



Date: August 18, 2023

To: Montana Children, Families, Health, and Human Services Interim Committee

From: Mike Randol, Medicaid and Health Services Executive Director/Medicaid State Director

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

This memorandum is to inform you that, on or before October 23, 2023, the Montana Department of Public Health and Human Services (DPHHS) will submit, to the Centers for Medicare & Medicaid Services (CMS), an application for approval of an amendment to the Medicaid 1115 Waiver for Additional Services and Populations (WASP), with a proposed effective date of January 1, 2024.

Section 53-2-215(18), MCA, requires DPHHS to present a section 1115 waiver proposal to the Children, Families, Health, and Human Services Interim Committee for review and comment at a public hearing, prior to the submission of the proposal to the federal government. Accordingly, DPHHS requests the Committee include this matter on the agenda for its September 12, 2023, meeting.

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, to Medicaid and the Children's Health Insurance Program (CHIP, also known in Montana as Healthy Montana Kids (HMK)) program, coverage for fertility preservation services for aged-eligible individuals diagnosed with cancer where the standard of care involves medical treatment that may directly or indirectly cause iatrogenic infertility.

In light of the statutory directive, Montana DPHHS will seek 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, in Helena, Montana. 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 memo and at: <https://dphhs.mt.gov/MontanaHealthcarePrograms/Medicaid/Medicaid1115Waiver/WaspAmendment>.

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 also 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; or Director's Office, PO Box 4210, Helena, MT 59604-4210.

Thank you.

Attachment: WASP Amendment Full Public Notice