

Steps Necessary to Extend the Global Waiver

December 9, 2009 Special Terms and Conditions (STCs) in Paragraph 7 Regarding Extension of the Global Waiver Demonstration

- **No later than 12 months prior** to the expiration date (i.e., 12/31/12), an extension request (or phase-out plan) must have be submitted to CMS
- The extension request must include the following documentation:
 - o Demonstration Summary and Objectives
 - o Compliance with STCs
 - o Waiver and Expenditure Authorities Requested
 - o Summaries of EQRO reports, MCO and State quality monitoring, and other documentation of quality
 - o Compliance with the Budget Neutrality Cap
 - o Draft of Evaluation Status and Findings

February 27, 2012 *Final Rule* Requirements for Extension of a Section 1115 Demonstration

- Effective April 27, 2012
- For a Section 1115(a) demonstration (which the Global Waiver is), a State must submit an extension request **6 months prior** to the expiration date – **the State is in consultation with CMS as to which timeframe applies (STCs vs. 42 CFR 431.412(c))**
- The extension request must include the following:
 - Historical narrative summary of the demonstration
 - Narrative of changes requested
 - Summaries or EQRO reports, etc.
 - Financial data
 - Evaluation report
 - Compliance with public notice requirements

February 27, 2012 *Final Rule Public Notice*
Requirements (Details are in 42 CFR 431.408)

- **Electronic Mailing List** – Specified in SHO# 12-001
- **Notices** – State must provide at least a 30-day public notice and comment period prior to submission of the extension request.
- **State Website** – Notices must be posted, according to SHO)# 12-001, along with the extension request itself
- **Public Hearings** – At least 20 days prior to submission of the extension request, with at least 2 public hearings on separate days and locations
- **Tribal Consultation**

Section 1115 Demonstration Template

- CMS has “an interim electronic (downloadable) Section 1115 demonstration application”
- The preamble to this *template* specifies: “Use of this guide/format is not required; it is a tool that states can use at their option.”
- SHO# 12-001 specifies: “. . . if a State elects to not utilize the template, the State is responsible for ensuring that its application is complete and contains all of the required elements as described in section 431.412(a).”
- It should be noted that the *template* goes well beyond what is required for an extension request delineated in 42 CFR 431.412(c).
- **CMS is working on a template for extensions.**

Caveats of Note from the February 27, 2012 *Final Rule*

- **42 CFR 431.412(c)(1)** – “If an extension application includes substantial changes to the existing demonstration, CMS may, at its discretion, treat the application as an application for a new demonstration.” If this happened, more would be required to be submitted by the State.
- **42 CFR 431.412(c)(3)** – “If an application modification substantially changes the original demonstration design, CMS may, at its discretion, direct an additional 30-day public comment period.”