

Response to Public Comments (30-Day)
Section 1115 Demonstration Projects
CMS-10341, OMB 0938-1162

With regard to our active collection of information request, the 60-day notice published in the Federal Register on October 30, 2024 (89 FR 86340). No comments were received. On the other hand, our 30-day notice published on February 3, 2025 (90 FR 8800). Three comment letters were received consisting of two from separate non-profit organizations and one from a state health foundation. A summary of the comments and our response follows. The original comments are attached to this April 2025 non-substantive change request.

All commenters broadly supported Medicaid section 1115 demonstrations, but the comments were not germane to this information collection request, which focuses on compliance with statutory requirements in the application process, as well as monitoring and evaluation of approved demonstrations. One commenter emphasized the need for continued transparency in the Medicaid section 1115 demonstration process, particularly state-level public notice and comment procedures. Another commenter highlighted the significance of Medicaid section 1115 demonstrations in supporting home and community-based services (HCBS) for individuals with intellectual and developmental disabilities (I/DD) and urged CMS to continue to seek stakeholder input for these opportunities. Lastly, a commenter expressed strong support for continuing Medicaid Section 1115 demonstrations and advocated for doing so without raising the administrative burden for states. CMS appreciates these comments but will not revise the supporting statement and requirements as a result.

Comment 1: One commenter expressed strong support for CMS's issuance of the PRA notice, emphasizing the importance of transparency and public engagement in the Medicaid section 1115 demonstration process. The commenter highlighted the statutory and regulatory requirements for states to solicit public input at multiple stages of the demonstration process and underscored how public engagement improves the quality of Medicaid demonstrations. Additionally, the commenter emphasized the need for CMS to hold states accountable for providing meaningful opportunities for public input through public comment periods.

CMS Response: CMS appreciates this comment and recognizes the importance of transparency and public participation in the Medicaid section 1115 demonstration process. CMS affirms its commitment to ensuring states comply with public notice and comment procedures and is committed to engaging with stakeholders. As this comment does not propose specific modifications to the information collection request, CMS will not be making changes based on this comment.

Action(s) Taken: No changes have been made to any requirements or documents as a result of this comment. No changes to burden estimates have been made as a result of this comment.

Comment 2: One commenter emphasized the critical role of Medicaid section 1115 demonstrations in supporting home and community-based services (HCBS) for individuals with intellectual and developmental disabilities (I/DD). The commenter highlighted the workforce crisis affecting HCBS providers, citing high turnover rates and staffing shortages. The organization urged CMS to prioritize policies that strengthen the HCBS system, ensure sufficient provider reimbursement rates, and require states to provide detailed analyses of potential adverse impacts when applying for new waivers or seeking discontinuation of existing waivers. The

commenter also emphasized the importance of transparency and public engagement in the Medicaid section 1115 demonstration process to safeguard services for individuals with I/DD.

CMS Response: CMS appreciates the commenter's feedback and recognizes the importance of Medicaid section 1115 demonstrations in supporting HCBS for individuals with I/DD. The concerns raised about workforce shortages and reimbursement rates are important, but not germane for this information request. CMS will not be making changes to requirements or documents as this comment does not propose specific modifications to the information collection request.

Action(s) Taken: No changes have been made to any requirements or documents as a result of this comment. No changes to burden estimates have been made as a result of this comment.

Comment 3: One commenter, a state health foundation, expressed strong support for continuing Medicaid section 1115 demonstrations, citing their critical role in promoting state innovation, improving health outcomes, and maintaining stable health insurance coverage. The state urged CMS to continue these demonstrations without adding administrative burden.

CMS Response: CMS acknowledges the commenter's support for section 1115 demonstrations and recognition of the importance of these demonstrations in advancing health coverage and continuity of care. CMS strives to minimize administrative burden associated with the 1115 demonstration application, monitoring, and evaluation processes, while satisfying statutory and regulatory requirements. As this comment does not propose specific modifications to the information collection request, CMS will not be making changes based on this comment.

Action(s) Taken: No changes have been made to any requirements or documents as a result of this comment. No changes to burden estimates have been made as a result of this comment.