

LEGAL NOTICE

NEW HAMPSHIRE DEPARTMENT OF HEALTH AND HUMAN SERVICES

Elimination of MEAD and MOAD Premiums

Date: June 15, 2023

Public notes posted to: <https://www.dhhs.nh.gov/programs-services/medicaid/medicaid-state-plan/medicaid-state-plan-public-notice>

Notice is hereby given that the New Hampshire (NH) Department of Health and Human Services (the Department) is proposing to amend the Title XIX State Plan to eliminate the collection of premiums for Medicaid for Employment Adults with Disabilities (MEAD) and Medicaid for Older Adults with Disabilities (MOAD). This amendment is being submitted with an April 1, 2023 effective date. If approved by the Center for Medicaid Services (CMS), this amendment will allow individuals enrolled in Medicaid through the MEAD and MOAD programs to continue their eligibility without being subject to a monthly premium.

On July 21, 2020, NH Governor Christopher T. Sununu, issued Emergency Order #59, Temporary Modification of Health and Human Services Rules and Statutes Regarding MEAD Premium and Signature Requirements. Emergency Order #59 waived the statutory and administrative rules requiring collection of MEAD premiums effective March 1, 2020 and to resume billing the month following the month the National Public Health Emergency ends.

On March 31, 2021, the Department submitted a Medicaid State Plan amendment (#21-0024) to reflect the establishment and collection of monthly premium payments pursuant to NH RSA 167:6, IX-a, for participants to contribute to the cost of medical assistance provided within an eligibility category known as Medicaid for Employed Older Adults with Disabilities (MOAD). The purpose of the MOAD program, which began on September 1, 2020. On May 21, 2021 the Department received approval of SPA #21-0024 with an effective date of February 1, 2021. Because SPA #21-0024 imposed a new premium to an already existing eligibility group, this premium would have been a new condition of eligibility for the MOAD category imposed during the public health emergency period and would have violated the maintenance of effort (MOE) requirement in section 6008(b)(1) of the FFCRA, therefore the Department did not implement collection of the MOAD premium as a condition of eligibility.

Chapter Laws 272:21 and 272:22 (Laws of 2022) removed the requirement that the Department charge premiums for medical assistance provided under the MEAD and MOAD categories, effective July 1, 2022, prior to the end of the public health emergency.

As a result of the Governor's Emergency Order #59, the MOE requirements in section 6008(b)(1) and Chapter Laws 272:21 and 272:22 (Laws of 2022), the Department did not collect, nor will be collecting premiums as a condition of eligibility for those enrolled in Medicaid under the MEAD and MOAD categories.

The federal fiscal impact of the proposed change to eliminate the collection of premiums as a condition of eligibility for the MEAD program, which is effective April 1, 2023 is estimated to

be a decrease in federal expenditures for the remainder of FFY 2023 of \$66,000 and for FFY 2024 \$132,000.

Copies of draft State Plan pages are available for review. Please contact Jillian Landry at (603) 271-9343, or via e-mail at jillian.r.landry@dhhs.nh.gov, to request copies. The amendments to the State Plan pages may undergo further revisions before and after submittal to the Centers for Medicare and Medicaid Services (CMS) based upon public comment or CMS feedback. Comments on the proposed changes will be accepted through June 29, 2023, and should be emailed to jillian.r.landry@dhhs.nh.gov or mailed to the Department of Health and Human Services, Division of Medicaid Services, 129 Pleasant Street–Brown Building, Concord, NH 03301-3857, ATTN: Jillian Landry.