2. Medicaid Section 1115 Demonstration Waiver Application Process and Opportunities for Response
**1115 Demonstration Waiver Process**

**State-Level Requirements**
- Publicize Waiver Application
- Public Hearings (2x)
- Written Comment Period (At least 30 days)
- Consider Comments and Submit Application to CMS

**Federal-Level Requirements**
- Written Comment Period (At least 30 days)
- Publish Comments Online
- Review and Consider Comments
- Approve/Deny Waiver Application
1115 Demonstration Waiver Process

Public Hearings

- Anyone interested may attend and provide oral testimony
  - Must be held at least 20 days before State submits application
  - Held on two separate dates and in two separate locations

Written Comments

- Anyone interested may submit written comments
  - State and CMS must accept written comments for a period of at least 30 days
  - Comments can be submitted in hard copy or electronic format
Where to find information?

**State**

- State Medicaid Agency Website
  - EX: Dept of Human Health & Human Services
- State Administrative Record or Popular Newspapers
- Mailing Lists and Additional Mechanisms

**Federal**

- CMS Website (Medicaid.gov)
- Mailing Lists and Additional Mechanisms (CMS.gov)
How to prepare?

• Educate yourself in advance
• Encourage others to attend hearings
• Develop your talking points
Public Hearings

Developing talking points

• Introduce yourself and your connection to the issue
• Be prepared to be brief (<5 mins)
• Highlight potential harms or benefits associated with the waiver
• Use compelling data or examples
• Consider submitting a written version of your testimony
Developing your comments

• Introduce yourself and your connection to the issue
• Summarize key takeaways at the outset
• Lay out arguments methodically and use headers
• Highlight potential harms or benefits associated with the waiver
• Propose alternatives, if appropriate
• Use compelling data or examples
Potential talking points

• How the NEMT Waiver will limit access to care
  o EX: Low income individuals are particularly likely to encounter transportation barriers, so without NEMT many of these individuals will lose meaningful access to medical care.

• How the NEMT Waiver will impact health care outcomes and costs
  o EX: Research has shown that NEMT services are cost-saving when used to connect patients to care for a number of common chronic conditions, including asthma, heart disease, and diabetes.

• How the NEMT could undermine state or federal policy priorities
  o EX: This will undermine [State’s] previous efforts to ensure equitable access to care.
Potential talking points

• How work requirements will result in a substantial loss of coverage
  o EX: An abundance of studies show that Medicaid work requirement result in significant coverage losses for low-income individuals, especially for those with chronic illnesses and disabilities.

• How work requirements will impact health care outcomes and costs
  o EX: Work requirements have a negative impact on health outcomes by increasing the likelihood of being uninsured and thus decreasing access to care.

• How work requirements violate the core purpose of Medicaid
  o EX: The 1115 Waiver cannot be approved because work requirements violate the core purpose of Medicaid, which is to furnish medical assistance to low-income individuals.
STRENGTHEN YOUR WRITTEN COMMENTS

Strategies

• Ask others to sign on to your letter
• Encourage others to submit their own comment letters
• Create template letters
  o Encourage customization
SUBMITTING YOUR COMMENTS

State Waivers List

Section 1115 demonstrations and waiver authorities in section 1915 of the Social Security Act are vehicles states can use to test new or existing ways to deliver and pay for health care services in Medicaid and the Children's Health Insurance Program (CHIP). All current and concluded state programs authorized under these authorities may be accessed using the below dynamic list. Learn more about the section 1915(b), section 1915(c), and section 1115 authorities.

Maine Section 1115 Demonstration for Individuals with HIV/AIDS

Supporting Documents
Pending Application(s) and Related Documents

<table>
<thead>
<tr>
<th>Date</th>
<th>Title</th>
<th>View/Submit Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>05/10/2018</td>
<td>Pending Application (PDF 1.03 MB)</td>
<td>View/Submit Comments</td>
</tr>
<tr>
<td>05/10/2018</td>
<td>Pending Application - Updated (PDF 2.57 MB)</td>
<td>View/Submit Comments</td>
</tr>
</tbody>
</table>

Alaska Substance Use Disorder and Behavioral Health Program (SUD-BHP)

State: Alaska
Waiver Authority: 1115
Status: Approved

California Medi-Cal 2020 (formerly “Bridge to Reform”)

State: California
Waiver Authority: 1115
Status: Approved
WHAT HAPPENS NEXT?

After your comments are submitted

State-level

• States consider comments before submitting 1115 Waiver Application
• States must include a summary of comments

Federal-level

• Before approving the 1115 Waiver Application, federal agency must:
  o Publish comments online
  o Review and consider all comments submitted
  o Respond to comments