

**DRAFT Section 1115 Demonstration  
Amendment**

**New Hampshire Health Protection Program  
Premium Assistance  
Project #11-W-00298/1**

**State of New Hampshire  
Department of Health and Human Services**

**August 30, 2017**

## Table of Contents

<b>Section I: Introduction</b>	<b>Page 3</b>
<b>Section II: Public Process</b>	<b>Page 4</b>
<b>Section III: Data Analysis</b>	<b>Page 5</b>
<b>Section IV: Description of Amendment</b>	<b>Page 5</b>
<b>Section V: Evaluation Design</b>	<b>Page 7</b>
<b>Appendix A: Notice of Amendment to Demonstration Authority</b>	<b>Page 8</b>
<b>Appendix B: Tribal Impact</b>	<b>Page 10</b>
<b>Appendix C: Amended 1115 Budget Neutrality Projections</b>	<b>Page 11</b>

## Section I – Introduction

New Hampshire is submitting this application for a Premium Assistance Demonstration Waiver amendment, in accordance with House Bill 517 (Chapter 156, Laws of 2017) which became effective on July 1, 2017. The purpose of the amendment is to obtain approval of a work requirement for the New Hampshire Health Protection population, as a condition of eligibility for the program.

The New Hampshire Health Protection Program instituted: (1) a mandatory Health Insurance Premium Payment Program (HIPP) for individuals with access to cost-effective employer-sponsored insurance<sup>1</sup>; (2) a bridge program to cover the new adult group in Medicaid managed care plans through December 31, 2015; and (3) a mandatory individual qualified health plan (QHP) premium assistance program (the “Premium Assistance Program”) beginning on January 1, 2016.

The Premium Assistance Program was designed to reduce coverage disruptions for individuals moving between Medicaid and the Marketplace due to changes in income, offer comparable provider access, enable higher provider payments for covered services in order to ensure access, encourage more cross-participation by plans in Medicaid and the Marketplace, and achieve cost reductions due to greater competition.

On March 4, 2015, the Centers for Medicare and Medicaid Services (CMS) approved New Hampshire’s application for a one-year Section 1115(a) Medicaid Research and Demonstration Waiver entitled, “New Hampshire Health Protection Program (NHPP) Premium Assistance” (Project Number 11-W-100298/1), in accordance with section 1115(a) of the Social Security Act (the Act). The demonstration became effective on January 1, 2016. Its continuation beyond December 31, 2016 and through December 31, 2018 was contingent upon the reauthorization of the program by the New Hampshire legislature. Pursuant to NH RSA 126-A:5, XXIII-XXV, the demonstration was scheduled to sunset on December 31, 2016 unless the New Hampshire legislature reauthorized the program to continue.

On April 5, 2016, the New Hampshire Legislature reauthorized the New Hampshire Health Protection Program through December 31, 2018. The New Hampshire Legislature enacted this legislation to continue coverage of those individuals described under section 1902(a)(10)(A)(I)(VIII).

As of August 1, 2017, the New Hampshire Health Protection Program provided coverage to 51,924 Granite Staters – 41,392 of whom were enrolled in the Premium Assistance Program and receiving coverage through four commercial insurance carriers offering Qualified Health Plans (QHPs) in New Hampshire’s federally facilitated Marketplace.<sup>2</sup> Another 7,093 members - those that are medically frail or may otherwise opt-out of the Premium Assistance Program - were served by the state’s two Medicaid managed care organizations (MCOs), WellSense Health Plan and NH Healthy Families. The remaining

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<sup>1</sup> The mandatory nature of applying for HIPP was repealed through a budget bill in September of 2015.

Voluntary HIPP participants continue to be excluded from the demonstration.

<sup>2</sup> The four carriers are: Ambetter by NH Healthy Families, Anthem BlueCross BlueShield of New Hampshire, Harvard Pilgrim Health Care, and Minuteman Health Incorporated.

3,439 participants were in fee-for-service during their plan selection window.

