

Response to Comments  
Certified Community Behavioral Health Clinic (CCBHC)  
2024 State Proposal Demonstration Application  
CMS-10398 #45, OMB 0938-1148  
January 2024

Comments on the CCBHC Demonstration Application (#45) included three comments from a consultant agency, one comment from an advocacy agency, three comments from state governmental agencies. The major themes of the comments included the need for clarification that any state that had ever received a planning grant would be eligible for submitting an application to the demonstration; request for additional information on participating in the national evaluation and utilizing a comparison group; and, defining and expanding on sections of the application including assisted outpatient mental health treatment, description of scope of services, and managed care capitation.

Comment 1:

Comment #1: Clarifying question on states eligible to apply for CMS-10398 #48. In attachment "Guidance to Planning Grant States to Apply to Participate in the Section 223 CCBHC Demonstration Program" the language indicates that the 15 2023 planning state grantees are able to apply however in attachment "GenIC #45" there is the below language in section D.2 indicating that states who received a planning grant in 2016 are also eligible to apply. Seeking confirmation that 27 states, not 15, are eligible to apply for this opportunity.

"D.2 Collection of Information Requirements and Associated Burden Estimates State Demonstration Application A state must be awarded a planning grant to qualify to apply to participate in the demonstration. Planning grants were awarded to 15 states. There are an additional 12 states that had previously received a planning grant in 2016 but were not selected for the Demonstration, did not receive another planning grant in 2023, and are eligible to apply to the demonstration. Therefore, up to 27 states (15 awarded states + 12 unawarded states) may utilize the demonstration application, and we anticipate two thirds (18 states = 27states x 0.6667) will exercise this option."

SAMHSA Response:

All states that have ever received a planning grant, in either 2016 or 2023, are eligible to submit a Demonstration Application.

Action Taken:

The Demonstration Application has been updated to include clarification that all past recipients of a CCBHC state planning grant are eligible to submit this application for the Demonstration. No revision of burden estimates made due to adding a clarifying statement only and no changes to requirements on the applicant.

Comment 2:

In attachment "Guidance to Planning Grant States to Apply to Participate in the Section 223 CCBHC Demonstration Program" the section discussing the required engagement with the

national evaluation team on a comparison group. Seeking clarification on how to achieve this requirement. Is there a contact for the national evaluation team and what is the level of engagement, and documented demonstration of engagement, expectations? In the "Guidance to Planning Grant States to Apply to Participate in the Section 223 CCBHC Demonstration Program", on page 9, which describes requirements of the program narrative, several clarifications would be beneficial. Part D includes "A summary of discussions with the federal evaluation planning team regarding the selection of an appropriate comparison group for an assessment of access, quality, and scope of services available to Medicaid enrollees served by CCBHCs." Is this comparison group to be used as the comparator for part E? Or if not, how will this be used?

SAMHSA Response:

SAMHSA will provide additional information in upcoming webinars to expand on this process in more detail and provide resources for applicants.

Action Taken:

No action on the Demonstration Application will be taken. No revision of burden estimates.

Comment 3:

In the "Guidance to Planning Grant States to Apply to Participate in the Section 223 CCBHC Demonstration Program", on page 9, which describes requirements of the program narrative, several clarifications would be beneficial. Part D includes "A summary of discussions with the federal evaluation planning team regarding the selection of an appropriate comparison group for an assessment of access, quality, and scope of services available to Medicaid enrollees served by CCBHCs." Is this comparison group to be used as the comparator for part E? Or if not, how will this be used?

SAMHSA Response:

SAMHSA will provide additional information in upcoming webinars to expand on this process in more detail and provide resources for applicants.

Action Taken:

No action on the Demonstration Application will be taken. No revision of burden estimates.

Comment 4:

In part E (again on page 9) it reads, "Goal 2. Improve availability of, access to, and participation in, services described in subsection (a)(2)(D) to individuals eligible for medical assistance under the State Medicaid program." What is (a)(2)(D) referring to?

SAMHSA Response:

This references the 9 required services. SAMHSA will provide explanation through offering webinars on this section.

Action Taken: update

No action on the Demonstration Application will be taken. No revision of burden estimates.

Comment 5:

Additionally, it reads, "Goal 3. Improve availability of, access to, and participation in assisted outpatient mental health treatment in the state." What is meant by "assisted outpatient mental health treatment"? Is this referring to court-ordered mental health treatment for people who refuse or are unable to comply with voluntary treatment? If not, what is the difference between goal 2 and 3(access for Medicaid beneficiaries vs. all citizens?).

SAMHSA Response:

It is correct that that assisted outpatient mental health treatment refers to civil court-ordered outpatient treatment.

