

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
7500 Security Boulevard, Mail Stop S2-25-26
Baltimore, Maryland 21244-1850



State Demonstrations Group

AUG 19 2019

Jeffrey A. Meyers
Commissioner, Department of Health and Human Services
State of New Hampshire
129 Pleasant Street
Concord, NH 03301

Dear Mr. Meyers:

On November 30, 2018, the Centers for Medicare & Medicaid Services (CMS) approved an extension of New Hampshire's section 1115 demonstration, entitled "New Hampshire Granite Advantage Health Care Program 1115 Demonstration" (Project Number 11-W-00298/1), under authority of section 1115(a) of the Social Security Act (the Act) effective January 1, 2019 through December 31, 2023. Consistent with the approval of the state's demonstration amendment approved on May 7, 2018, this extension allowed New Hampshire, no sooner than January 1, 2019, to require all beneficiaries in the new adult group, ages 19 through 64, with certain exemptions, to participate in 100 hours per month of community engagement activities, such as employment, education, job skills training, or community service, as a condition of continued Medicaid eligibility.

The approval also included a waiver of retroactive coverage for the new adult group. This waiver did not apply to individuals who would have been eligible at any point during the otherwise available three-month retroactive eligibility period as pregnant women (including during the 60-day post-partum period), infants under 1, or children under 19, parents or caretaker relatives, or as individuals eligible in aged, blind, or disabled eligibility groups (including those who are applying for a long-term care determination).

On July 29, 2019, the U.S. District Court for the District of Columbia vacated the extension approved on November 30, 2018. We have already appealed a substantially similar case, but at least pending appellate resolution of these issues, New Hampshire must no longer require beneficiaries in the new adult group to participate in community engagement activities and must take steps to provide three months of retroactive eligibility.

We look forward to continuing to work with you on innovative, state-driven policies that advance the objectives of the Medicaid program. If you have questions regarding your section 1115 demonstration, please contact your CMS project officer, Ms. Joyce Butterworth, at joyce.butterworth@cms.hhs.gov.

Sincerely,

/s/

~~Andrea~~ J. Casari
Director
Division of Medicaid Expansion Demonstrations

cc: Francis T. McCullough, Director, Division of Medicaid Field Operations East