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## **Table of Contents**

**State/Territory Name: New Hampshire**

**State Plan Amendment (SPA) #: 20-0031**

This file contains the following documents in the order listed:

- 1) Approval Letter
- 2) CMS 179 Form/Summary Form (with 179-like data)
- 3) Approved SPA Pages

**DEPARTMENT OF HEALTH & HUMAN SERVICES**

Centers for Medicare & Medicaid Services  
601 E. 12th St., Room 355  
Kansas City, Missouri 64106



Medicaid and CHIP Operations Group

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May 7, 2020

Lori Shibinette RN, MBA, NHA  
Commissioner  
Department of Health and Human Services  
Pleasant St.  
Concord, NH 03301

Dear Commissioner Shibinette:

Enclosed is an approved copy of New Hampshire's (NH) State Plan Amendment (SPA) No 20-0031 entitled, "NEMT Contract Extension," which contains previously approved language to amend the NH Title XIX State plan to permit the state to continue with its current non-emergency medical transportation reimbursement methodology for an additional three-month time-period. This represents a change from a six-month contract extension to a nine-month contract extension, allowing the state additional time to issue a Request for Proposals for a new NEMT contract.

This state plan amendment was submitted in the quarter ending June 30, 2020 for an effective date of July 1, 2020. If you have any further questions, please contact Joyce Butterworth at (857) 338-0554 or by e-mail at [Joyce.Butterworth@cms.hhs.gov](mailto:Joyce.Butterworth@cms.hhs.gov).

Sincerely,

/s/  
James Scott, Director  
Division of Program Operations

cc: Henry Lipman, State Medicaid Director  
Diane Peterson, Medicaid Business and Policy

<b>TRANSMITTAL AND NOTICE OF APPROVAL OF STATE PLAN MATERIAL</b> <b>FOR: CENTERS FOR MEDICARE &amp; MEDICAID SERVICES</b>	1. TRANSMITTAL NUMBER <b>20-0031</b>	2. STATE <b>NH</b>
	3. PROGRAM IDENTIFICATION: TITLE XIX OF THE SOCIAL SECURITY ACT (MEDICAID)	

TO: REGIONAL ADMINISTRATOR CENTERS FOR MEDICARE & MEDICAID SERVICES DEPARTMENT OF HEALTH AND HUMAN SERVICES	4. PROPOSED EFFECTIVE DATE July 1, 2020
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5. TYPE OF PLAN MATERIAL (Check One)

NEW STATE PLAN       AMENDMENT TO BE CONSIDERED AS NEW PLAN       AMENDMENT

COMPLETE BLOCKS 6 THRU 10 IF THIS IS AN AMENDMENT (Separate transmittal for each amendment)

6. FEDERAL STATUTE/REGULATION CITATION 42 CFR 440.170	7. FEDERAL BUDGET IMPACT FFY 2020: \$65,224 FFY 2021: NA
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8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT Attachment 3.1-A, Addendum 1, Page 3 Attachment 3.1-B, Addendum 1, Page 3 Attachment 3.1-D, Page 1	9. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (If Applicable) Attachment 3.1-A, Addendum 1, Page 3, TN 20-003 Attachment 3.1-B, Addendum 1, Page 3, TN 20-003 Attachment 3.1-D, Page 1, TN 20-0003
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10. SUBJECT OF AMENDMENT


NEMT Contract Extension

11. GOVERNOR'S REVIEW (Check One)

GOVERNOR'S OFFICE REPORTED NO COMMENT       OTHER, AS SPECIFIED:  
comments, if any, will follow

COMMENTS OF GOVERNOR'S OFFICE ENCLOSED

NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL

12. SIGNATURE OF STATE AGENCY OFFICIAL  /s/	16. RETURN TO Dawn Landry Division of Medicaid Services/Brown Building Department of Health and Human Services 129 Pleasant Street Concord, NH 03301
13. TYPED NAME      Ann H. Landry	
14. TITLE      Associate Commissioner	
15. DATE SUBMITTED      April 30, 2020	

**FOR REGIONAL OFFICE USE ONLY**

17. DATE RECEIVED      April 30, 2020	18. DATE APPROVED      May 7, 2020
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**PLAN APPROVED - ONE COPY ATTACHED**

19. EFFECTIVE DATE OF APPROVED MATERIAL July 1, 2020	20. SIGNATURE OF REGIONAL OFFICIAL /s/
21. TYPED NAME James Scott, Director	22. TITLE Division of Program Operations

23. REMARKS

24. Transportation - Non-emergency (continued)

X (5) Payment Methodology

(A) Please describe the methodology used by the State to pay the broker:

The broker will be paid a capped administrative per member per month rate and a payment for direct transportation costs which was negotiated and based on fees for the services provided. The broker pays their transportation providers the same negotiated rates for the direct transportation costs as they receive from the state.

(B) Please describe how the transportation provider will be paid:

The commercial transportation providers will be paid based on the contracted rate agreed to with the broker. Friends and family will be paid a mileage rate by the broker and/or for receipts submitted for bus and rail travel.

