demo/demonstration-and-waiver-list/index.html>.

We look forward to working with you and your staff on the review of this demonstration extension. If you have questions or concerns, please contact your CMS project officer, Ms. Kathleen O'Malley, at Kathleen.OMalley@cms.hhs.gov.

Sincerely,

Angela D. Garner
Director
Division of System Reform Demonstrations

cc: Morlan Lannaman, State Lead, Medicaid and Chip Operations Group