Action Taken:

No action on the Demonstration Application will be taken. No revision of burden estimates.

Comment 6:

In consideration of the draft application for the CCBHC 2024 State Proposal Demonstration included in CMS-10398 #45, National Council recommends including language in the draft application to clarify that states that have received any CCBHC planning grant can apply to this program. While this Notice describes that the application is required to be completed by existing CCBHC grantee states in accordance with section 11001 of the Bipartisan Safer Communities Act (BSCA) of 2022 (89 FR 1096), the language in the draft application does not explicitly describe that states having received any CCBHC planning grant can apply. Communication with the Substance Abuse and Mental Health Services Administration (SAMHSA) has affirmed that any state that received a CCBHC planning grant in the past can apply for this CCBHC demonstration application; thus, the eligible applicant pool includes the most recent 15 states (e.g., AL, DE, GA, IA, KS, ME, MS, MT, NH, NM, NC, OH, RI, VT, WV) as well as the previous recipients of the planning grant (e.g., AK, CA, CO, IL, IN, MA, MA, TX). Making this clarification in the application will help ensure that all eligible applicants have the clarity needed to pursue this opportunity.

SAMHSA Response:

All states that have ever received a planning grant, in either 2016 or 2023, are eligible to submit a Demonstration Application.

Action Taken:

The Demonstration Application has been updated to include clarification that all past recipients of a CCBHC state planning grant are eligible to submit this application for the Demonstration.

No revision of burden estimates made due to adding a clarifying statement only and no changes to requirements on the applicant.

Comment 7:

Related to the information contained on Page 2: Additional information about the definition of “assisted outpatient mental health treatment” from the PAMA language is needed, in order to further clarify how preference will be given to CCBHC Demonstration programs that improve the availability of, access to, and participation in assisted outpatient mental health treatment in the state.

SAMHSA Response:

It is correct that that assisted outpatient mental health treatment refers to civil court-ordered outpatient treatment.

Action Taken: same as other

No action on the Demonstration Application will be taken. No revision of burden estimates.

Comment 8:

Related to Page 4: Related to the description of what must be included in Attachment 6, additional clarification is needed on what exactly is being requested. For example, does the “description of the scope of services required by the state” encompass simply the listing of service codes/services that will be covered under our proposed model, or are SAMHSA and CMS looking for much greater detail about what each of the services will include (e.g., including specifics like staffing ratios/requirements, evidence-based practices, etc.)? Additional detail about what components should be included in the description will be helpful in assuring we are able to provide all information needed to evaluate our plan.

SAMHSA Response:

Attachment 6 is meant to be a verification of the scope of services that the state has required in order to comply with the CCBHC Criteria, including any additional services required through state discretion and evidenced-based practices.

Action Taken:

The Demonstration Application, in Part I, Attachment 6 description was updated to include the SAMHSA response. No revision of burden estimates made due to adding a clarifying statement only and no changes to requirements on the applicant.

Comment 9:

Related to Page 24: Please add explicit reference in the introduction of Section 6, indicating that if a state has determined that all CCBHC services will be delivered via our state-run FFS system

(outside of Managed Care), Section 6 of the Application related to Managed Care Considerations is not required to be completed.

CMS Response:

Part 3, Section 6.1 of the Guidance to Planning Grant States to Apply to Participate in the Section 223 CCBHC Demonstration Program has been amended to add a response option for states to indicate if they are not covering any of their demonstration services under managed care. Directions have also been added to specify that those selecting this option should not complete the remainder of Section 6.

Action Taken:

CMS updated Part 3, Section 6.1 of the Guidance to Planning Grant States to Apply to Participate in the Section 223 CCBHC Demonstration Program has been amended to add a response option for states to indicate if they are not covering any of their demonstration services under managed care. In addition, directions were added to specify that those selecting this option should not complete the remainder of Section 6. No updates were made to the supporting statement as this addition was for clarification and resulted in no changes to requirements on the applicant.

Comment 10: Identical comment were received as part of PRA package #43 from two commenters (Myers and Stuaffer, LC and Danielle Kindler) regarding package #45 Demonstration application and the updated CCBHC technical guidance. Specifically, *“The Application and Guidance to Participate in the Section 223 CCBHC Demonstration Program document indicates the first rebasing year is DY3. Can CMS confirm that the draft guidance issued requiring rebasing of DY2 has been changed?”*

CMS Response:

CMS confirms that the draft guidance posted to the CCBHC Medicaid.gov landing page on 5/12/23 has changed and the updated policy will be reflected in the soon to be released final updated CCBHC PPS Technical Guidance.

Action Taken:

Updated CCBHC PPS Technical Guidance soon to be released.