

Amendment to HB 1696-FN

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

2
3 1 New Paragraph; New Hampshire Health Protection Plan. Amend RSA 126-A:5 by inserting
4 after paragraph XXIX the following new paragraph:

5 XXX.(a)(1) Newly eligible adults who are unemployed shall be eligible to receive benefits
6 under RSA 126-A:5 XXIV-XXV, if the commissioner finds that the individual is engaging in at least
7 30 hours per week of one or a combination of the following activities:

8 (A) Unsubsidized employment.

9 (B) Subsidized private sector employment.

10 (C) Subsidized public sector employment.

11 (D) Work experience, including work associated with the refurbishing of
12 publicly assisted housing, if sufficient private sector employment is not available.

13 (E) On-the-job training.

14 (F) Job search and job readiness assistance.

15 (G) Community service programs.

16 (H) Vocational educational training not to exceed 12 months with respect to any
17 individual.

18 (I) Job skills training directly related to employment.

19 (J) Education directly related to employment, in the case of a recipient who has
20 not received a high school diploma or a certificate of high school equivalency.

21 (K) Satisfactory attendance at secondary school or in a course of study leading
22 to a certificate of general equivalence, in the case of a recipient who has not completed secondary
23 school or received such a certificate.

24 (L) The provision of child care services to an individual who is participating in a
25 community service program.

26 (2) The requirements under subparagraph (1) shall be consistent with the federal
27 Temporary Assistance for Needy Families Program, 42 U.S.C. section 607(d).

28 (3) Grounds for disqualification for benefits under this subparagraph shall be
29 consistent with the federal Temporary Assistance for Needy Families Program, 42 U.S.C. section
30 607(e).

31 (4) This subparagraph shall only apply to those considered childless, abled-bodied
32 adults as defined in section 1902(a)(10)(A)(i)(VIII) of the Social Security Act of 1935, as amended, 42

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1 U.S.C. section 1396a(a)(10)(A)(i). In this subparagraph, "childless" means an adult who does not
2 live with a dependent child which includes a child under 18 years of age or under 20 years of age if
3 the child is a full-time student in a secondary school or the equivalent.

4 (5) This subparagraph shall not apply to:

5 (A) A person who is temporarily unable to participate in the requirements under
6 subparagraph (a)(1) due to illness or incapacity as certified by a licensed physician, an advanced
7 practice registered nurse (APRN), a licensed behavioral health professional, a licensed physician
8 assistant, or a board-certified psychologist. The physician, APRN, licensed behavioral health
9 professional, licensed physician assistant, or psychologist shall certify, on a form provided by the
10 department, the duration and limitations of the disability.

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

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

17 (b) Newly eligible adults who visit the emergency room for non-emergency purposes
18 shall be required to make a co-payment of \$8 for the first visit and \$25 for each and every non-
19 emergency visit thereafter.

20 (c) All veterans who are current New Hampshire residents shall receive medical and
21 medical-related services from any hospital in this state providing services to the newly eligible
22 Medicaid population.

23 (d) A person shall not be eligible to enroll or participate in the New Hampshire health
24 protection program, established under RSA 126-A:5, XXIV-XXV, unless such person verifies his or
25 her United States citizenship by 2 forms of identification and proof of New Hampshire residency by
26 either a New Hampshire driver's license or a nondriver's picture identification card issued pursuant
27 to RSA 260:21.

28 (e) No person, organization, department, or agency shall submit the name of any person
29 to the National Instant Criminal Background Check System (NICS) on the basis that the person has
30 been adjudicated a "mental defective" or has been committed to a mental institution, except
31 pursuant to a court order issued following a hearing in which the person participated and was
32 represented by an attorney.

