



April 29, 2021

**Via Email**

CMS Waiver Support  
Center for Consumer Information and Insurance Oversight  
Centers for Medicare and Medicaid Services  
Room 733H  
200 Independence Avenue, SW  
Washington, DC 20201  
[CMS-WaiverSupport@cms.hhs.gov](mailto:CMS-WaiverSupport@cms.hhs.gov)

To Whom It May Concern,

New Hampshire is planning for the Post-Award Public Forum for its Section 1332 Waiver that was granted on August 5, 2020 and effective as of January 1, 2021. In light of the ongoing Public Health Emergency and pursuant to 45 CFR 155.1320(c), New Hampshire is requesting approval to hold its forum virtually in order to mitigate potential risk associated with COVID-19. New Hampshire is required to hold the forum no later than July 1, 2021 and is seeking to hold it on June 17<sup>th</sup>. As such, we would appreciate receiving your response to this request in time to provide public notice of our forum by May 17<sup>th</sup>.

Pursuant to 45 CFR 155.1320(c), New Hampshire confirms that the hosting of an in-person public forum would be contrary to the interests of consumers during the ongoing Public Health Emergency. Like the rest of the nation, New Hampshire continues to see community spread of the virus in all counties.<sup>1</sup> As of April 27, 2021, New Hampshire had an average of 302.6 new cases per day over the most recent seven-day period (more than 22 new cases per 100,000 residents per day).<sup>2</sup> The statewide test positivity rate is 3.8 percent over the most recent seven-day period.<sup>3</sup> In recognition of the threat of high transmission rates, the Centers for Disease Control and Prevention continues to recommend against large events and gatherings.<sup>4</sup>

In light of these circumstances, and in order to mitigate potential risk associated with COVID-19, the state requests to hold the Post-Award 2021 Public Forum via interactive webcast. We have structured the plan for the virtual forum to ensure that it will provide the greatest opportunity for the public to get updates regarding the state's Section 1332 Waiver and state reinsurance program, to ask questions and to provide meaningful input. Notice of the forum will be posted on the dedicated Section 1332 Waiver webpages of both the New Hampshire Insurance Department website and the New Hampshire Health Plan website by May 17, 2021 (30 days in advance of the forum) and will include the

<sup>1</sup> <https://www.covid19.nh.gov/sites/g/files/ehbemt481/files/documents/2021-04/covid-19-update-04182021.pdf>

<sup>2</sup> <https://www.covid19.nh.gov/>

<sup>3</sup> <https://www.covid19.nh.gov/>

<sup>4</sup> <https://www.covid19.nh.gov/sites/g/files/ehbemt481/files/documents/2021-03/covid-19-epidemic-20200409.pdf>;  
<https://www.cdc.gov/coronavirus/2019-ncov/community/large-events/considerations-for-events-gatherings.html#:~:text=To%20decrease%20your%20chance%20of,and%20others%20from%20COVID%2D19>



date of the forum (June 17, 2021), as well as the time and instructions for accessing the forum by computer and by phone. The notice will also include information directing “People who require special accommodations, auxiliary aids or service, or alternative communication formats in order to participate in the process” to contact the state (via phone, email or TDD line) to ensure any necessary accommodations can be provided and to ensure accessibility in compliance with federal civil rights requirements and other federal laws pertaining to accessibility.

The state intends to host the hearing on the Webex platform. One thousand lines will be able to participate, allowing for one thousand participants or more if more than one person joins together. Participants will have the option of joining by video and audio on the computer, and audio-only or supplemental phone access will also be an option per state requirements and to ensure the greatest access possible. To access the Webex, participants will need to register, which will permit us to track attendance. As would be the case in an in-person public forum, individuals will be invited to indicate a desire to speak through the chat box or raise hand feature; lines will be unmuted one at a time to allow those interested to speak. Additionally, the forum will be recorded and the video posted online so those who are unable to attend can watch the video. The state will offer a written comment period following the posting of the forum so those who watch the video can also submit comments for consideration.

The state is confident that this structure will provide the greatest opportunity and level of meaningful public participation and comment based on our experience with the public hearings held prior to the submission of state’s Section 1332 Waiver. With permission from the Centers for Medicare and Medicaid Services, those hearings were held virtually at the start of the Public Health Emergency last April. At least 61 individuals participated in the virtual hearings at the time of webcast. That included health care providers (including mental health and substance use disorder providers), insurance issuers and producers, business, as well as members of the public and academia, state legislators and representatives of Congressional delegation offices. Several participants commented via Webex functionality at the hearings. An additional 7 individuals submitted comments during the written comment period. In New Hampshire, that level of participation would be considered high for in-person hearings. Based on that experience and public hearings generally over the last year, we have come to see that virtual hearings provide the benefit of easier statewide access than in-person events. Because of the success of the virtual public hearings last April, the above plan for the virtual forum is based on that model.

Thank you for considering this request at your earliest convenience. Upon receipt of your response, New Hampshire Health Plan will post this request and the response on our public webpage as required pursuant to 45 CFR 155.1320(c). Please let us know if you have any questions or need additional information. We also welcome any suggestions you have.

Sincerely,



J. Michael Degnan, Executive Director  
New Hampshire Health Plan

cc: Rochelle Prentice, Centers for Medicare and Medicaid Services  
Robert Yates, Centers for Medicare and Medicaid Services  
Maureen Mustard, New Hampshire Insurance Department