

CHAPTER 18  
SB 134-FN - FINAL VERSION

03/06/2025 0401s  
8Jan2026... 3093h

2026 SESSION

25-1122  
05/09

SENATE BILL

***134-FN***

AN ACT relative to work requirements under the state Medicaid program.

SPONSORS: Sen. Pearl, Dist 17; Sen. Lang, Dist 2; Sen. Murphy, Dist 16; Sen. Innis, Dist 7; Sen. McGough, Dist 11; Sen. Gannon, Dist 23; Rep. Osborne, Rock. 2; Rep. Moffett, Merr. 4; Rep. Edwards, Rock. 31

COMMITTEE: Health and Human Services

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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.

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Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears [~~in brackets and struck through.~~]  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty-Six*

AN ACT relative to work requirements under the state Medicaid program.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 18:1 New Sections; New Hampshire Granite Advantage Health Care Program; Work Requirements.

2 Amend RSA 126-AA by inserting after section 5 the following new sections:

3 126-AA:6 Work Requirements.

4 I. In this section:

5 (a) "Applicable individual" means an individual described in 42 U.S.C. section  
6 1396a(xx)(9)(A) who is eligible for the granite advantage health care program, and who is subject to work  
7 requirements.

8 (b) "Work requirements" mean the Medicaid community engagement and work requirements  
9 established under Section 71119 of Public Law No. 119-21.

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

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

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

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

24 VI. The department of health and human services shall only approve an exemption for an  
25 individual based on the status of medically frailty or otherwise an individual with special needs if the  
26 individual has been medically certified per a statement from a physician, physician associate, nurse,  
27 nurse practitioner, designated representative of the physician's office, a licensed or certified psychologist,  
28 or a social worker, as having disabling mental disorders, having a physical, intellectual, or developmental  
29 disability that significantly impairs their ability to perform activities of daily living, including eating,  
30 dressing, bathing, grooming, getting in and out of bed and chairs, walking, going outdoors, using the toilet,  
31 or is in treatment for a chronic substance use disorder. In no case may the department of health and  
32 human services expand the definition of an individual who is medically frail or otherwise an individual with

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1 special needs beyond the scope of the definition established under 42 C.F.R. section 440.315 unless as  
2 otherwise modified in Public Law 119-21, Section 71119 (2025).

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

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

9 126-AA:7 Severability. If any portion of this chapter or the application thereof to any person or  
10 circumstances is held invalid, such invalidity shall not affect other provisions or applications of the chapter  
11 which can be given effect without the invalid provisions or applications, and to this end the provisions of  
12 this chapter are severable.

13 18:2 New Hampshire Granite Advantage Health Care Program; Community Engagement and Work  
14 Requirements. Amend 2025, 141:412 to read as follows:

15 141:412 New Hampshire Granite Advantage Health Care Program, [~~1115 Demonstration; Renewed~~  
16 ~~Application to CMS~~] ***Community Engagement and Work Requirements***.

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

26 II. Beginning November 1, 2025 and [~~annually~~] ***quarterly*** thereafter ***through December 31, 2026,***  
27 ***and then annually thereafter***, the department shall provide a report regarding the status of the [~~waiver~~  
28 ~~application~~] ***plan under review by CMS*** and implementation of the community engagement ***and work***  
29 ***requirements*** [~~in RSA 126-AA:2, III~~] ***eligibility in accordance with Public Law 119-21, Section 71119***  
30 ***(2025)***, to the senate president, the speaker of the house of representatives, the senate clerk, the house  
31 clerk, and the governor.

32 18:3 New Hampshire Granite Advantage Health Care Program Established; Community Engagement  
33 and Work Requirements; Suspended. The provisions of RSA 126-AA:2, directly related to the community  
34 engagement and work requirements, shall be suspended for the duration of the federal community  
35 engagement and work requirements under Public Law 119-21, Section 71119 (2025), as amended. If the  
36 federal community engagement and work requirements are subsequently eliminated, the commissioner of  
37 the department of health and human services shall immediately certify in writing the removal of the  
38 suspension to the director of the office of legislative services, the secretary of state, the senate president,  
39 the speaker of the house of representatives, the senate clerk, the house clerk, and the governor.

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1           18:4 New Hampshire Granite Advantage Health Care Program Established. Amend RSA 126-AA:2,  
2 l(a) to read as follows:

3           l.(a) The commissioner shall apply for any necessary waivers and state plan amendments to  
4 implement ~~[a 5-year demonstration program beginning on January 1, 2019 to create]~~ **and administer** the  
5 New Hampshire granite advantage health care program which shall be funded exclusively from non-  
6 general fund sources, including federal funds. The commissioner shall include in an application for the  
7 necessary waivers submitted to the Centers for Medicare and Medicaid Services (CMS) a waiver of the  
8 requirement to provide 90-day retroactive coverage and a state plan amendment allowing state and  
9 county correctional facilities to conduct presumptive eligibility determinations for incarcerated inmates to  
10 the extent provided under federal law. To receive coverage under the program, those individuals in the  
11 new adult group who are eligible for benefits shall choose coverage offered by one of the managed care  
12 organizations (MCOs) awarded contracts as vendors under Medicaid managed care, pursuant to RSA  
13 126-A:5, XIX(a). The program shall make coverage available in a cost-effective manner and shall provide  
14 cost transparency measures, and ensure that patients are utilizing the most appropriate level of care.  
15 Cost effectiveness shall be achieved by offering cash incentives and other forms of incentives to the  
16 insured by choosing preferred lower cost medical providers. Loss of incentives shall also be employed.  
17 MCOs shall employ reference-based pricing, cost transparency, and the use of incentives and loss of  
18 incentives to the Medicaid and newly eligible population. For the purposes of this subparagraph,  
19 "reference-based pricing" means setting a maximum amount payable for certain medical procedures.

20           18:5 Effective Date. This act shall take effect upon its passage.

Approved: March 27, 2026  
Effective Date: March 27, 2026

