

Amendment to SB 134-FN

1 Amend the bill by replacing all after the enacting clause with the following:

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3 1 New Sections; New Hampshire Granite Advantage Health Care Program; Work
4 Requirements. Amend RSA 126-AA by inserting after section 5 the following new sections:

5 126-AA:6 Work Requirements.

6 I. In this section:

7 (a) “Applicable individual” means an individual described in 42 U.S.C. section
8 1396a(xx)(9)(A) who is eligible for the granite advantage health care program, and who is subject to
9 work requirements.

10 (b) “Work requirements” mean the Medicaid community engagement and work
11 requirements established under Section 71119 of Public Law No. 119-21.

12 II. No applicable individual shall be enrolled in Medicaid unless, at the time of application,
13 the individual demonstrates compliance with the work requirements for the one month immediately
14 preceding the month during which the individual applies. The department of health and human
15 services shall require documentary evidence and shall not accept self-attestation at the time of
16 application.

17 III. The department of health and human services shall verify an applicable individual’s
18 compliance with documentary evidence. Verification shall occur on an ongoing basis, at least
19 quarterly between redetermination periods. Self-attestation shall not be accepted.

20 IV. The department of health and human services may rely on ex parte records and or
21 documentary evidence provided by the applicable individual to verify exemption from work
22 requirements. The department of health and human services shall verify all exemptions and shall
23 not accept self-attestation from individuals seeking exemptions.

24 V. The department of health and human services shall not seek or implement any additional
25 optional exemptions under 42 U.S.C. section 1396a(xx)(3)(B) or other program waivers without
26 obtaining express approval of the oversight committee on health and human services established in
27 RSA 126-A:13.

28 VI. The department of health and human services shall only approve an exemption for an
29 individual based on the status of medically frailty or otherwise an individual with special needs if
30 the individual has been medically certified per a statement from a physician, physician associate,
31 nurse, nurse practitioner, designated representative of the physician’s office, a licensed or certified
32 psychologist, or a social worker, as having disabling mental disorders, having a physical,

Amendment to SB 134-FN
- Page 2 -

1 intellectual, or developmental disability that significantly impairs their ability to perform activities
2 of daily living, including eating, dressing, bathing, grooming, getting in and out of bed and chairs,
3 walking, going outdoors, using the toilet, or is in treatment for a chronic substance use disorder. In
4 no case may the department of health and human services expand the definition of an individual
5 who is medically frail or otherwise an individual with special needs beyond the scope of the
6 definition established under 42 C.F.R. section 440.315 unless as otherwise modified in Public Law
7 119-21, Section 71119 (2025).

8 VII. Any applicable individual who fails to comply with the work requirements shall be
9 provided notice and an additional 30 days to supply verification of compliance or exemption. After
10 the 30-day notice period, the department of health and human services shall disenroll any applicable
11 individual who does not demonstrate compliance with the work requirements or qualify for an
12 exemption.

13 VIII. In the event of a conflict between this section and the requirements of Public Law 119-
14 21, Section 71119 (2025), the requirements of the federal statute or regulation shall control.

15 126-AA:7 Severability. If any portion of this chapter or the application thereof to any person or
16 circumstances is held invalid, such invalidity shall not affect other provisions or applications of the
17 chapter which can be given effect without the invalid provisions or applications, and to this end the
18 provisions of this chapter are severable.

19 2 New Hampshire Granite Advantage Health Care Program; Community Engagement and
20 Work Requirements. Amend 2025, 141:412 to read as follows:

21 141:412 New Hampshire Granite Advantage Health Care Program, [~~1115 Demonstration;~~
22 ~~Renewed Application to CMS~~] ***Community Engagement and Work Requirements.***

