

Montana Section 1115 Waiver for Additional Services and Populations (WASP) Demonstration Waiver

January 2024 Amendment Submission

Effective Date: January 1, 2024

ABBREVIATED PUBLIC NOTICE

On or before October 23, 2023, the Montana Department of Public Health Human Services (DPHHS) will submit an amendment adding Fertility Preservation services to the Section 1115 WASP Medicaid Waiver application, effective January 1, 2024, for approval to the Centers for Medicare and Medicaid Services (CMS).

Short History of the WASP

The WASP is a statewide section 1115 Medicaid demonstration waiver that was first approved in 1996. This waiver has historically provided: an eligibility pathway for low-income individuals living with a severe mental illness (SMI) not otherwise eligible for Medicaid; and unlimited dental treatment services for Aged/Blind/Disabled Medicaid enrollees.

Summary of Proposed Changes

During the 2023 Montana Legislative Session, Senate Bill 516 to "Provide for the preserving Fertility Act," was passed and signed into law by Governor Gianforte. This legislation requires DPHHS to add Medicaid and the Children's Health Insurance Program (CHIP), also known in Montana as Healthy Montana Kids (HMK), coverage for fertility preservation services for age-eligible individuals diagnosed with cancer and the standard of care involves medical treatment that may directly or indirectly cause iatrogenic infertility.

In light of the statutory directive, Montana DPHHS seeks approval from CMS to amend the Section 1115 Montana WASP to add fertility preservation services for age eligible Medicaid and CHIP/HMK enrolled members diagnosed with cancer effective January 1, 2024.

The State believes this demonstration is likely to promote the objectives of Medicaid by improving participant health outcomes and quality of life. Providing these services will make it possible for Medicaid and CHIP/HMK eligible individuals who have been diagnosed with a form of cancer, and whose related treatment may cause a substantial risk of sterility or iatrogenic infertility (including surgery, radiation, or chemotherapy) to receive coverage for fertility preservation services.

The projected fertility preservation enrollment and expenditures results in an estimated fiscal impact of \$1,301,185 for the remaining 4 demonstration years.

Public Notice Process

To provide transparency in the state's proposed amendment to the Section 1115 WASP Medicaid Waiver application, the state will hold a hybrid in-person and electronic public hearing and a 60-day public comment period.

The amendment application, full public notice statement, public hearing details, and public notice

schedule are available for public review on the Fertility Preservation Amendment webpage: <https://dphhs.mt.gov/MontanaHealthcarePrograms/Medicaid/Medicaid1115Waiver/WaspAmendment>. Paper copies are available to be picked up in person at the DPHHS Director's Office located at 111 North Sanders Street, Room 301, Helena, Montana 59601.

One hybrid public hearing will be held regarding the demonstration application on Friday, September 15, 2023, from 1:00 p.m. to 3:00 p.m. Mountain Time. If special accommodations are needed to participate in either format, contact Mary Eve Kulawik at (406) 444-2584 or mkulawik@mt.gov.

- To attend the public hearing in-person, please come to 111 North Sanders Street, Room 107, Helena, Montana.
- To attend via Zoom, you can register for the public hearing at <https://dphhs.mt.gov/MontanaHealthcarePrograms/Medicaid/Medicaid1115Waiver/WaspAmendment>. After registering, you will receive a confirmation email containing information about joining the meeting.

Public Input and Comments are welcome from August 19, 2023, through October 17, 2023. Comments and questions may be directed to the following:

- By US Mail:
Medicaid WASP Waiver Amendment
Department of Public Health and Human Services, Director's Office
111 North Sanders Street
PO Box 4210
Helena, MT 59604-4210
c/o Mary Eve Kulawik
- By telephone: (406) 444-2584
- By electronic mail: dphhscomments@mt.gov; and

You will also have opportunity to officially comment during the federal public comment period after CMS finds the application and public notice requirements are met. The location to make these comments can be found online at the CMS website:

<https://www.medicaid.gov/medicaid/section-1115demo/demonstration-and-waiver-list/index.html>.