### *Budget Trailer Bill HB517 Seeks Work Activities as a Condition of Eligibility*

On June 28, 2017, New Hampshire Governor Christopher Sununu signed HB517 (Chapter 156, Laws of 2017), the trailer bill to the biennial budget for SFY 19-SFY20 for the State of New Hampshire, effective July 1, 2017. HB 517 includes a provision that requires the Department of Health and Human Services to seek a waiver or state plan amendment from the Centers for Medicare and Medicaid Services in order to establish certain work requirements as conditions of eligibility in the New Hampshire Health Protection Program. Any waiver or state plan amendment must be in place by April 30, 2018.<sup>3</sup>

Pursuant to Chapter 156 of Session laws of 2017, New Hampshire is seeking to amend the New Hampshire Health Protection Program Premium Assistance 1115 Demonstration to promote work opportunities for the New Hampshire Health Protection Program population who are not working by aligning work requirements with eligibility for the New Hampshire Health Protection Program. New Hampshire seeks to be the first state to win CMS approval for covering unemployed, able-bodied newly eligible adults who are engaging in at least 20 hours per week of one or a combination of specific employment and training activities detailed in Section IV of the waiver amendment.

There are no proposed changes to enrollment, benefits, enrollee rights or other comparable program elements. The requested approval date of this amendment is no later than April 30, 2018.

The legislative directive for the work requirement is set forth in Section IV of the waiver amendment.

### Section II- Public Process

Pursuant to the New Hampshire Health Protection Program Premium Assistance (11-W-00298/1) special terms and conditions (STCs) the following provides an explanation of the public process used by the state to reach a decision regarding the requested amendment.

Per STC 16, regarding public notice, tribal consultation and consultation with interested parties, the State must comply with the State Notice Procedures set forth in 59 Fed. Reg. 49249 (September 27, 1994). New Hampshire is not required to comply with tribal consultation requirements in Section 1902(a)(73) of the Act as there are no federally recognized Indian tribes in New Hampshire.

### *Public Notice*

On August 30, 2017, the Department of Health and Human Services released a draft

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<sup>3</sup> While the reauthorizing legislation in 2016 instituted a severability provision, HB 517 (Chapter 156, Laws of 2017) does not have a severability provision and coverage under §1902(a)(10)(A)(i)(VIII) is scheduled to sunset on December 31, 2018, unless reauthorized by the NH Legislature.

waiver amendment for the New Hampshire Health Protection Program Premium Assistance Demonstration Waiver (11-W -00298/1). This release was preceded by the development of a publicly accessible web page, an email address for public input, and an announcement of two public hearings, along with a United States Postal Service address, to provide for remote and in-person public comment to the proposed amendment. Please see Appendix A.

Please see web page at <http://www.dhhs.state.nh.us/pap-1115-waiver/index/htm>. Email address is [NHPremiumAssistanceAmendment@dhhs.nh.gov](mailto:NHPremiumAssistanceAmendment@dhhs.nh.gov). The United States Postal Services address is Department of Health and Human Services, Office of Medicaid and Business Policy, 129 Pleasant Street, Brown Building, Concord, NH 03301, Attn: Dawn Landry.

### Section III – Data Analysis

#### *Comparative Analysis*

Pursuant to the New Hampshire Health Protection Program Premium Assistance (11-W-00298/1) special terms and conditions (STCs number 7 entitled Amendment Process), the following will provide a data analysis which identifies the specific “with waiver” impact of the proposed amendment on the current budget neutrality agreement. The analysis will include total computable “with waiver” and “without waiver” status on both a summary and detailed level through the current approval period using the most recent actual expenditures, as well as summary and detail projections of the change in the “with waiver” expenditure total as a result of the proposed amendment, which isolates (by Eligibility Group) the impact of the amendment.

For details, please see the Amended 1115 Budget Neutrality Projections dated xxxx, in Appendix C.