X (C) The State assures that no agreement (contractual or otherwise) exists between the State or any form of local government and the transportation broker to return or redirect any of the Medicaid payment to the State or form of local government (directly or indirectly). This assurance is not intended to interfere with the ability of a transportation broker to contract for transportation services at a lesser rate and credit any savings to the program.

X (D) The State assures that payments proposed under this State plan amendment will be made directly to transportation providers and that the transportation provider payments are fully retained by the transportation providers and no agreement (contractual or otherwise) exists between the State or local government and the transportation provider to return or redirect any of the Medicaid payment to the State or form of local government (directly or indirectly).

\_\_\_\_ (E) The State has included Federal Medicaid matching funds as State match when drawing down FTA SAFETEA-LU grants. (not applicable; law has expired)

X (6) The broker is a non-governmental entity:

X The broker is not itself a provider of transportation nor does it refer to or subcontract with any entity with which it has a prohibited financial relationship as described at 42 CFR 440.170(4)(ii).

\_\_\_\_ The broker is itself a provider of transportation or subcontracts with or refers to an entity with which it has a prohibited financial relationship and:

\_\_\_\_ Transportation is provided in a rural area as defined at 42 CFR 412.62(f) and there is no other available Medicaid participating provider or other provider determined by the State to be qualified except the non-governmental broker.

23. Transportation - Non-emergency (continued)

X (5) Payment Methodology

(A) Please describe the methodology used by the State to pay the broker:

The broker will be paid a capped administrative per member per month rate and a payment for direct transportation costs which was negotiated and based on fees for the services provided. The broker pays their transportation providers the same negotiated rates for the direct transportation costs as they receive from the state.

(B) Please describe how the transportation provider will be paid:

The commercial transportation providers will be paid based on the contracted rate agreed to with the broker. Friends and family will be paid a mileage rate by the broker and/or for receipts submitted for bus and rail travel.

X (C) The State assures that no agreement (contractual or otherwise) exists between the State or any form of local government and the transportation broker to return or redirect any of the Medicaid payment to the State or form of local government (directly or indirectly). This assurance is not intended to interfere with the ability of a transportation broker to contract for transportation services at a lesser rate and credit any savings to the program.

X (D) The State assures that payments proposed under this State plan amendment will be made directly to transportation providers and that the transportation provider payments are fully retained by the transportation providers and no agreement (contractual or otherwise) exists between the State or local government and the transportation provider to return or redirect any of the Medicaid payment to the State or form of local government (directly or indirectly).

     (E) The State has included Federal Medicaid matching funds as State match when drawing down FTA SAFETEA-LU grants. (not applicable; law has expired)

X (6) The broker is a non-governmental entity:

X The broker is not itself a provider of transportation nor does it refer to or subcontract with any entity with which it has a prohibited financial relationship as described at 42 CFR 440.170(4)(ii).

     The broker is itself a provider of transportation or subcontracts with or refers to an entity with which it has a prohibited financial relationship and:

         Transportation is provided in a rural area as defined at 42 CFR 412.62(f) and there is no other available Medicaid participating provider or other provider determined by the State to be qualified except the non-governmental broker.

### **ASSURANCE OF MEDICAL TRANSPORTATION**

Necessary transportation of recipients to and from Medicaid providers of Medicaid covered services is assured by payment for transportation and transportation related services as follows:

1. The Department contracts with a transportation broker for the management of non-emergency transportation services. This broker is responsible for (a) maintaining an adequate transportation network via broker subcontracts, (b) assisting recipients in accessing appropriate and cost effective transportation to Medicaid covered medical, pharmacy, and dental services, and (c) processing the payment of claims for transportation to these services. The broker approves and arranges all non-emergency transport including by private individual (friends and family), taxi, bus, wheelchair van, and non-emergency (scheduled and routine) ambulance.
2. Ambulance and air ambulance services for emergency medical conditions are covered as a state plan service.
3. Requests for transportation related services are referred to the Department's medical, clinical services unit who confirms the necessity of the transportation and the transportation related services and prior authorizes such services.

The local district office eligibility worker or social worker, or the state office customer service unit, informs Medicaid recipients of the availability of necessary medical transportation coverage and also refers recipients to the transportation broker as appropriate. The eligibility worker, social worker, or customer service unit also provides any help that recipients may need regarding the availability of necessary medical transportation that is not required to be arranged through the broker. However, the primary contact point for non-emergency transportation services is the broker. Recipients also receive notification of the availability of transportation services on various Medicaid publications, websites, and on the Medicaid card insert.

Other than payment for ambulance or air ambulance for emergency conditions, payment for medical transportation is as specified in the broker contract and is based on a capped administrative per member per month (pmpm) rate to the broker, a payment to the broker for direct transportation costs which was negotiated based on fees for the services provided, and a payment made by the broker to their transportation providers using the same negotiated rates for direct transportation costs that the broker receives from the state, and which takes into account the following considerations:

- The transportation shall be to obtain necessary medical services that are Medicaid coverable categories of services as listed in the Social Security Act, Section 1905(a);
- The transportation to the medical service shall not otherwise be available free of charge or payable by any other agency;
- The pmpm, in concert with contract provisions, encourages an adequate transportation network within proximity to the nearest, available provider of the necessary medical service;
- Transportation out of area (states other than NH, MA, ME, VT) requires prior authorization