

Below is DHCS's response to questions received from the Legislature on November 4, 2015, regarding the Nursing Facility/Acute Hospital (NF/AH) Waiver Renewal, effective January 1, 2017 through December 31, 2021.

1. **Will there be additional public meetings?**

Yes, in addition to the Oct 1st and Oct 5th, 2015, public meetings, there will be at least two more public meetings in June of 2016. DHCS will also have three NF/AH Waiver Technical Workgroup meetings in December 2015 and February and April of 2016. The participants in the Technical Workgroup consist of membership from:

- Disability Rights of California
- Independent Living Center
- Associations
- Caregivers
- Beneficiaries
- Providers

2. **Is there a requirement on the minimum or maximum number of public meetings?**

There is no minimum or maximum public meeting requirements for waiver renewals. Title 42, CFR Section §441.304 - Duration, extension, and amendment of a waiver, subsection (f), specifies the following:

(f) The agency must establish and use a public input process, for any changes in the services or operations of the waiver.

(1) This process must be described fully in the State's waiver application and be sufficient in light of the scope of the changes proposed, to ensure meaningful opportunities for input for individuals served, or eligible to be served, in the waiver.

(2) This process must be completed at a minimum of 30 days prior to implementation of the proposed change or submission of the proposed change to CMS (Centers for Medicare and Medicaid Services), whichever comes first.

(3) This process must be used for both existing waivers that have substantive changes proposed, either through the renewal or the amendment process, and new waivers.

(4) This process must include consultation with Federally-recognized Tribes, and in accordance with section 5006(e) of the American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5), Indian health programs and Urban Indian Organizations.

3. **Who determines the number of public meetings?**

DHCS determines the number of public meetings depending on the substantive type and scope of changes in the waiver renewal.

4. **Who dictates the requirements for the NF/AH Waiver renewal?**

CMS dictates the public requirements for all 1915(c) Home and Community-Based Services (HCBS) waivers through federal statute and regulations. DHCS has in the past, and will continue to, obtain public input for any waiver renewals and amendments. Public input is obtained from a variety of stakeholders, including but not limited to, advocacy groups, family members, providers, Medi-Cal members, and the general public.

5. **Is the State Legislature involved with the NF/AH Waiver renewal?**

Yes, the State Legislature is involved in the waiver renewal specifically if the waiver renewal has any budgetary or fiscal impact which would increase the current fiscal appropriation. Any increase in fiscal appropriations would be a part of the state budgetary process.