#### *CHIP Allotment*

Pursuant to the New Hampshire Health Protection Program Premium Assistance (11-W-00298/1) special terms and conditions (STCs), the following provides an up-to-date CHIP allotment neutrality worksheet.

Not applicable as the CHIP population is not covered under the New Hampshire Health Protection Program Premium Assistance.

### Section IV – Description of Amendment

Pursuant to the New Hampshire Health Protection Program Premium Assistance (11-W-000298/1) special terms and conditions (STCs), the following provides a detailed description of the amendment including impact on beneficiaries, with sufficient supporting documentation and data supporting the evaluation hypothesis as detailed in the evaluation design.

*New Hampshire Health Protection Work Promotion and Personal Responsibility*

Consistent with the requirements of HB517 (Chapter 156, Laws of 2017):

- (1) Newly eligible adults who are unemployed shall be eligible to receive benefits under RSA 126-A:5 XXIV-XXV, if the State finds that the individual is engaging in at least 20 hours per week upon application of benefits, 25 hours per week after receiving 12 months of benefits over the lifetime of the applicant and 30 hours per week after receiving 24 months of benefits over the lifetime of the applicant of one or a combination of the following activities:
  - (A) Unsubsidized employment.
  - (B) Subsidized private sector employment.
  - (C) Subsidized public sector employment.
  - (D) Work experience, including work associated with the refurbishing of public publicly assisted housing, if sufficient private sector employment is not available.
  - (E) On-the-job training.
  - (F) Job search and job readiness assistance.
  - (G) Vocational educational training not to exceed 12 months with respect to any individual.
  - (H) Job skills training directly related to employment.
  - (I) Education directly related to employment, in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency.
  - (J) Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate
- (2) If an individual in a family receiving benefits under this subparagraph refuses to engage in work required in accordance with subparagraph (1) above, the assistance shall be terminated. The commissioner of the department of health and human services shall adopt rules under RSA 541-A, with approval of the governor and the fiscal committee of the general court, to determine good cause and other exceptions to termination.
- (3) These requirements shall only apply to those considered, abled-bodied adults as defined in section 1902(a)(10)(A)(i)(VIII) of the Social Security Act of 1935, as amended, 42 U.S.C. section 1396a(a)(10)(A)(i). In this subparagraph, "childless" means an adult who does not live with a dependent child which includes a child under 18 years of age or under 20 years of age if the child is a full-time student in a secondary school or the equivalent.
- (4) This subparagraph shall not apply to:
  - (A) A person who is temporarily unable to participate in the requirements under subparagraph (1) above due to illness or incapacity as certified by a licensed physician, an advanced practice registered nurse (APRN), a licensed behavioral health professional, a licensed physician

assistant, or a board-certified psychologist. The physician, APRN, licensed behavioral health professional, licensed physician assistant, or psychologist shall certify, on a form provided by the department, the duration and limitations of the disability.

(B) A person participating in a state-certified drug court program, as certified by the administrative office of the superior court.

(C) A parent or caretaker as identified in RSA 167:82, II(g) where the required care is considered necessary by a licensed physician, APRN, board-certified psychologist, physician assistant, or licensed behavioral health professional who shall certify the duration that such care is required.

(D) A parent or caretaker of a dependent child under 6 years of age.

New Hampshire seeks to encourage unemployed and underemployed adults to proceed to full employment by requiring them to become connected with job training or other work related activities while they look for full-time employment or obtain full-time employment. Waivers are intended to grant states flexibility to expand Medicaid in a way that recognizes local considerations and conditions. The poverty facing these residents is an important state issue. It is in New Hampshire's economic and financial interest to facilitate sustained employment or a return to sustained employment for as many participants as possible. Gaining financial stability will enable some participants to mitigate negative environmental factors and economic factors that can contribute to poor health. Putting participants on the path to attaining financial stability and moving out of poverty is a component of a long-term investment New Hampshire seeks to make in its vulnerable citizens. Ultimately, New Hampshire hopes to help residents graduate from safety net programs and attain or return to a financially stable life. This trajectory provides flexibility to the state in future years to focus tax payer dollars on other vitally needed services and to promote prosperity and well-being among its citizens.