23 I. On or before [~~January~~] ***December 1, 2026, or on an earlier date within 30 calendar***
24 ***days after publication of the federal application template,*** the department of health and
25 human services shall [~~resubmit~~] ***submit*** to the Center for Medicare and Medicaid Services (CMS) [~~a~~
26 ~~Section 1115 demonstration waiver to the state Medicaid plan relative to enforcing~~] ***required***
27 ***documentation relative to implementing*** community engagement and work requirements as a
28 condition of Granite Advantage eligibility ***in accordance with the One Big Beautiful Bill Act of***
29 ***2025, Public Law 119-21, Section 71119 (2025).*** Prior to submitting the [~~Section 1115 waiver~~]
30 ***required documentation*** to CMS, the department shall submit the proposed [~~waiver~~] ***plan to***
31 ***implement community engagement and work requirements*** to the fiscal committee of the
32 general court for [~~approval~~] ***review.***

33 II. Beginning November 1, 2025 and [~~annually~~] ***quarterly*** thereafter ***through December***
34 ***31, 2026, and then annually thereafter,*** the department shall provide a report regarding the
35 status of the [~~waiver application~~] ***plan under review by CMS*** and implementation of the
36 community engagement ***and work*** requirements [~~in RSA 126-AA:2, III~~] ***eligibility in accordance***

Amendment to SB 134-FN
- Page 3 -

1 *with Public Law 119-21, Section 71119 (2025)*, to the senate president, the speaker of the house
2 of representatives, the senate clerk, the house clerk, and the governor.

3 3 New Hampshire Granite Advantage Health Care Program Established; Community
4 Engagement and Work Requirements; Suspended. The provisions of RSA 126-AA:2, directly related
5 to the community engagement and work requirements, shall be suspended for the duration of the
6 federal community engagement and work requirements under Public Law 119-21, Section 71119
7 (2025), as amended. If the federal community engagement and work requirements are subsequently
8 eliminated, the commissioner of the department of health and human services shall immediately
9 certify in writing the removal of the suspension to the director of the office of legislative services, the
10 secretary of state, the senate president, the speaker of the house of representatives, the senate clerk,
11 the house clerk, and the governor.

12 4 New Hampshire Granite Advantage Health Care Program Established. Amend RSA 126-
13 AA:2, I(a) to read as follows:

14 I.(a) The commissioner shall apply for any necessary waivers and state plan amendments to
15 implement [~~a 5-year demonstration program beginning on January 1, 2019 to create~~] **and**
16 **administer** the New Hampshire granite advantage health care program which shall be funded
17 exclusively from non-general fund sources, including federal funds. The commissioner shall include
18 in an application for the necessary waivers submitted to the Centers for Medicare and Medicaid
19 Services (CMS) a waiver of the requirement to provide 90-day retroactive coverage and a state plan
20 amendment allowing state and county correctional facilities to conduct presumptive eligibility
21 determinations for incarcerated inmates to the extent provided under federal law. To receive
22 coverage under the program, those individuals in the new adult group who are eligible for benefits
23 shall choose coverage offered by one of the managed care organizations (MCOs) awarded contracts as
24 vendors under Medicaid managed care, pursuant to RSA 126-A:5, XIX(a). The program shall make
25 coverage available in a cost-effective manner and shall provide cost transparency measures, and
26 ensure that patients are utilizing the most appropriate level of care. Cost effectiveness shall be
27 achieved by offering cash incentives and other forms of incentives to the insured by choosing
28 preferred lower cost medical providers. Loss of incentives shall also be employed. MCOs shall
29 employ reference-based pricing, cost transparency, and the use of incentives and loss of incentives to
30 the Medicaid and newly eligible population. For the purposes of this subparagraph, "reference-based
31 pricing" means setting a maximum amount payable for certain medical procedures.

32 5 Effective Date. This act shall take effect upon its passage.

Amendment to SB 134-FN
- Page 4 -

2025-3093h

AMENDED ANALYSIS

This bill establishes community engagement and work requirements under the New Hampshire granite advantage health care program, or the state's expanded Medicaid program, pursuant to authorization for such requirements established in Section 71119, Public Law 119-21. This bill also directs the department of health and human services to file documentation with the Center for Medicare and Medicaid Services relative to implementing community engagement and work requirements as a condition of granite advantage eligibility.