Hello Minnesota team,

Thank you for your submission on May 20, 2022, of Minnesota request for a modification of normal post-award forum procedures during the public health emergency pursuant to 45 CFR § 155.1320(c)(2). After evaluating your request, the Department of Health and Human Services and the Department of the Treasury have determined that your proposed modified post-award forum procedures to hold your forum virtually meet the requirements set forth in 45 CFR § 155.1320(c)(2).

Within 15 calendar days of your receipt of this modification determination, please post it and your modification request to your public website along with any information related to the approved revised timeline to hold the post-award forum, as applicable and consistent with 45 CFR § 155.1320(c)(2)(ii)(E). Please also ensure that you summarize your modified post-award forum procedures in applicable quarterly and annual reports consistent with 45 CFR § 155.1320(c).

Sincerely,

CMS Waiver Support Team

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From: CMS 1332-WaiverSupport
To: Andersen, Frederick (COMM)<frederick.andersen@state.mn.us>
Cc: Dreier, Julia (COMM)<julia.dreier@state.mn.us>; Lyng, Julia (COMM)<julia.lyng@state.mn.us>; MN_COMM_MN1332WaiverTeam@state.mn.us; Yates, Robert F. (CMS/CCIIO)<Robert.Yates@cms.hhs.gov>; Rashid, Lina C. (CMS/CCIIO)<Lina.Rashid@cms.hhs.gov>; Zhu, Sonya (CMS/CCIIO)<sonya.zhu@cms.hhs.gov>; Eda.Herzog-Vitto@treasury.gov
Subject: RE: Request for modification of annual 1332 post-award forum - Minnesota

Hi Fred,

Please see below.

Thanks

Dear 1332 Waiver Grantees:

As you plan for post-award forums in line with the requirements of 45 CFR § 155.1320(c), we wanted to remind you of our discretion to modify normal post-award forum procedures under 45 CFR § 155.1320(c)(2) during the COVID-19 public health emergency. As a reminder, within at least six months after the implementation date of a section 1332 waiver and annually thereafter, states must hold a public forum to solicit comments on the progress of a section 1332 waiver. The state must publish the date, time, and location of the public forum in a prominent location on the state’s
public website, at least 30 days prior to the date of the planned public forum.

Attached for your convenience is a template that you may, but are not required, to use to complete your request to modify normal post-award forum procedures. When you have completed your request, please submit it to 1332-WaiverSupport@cms.hhs.gov. In your request, there are several topics to address in terms of detailing your alternative procedures. First, please describe your reason(s) for modifying the normal post-award procedures (e.g., to mitigate the potential risk associated with COVID-19). Please also confirm that you will publish notice of the meeting and ensure that the public can attend to ensure the greatest opportunity and level of meaningful public comment. If you proceed with a virtual meeting, please ensure that you inform the public of the virtual “location, date and time of public hearings.” Specifically, please publish the date, time, and location of the forum in a prominent location on the state’s public website at least 30 days prior to the scheduled date. The template also requires you to describe how you will ensure residents can ask questions, track attendance (if possible), and ensure compliance with applicable civil rights requirements and other laws pertaining to accessibility (which are discussed in the preamble of the 2012 rule). You should also plan to document any modifications to your post-award forum process that were utilized in your soonest quarterly report after which the forum was held, and next year’s annual report consistent with §155.1324(a) and (b).

We will inform you of our determination within approximately 15 calendar days of receiving your request. Within 15 days of receiving our determination, please publish your request and our determination on your public website along with any information related to revising your normal timeline to hold the forum.

Sincerely,

CMS Waiver Team

From: Andersen, Frederick (COMM) <frederick.andersen@state.mn.us>
Sent: Friday, May 20, 2022 12:27 PM
To: CMS 1332-WaiverSupport <1332-WaiverSupport@cms.hhs.gov>
Cc: Dreier, Julia (COMM) <julia.dreier@state.mn.us>; Lyng, Julia (COMM) <julia.lyng@state.mn.us>; MN_COMM_MN1332WaiverTeam <MN1332WaiverTeam@state.mn.us>; Yates, Robert F. (CMS/CCIIO) <Robert.Yates@cms.hhs.gov>; Rashid, Lina C. (CMS/CCIIO) <Lina.Rashid@cms.hhs.gov>; Zhu, Sonya (CMS/CCIIO) <Sonya.Zhu@cms.hhs.gov>; Eda.Herzog-Vitto@treasury.gov
Subject: Request for modification of annual 1332 post-award forum - Minnesota

Similar to our approved request last year, Minnesota is requesting to host our 1332 post-award forum in a virtual setting again in 2022. The reasons are to mitigate the potential risk associated with COVID-19 and the fact last year’s virtual forum featured higher-than-normal attendance and participation.

As was done last year, Minnesota will publish notice of the meeting and ensure the public can attend and provide comment. The location, date, and time of the hearing will be included in the notice, which will be published on our public website at least 30 days prior to the scheduled date (tentatively set for the week of June 27).

Last year we had success ensuring participants could ask questions (through the virtual chat function), tracking attendance, and confirming civil rights and other laws were complied with. Specifically:

- We marked down the attendees through a combination of using the Microsoft Teams participant function and by asking attendees their names.

- We complied with civil rights requirements and other accessibility requirements through the public notice statement (linked and copied below) which stated that people with disabilities or needs to receive materials in alternative formats could reach out to our Director of Outreach and Community Engagement through phone or e-mail.

We plan to incorporate similar measures this year.
Thank you for your consideration.

Fred Andersen, FSA, MAAA
Chief Life Actuary
651-539-1753
mn.gov/commerce
Minnesota Department of Commerce
85 7th Place East, Suite 280 | Saint Paul, MN 55101

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