#### Section V – Evaluation Design

Pursuant to the New Hampshire Health Protection Program Premium Assistance (11-W-00298/1) special terms and conditions (STCs), the following provides a description of how the evaluation design will be modified to incorporate the amendment provisions.

The State is amending “PAP Waiver Goal” number five (5) titled “Improve Health Outcomes and Increase Personal Accountability and Responsibility.” The demonstration will, with this amendment, evaluate whether conditioning eligibility on participation in work activities encourages appropriate utilization and improves health outcomes. The State will work closely with the evaluation vendor to determine specific design evaluation modifications which will be inclusive of an analysis of the correlation between the named activities and improved mental and physical health.

## APPENDIX A

### Notice of Amendment to Demonstration Authority

Notice is hereby given that the New Hampshire Department of Health and Human Services (DHHS) seeks to amend its Section 1115(a) Research and Demonstration Waiver, #11-W-00298/1 entitled, the New Hampshire Health Protection Program (NHHPP) Premium Assistance, with such amendment to be in place by April 30, 2018.

#### *Summary of Demonstration*

Under the NHHPP Premium Assistance demonstration, New Hampshire uses premium assistance to support the purchase of health insurance coverage for beneficiaries eligible under the new adult group provided via certain qualified health plans (QHPs) doing business in the individual market through the Marketplace. The demonstration affects individuals in the new adult group covered under Title XIX of the Social Security Act who are adults from age 19 up to and including age 64 with incomes up to and including 133 percent of the federal poverty level (FPL) who are neither enrolled in (nor eligible for) Medicare or enrolled in the state's Health Insurance Premium Payment (HIPP) program.

#### *Proposed Amendment*

The proposed amendment seeks to effect the following modification:

- Modify eligibility to require that newly eligible adults who are unemployed be eligible to receive benefits if DHHS finds that the individual is engaging in work or a combination of other clearly outlined activities for at least 20 hours per week upon application of benefits, 25 hours per week after receiving 12 months of benefits over the lifetime of the applicant and 30 hours per week after receiving 24 months of benefits over the lifetime of the applicant or a combination of other clearly outlined activities.

### WAIVER & EXPENDITURE AUTHORITIES

Existing waiver and expenditure authorities will be not modified.

#### *Opportunity for Public Input*

The complete version of the current draft of the Demonstration application is available for public review at <http://www.dhhs.nh.gov/pap-1115-waiver/index.htm>. Public comments may be submitted until midnight on September 29, 2017. Comments may be submitted by email to [NHPremiumAssistanceAmendment@dhhs.nh.gov](mailto:NHPremiumAssistanceAmendment@dhhs.nh.gov) or by regular mail to the New Hampshire Department of Health and Human Services, 129 Pleasant Street, Concord, NH 03301-3857. Comments should be addressed to Dawn Landry.



## **REVIEW OF DOCUMENTS & SUBMISSION OF DOCUMENTS**

This notice, waiver documents, and information about the New Hampshire Health Protection Program (NHPP) Premium Assistance Demonstration are available at: <http://www.dhhs.nh.gov/pap-1115-waiver/index.htm>. To reach all stakeholders, non-electronic copies of all the aforementioned documents are available by contacting the New Hampshire Department of Health and Human Services, Dawn Landry.

The State will host two public hearings during the public comment period.

### **September 14, 2017 1:00 – 2:30**

Manchester Health Department  
1528 Elm St  
Manchester, NH 03010

### **September 21, 2017 11:00 – 12:30**

New Hampshire Department of Health and Human Services  
Brown Auditorium  
129 Pleasant St,  
Concord, NH 03301

## **APPENDIX B**

### **TRIBAL IMPACT**

Not applicable to the State of New Hampshire.

## **APPENDIX C**

### **Amended 1115 Budget Neutrality Projections – New Hampshire Health Protection Program Premium Assistance Program**