



August 17, 2023

The Honorable [First Name] [Last Name]  
[Title]  
[Organization]  
[Address]  
[City], [State] [Zip]

**Re: Montana Section 1115 Waiver for Additional Services and Populations (WASP) Fertility Preservation Amendment Application**

Dear [Title] [Last Name]:

The Montana Department of Public Health and Human Services (DPHHS) is pleased to invite comment from all Tribal Governments, Urban Indian Health Organizations, and Indian Health Service (IHS) regarding the upcoming Montana Section 1115 Waiver for Additional Services and Populations (WASP) Fertility Preservation amendment. DPHHS will be submitting the amendment for Centers for Medicare and Medicaid Services (CMS) approval on or before October 23, 2023, with a proposed effective date of January 1, 2024.

Under our agreement, DPHHS provides you notice of all Medicaid State Plan and Waiver changes. To aid your review, we have indicated whether there will be a direct impact on reimbursement or coverage for American Indians/Alaska Natives. **The WASP amendment will positively impact American Indians/Alaska Natives because it is an additional benefit for aged-eligible individuals diagnosed with cancer.**

### 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.

### Current proposed actions:

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 (<https://dphhs.mt.gov/MontanaHealthcarePrograms/Medicaid/Medicaid1115Waiver/WaspAmendment>). 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 aged-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 the 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.

In addition, a 60-day public comment period will be held regarding the proposed WASP amendment application from August 19 through October 17, 2023. The public comment period will include a hybrid in-person and electronic Zoom public hearing on September 15, 2023, to be held from 1:00 p.m. to 3:00 p.m. Mountain Time. More information on the WASP amendment and how to attend the public hearing in-person or register to attend electronically is available in the full public notice that is attached to this letter.

DPHHS is committed to an extensive public process. We want to provide you the opportunity to review the proposed action, understand the concepts, and offer comments. We invite your comments and questions on the WASP amendment emailed or postmarked **through October 17, 2023**. You may direct comments to Mary Eve Kulawik, Medicaid State Plan Amendment and Waiver Coordinator, at (406) 444-2584 or [mkulawik@mt.gov](mailto:mkulawik@mt.gov); or Director's Office, PO Box 4210, Helena, MT 59604-4210.

Thank you.

Sincerely,

Mike Randol  
Medicaid and Health Services Executive Director/State Medicaid Director

c: Tribal Health Directors  
Misty Kuhl, Director, Governor's Office of Indian Affairs  
Stephanie Iron Shooter, American Indian Health Director

Attachment: WASP Fertility Preservation Amendment Full Public Notice