

**RECOMMENDATIONS FOR DEVELOPING SECTION 1115 JUSTICE INVOLVED WAIVERS**

<b>Federal Section 1115 Regulatory Requirement</b>	<b>Recommendations for Establishing Alignment with CMS Section 1115 Application Transparency Requirements</b>
<b>Demonstration Goals and Objectives</b> 431.408(a)(1)(i)(A) 431.412(a)(1)(i)) 431.412(c)(2)(i) and (ii)	Description of the core features and components of the proposed justice-involved initiative that the state intends to test with section 1115 authority. Description of how the proposed section 1115 initiative is likely to promote the state's intended program goals for Medicaid and/or CHIP.
<b>Enrollment &amp; Expenditures</b> 431.408(a)(1)(i)(C) 431.412(a)(1)(iii) and (iv) 431.412(c)(2)(v)	<p><u>Enrollment</u>                      Estimate of the total number of unduplicated individuals that are expected to be enrolled in the proposed justice-involved initiative for each year of the requested demonstration period. Enrollment projections include how the proposed section 1115 demonstration is expected to impact Medicaid and/or CHIP program enrollment for the full period the state is requesting to operate the proposed initiative.</p> <p><u>Expenditures</u>                      Estimate of total medical assistance payments (not including program administrative costs) for the proposed justice-involved initiative by each year of the demonstration period.</p>
<b>Eligibility, Benefits, Cost Sharing &amp; Health Care Delivery System</b> 431.408(a)(1)(i)(B) 431.412(a)(1)(ii)) 431.412(c)(2)(i)	<p><u>Health Care Delivery System</u>                      Description of the type of the delivery system proposed (e.g., managed care, fee-for-service). Includes explanation of how the proposed section 1115 demonstration is expected to overall impact the delivery and quality of health care for program beneficiaries.</p> <p><u>Eligibility Requirements</u>                      Description that specifies who are the justice-involved individuals targeted for coverage under the proposed section 1115 initiative. Description includes explanation of how the proposed section 1115 initiative is expected to overall impact the eligibility of health care for program beneficiaries.</p> <p><u>Benefit Coverage</u>                      Description of the targeted package of pre-release services to be provided under the proposed section 1115 initiative, including identification of any differences in the benefit package that will be provided to different groups of justice-involved individuals (e.g., addressing nuances for LGBTQIA+ populations).</p> <p><u>Cost Sharing</u>                      Specification of whether the proposed justice-involved 1115 initiative will have cost-sharing requirements. If there are no cost-sharing requirements under the proposed section 1115 initiative, provide an affirmative statement that there are no cost-sharing to be imposed on enrollees.</p>
<b>Other Changes</b> 431.412(a)(1)(v) 431.412(c)(2)(ii)	A description of any other program features that the proposed justice-involved initiative would modify in the state's Medicaid or CHIP programs. If there are no other proposed program changes, provide an affirmative statement that no other program changes are proposed.
<b>Evaluation Parameters and Plan for Testing Hypothesis</b> 431.408(a)(1)(i)(D)	A description that includes stated goals/objectives of the proposed section 1115 demonstration and the associated proposed research questions, hypotheses, and potential data sources that are available or that will be needed to establish baseline data and measure performance relative to expected outcomes.

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431.412(a)(1)(vii)	
<b>Waiver and Expenditure Authorities</b> 431.408(a)(1)(i)(E) 431.412(a)(1)(vi) 431.412(c)(iii)	<p><u>Waivers of Section 1902 of the Act</u>            A description that identifies the provision(s) of section 1902 that the state believes to be necessary to authorize the proposed justice-involved initiative, with an associated explanation of how the waiver(s) of section 1902 is necessary to achieve a core feature and/or component of the proposed initiative.</p> <p><u>Expenditure Authority under Section 1903 of the Act</u>            A description that specifically identifies the justice-involved benefit/population that is not otherwise covered under the state plan but the state seeks to authorize solely through the proposed section 1115 initiative.</p>
<b>Documentation of State Public Notice Process</b> 431.412(a)(1)(viii) 431.412(c)(2)(vii)	<p>A description that outlines the steps the state took to comply with each public notice requirement set forth in 431.408, including (if applicable) Tribal consultation as described in 431.408(b). The description includes the active link(s) to the state's website that shows the public notice documents and public input procedures as they were made available to the public during the state's notice and comment period. Copies of the state's specific notices published during the state's notice and comment period are included with the application submission.</p>
<b>Post-approval Operational &amp; Monitoring Protocols</b>	<p>NOT an application element for formal submission to CMS. However, early development of a minimum framework for operationalizing the proposed justice-involved initiative submitted as part of the formal CMS application is expected to facilitate the CMS review process.</p>

Please note that recommendations are provided by the former CMS national transparency expert. Please contact Tonya Moore, Senior Consultant, Health Management Associates, at [Tonya.Moore@healthmanagement.com](mailto:Tonya.Moore@healthmanagement.com) or on LinkedIn at <https://www.linkedin.com/in/tonya-moore-6055863/>.