33 (f) The commissioner shall seek any new waiver or state plan amendments to
34 implement the provisions of this paragraph. Any such waivers or amendments necessary shall be
35 in place by November 1, 2016. Prior to submitting the waiver or state plan amendments to the
36 CMS, the commissioner shall present the waiver or state plan amendments to the fiscal committee
37 of the general court for approval. The program shall not be reauthorized until such waivers or state

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1 plan amendments have been approved by CMS. If the waiver or state plan is not approved, the
2 commissioner shall immediately, no later than November 1, 2016, notify all program participants
3 that the program has not been reauthorized beyond December 31, 2016.

4 2 Insurance Premium Tax; New Hampshire Health Protection Program. Amend RSA 400-A:32,
5 III to read as follows:

6 **III.(a) *Except as provided in subparagraph (b), the taxes imposed in paragraphs I and***
7 ***II of this section shall be promptly forwarded by the commissioner to the state treasurer for deposit***
8 ***to the general fund.***

9 ***(b) Taxes imposed attributable to premiums written for medical and other***
10 ***medical related services for the newly eligible Medicaid population as provided for under***
11 ***RSA 126-A:5, XXIV-XXVI shall be deposited into the New Hampshire health protection***
12 ***trust fund, established in RSA 126-A:5-b. The commissioner shall notify the state treasurer***
13 ***of sums for deposit into the New Hampshire health protection trust fund no later than 30***
14 ***days after receipt of said taxes.***

15 3 Department of Health and Human Services; Premium Assistance Program. Amend RSA 126-
16 A:5, XXV(a) to read as follows:

17 XXV.(a) Consistent with the time frames in this paragraph, there is hereby established the
18 marketplace premium assistance program. This will be a premium assistance program for newly
19 eligible adults and their eligible spouse and dependents, if applicable, until December 31, [2016]
20 **2018** and shall be administered by the department of health and human services. In order to
21 receive medical assistance from the program, newly eligible adults who are ineligible for the HIPP
22 program shall choose from any qualified health plans (QHPs) offered on the federally-facilitated
23 exchange if cost effective; provided, however, that any newly eligible adult who had coverage under
24 an alternative benefit plan (ABP) offered by a managed care organization (MCO) under paragraph
25 XIX during the voluntary bridge to marketplace premium assistance program established under
26 RSA 126-A:5, XXIV shall be automatically enrolled at the beginning of open enrollment in a
27 comparable QHP by that same MCO if one is available, unless such newly eligible adult
28 subsequently chooses a different QHP during the enrollment period. If a comparable QHP is not
29 offered by the newly eligible adult's MCO then the newly eligible adult may choose from any QHPs,
30 if cost effective. Provider payments shall be in an amount which shall be no less than before the
31 effective date of this paragraph.

32 4 Department of Health and Human Services; Premium Assistance Program. Amend RSA 126-
33 A:5, XXV(c) to read as follows:

34 (c) If the waiver to implement the marketplace premium assistance program is
35 approved on or before March 31, 2015 then, coverage under the voluntary bridge to marketplace
36 premium assistance program established in RSA 126-A:5, XXIV shall terminate on December 31,
37 2015. Enrollment in the marketplace premium assistance program shall begin on October 15, 2015

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1 and coverage shall begin on January 1, 2016. Coverage shall end on December 31, [2016] **2018**.
2 The cost of the medical assistance provided under the marketplace premium assistance program
3 shall be paid solely from ***non-general fund sources, including*** federal funds as provided under
4 42 U.S.C. section 1396d(y).

5 5 New Hampshire Health Protection Trust Fund. Amend the introductory paragraph of
6 RSA 126-A:5-b, I to read as follows:

7 I. There is hereby established the New Hampshire health protection trust fund which shall
8 be accounted for distinctly and separately from all other funds and shall be non-interest bearing.
9 The trust fund shall be administered by the commissioner of the department of health and human
10 services and shall be used solely to provide ~~[payment and reimbursement for medical and other~~
11 ~~medical-related services]~~ ***coverage*** for the newly eligible Medicaid population as provided for under
12 RSA 126-A:5, [XXIII] ***XXIV-XXVI*** and RSA 126-A:67 ***in qualified health plans on the federal***
13 ***marketplace and pay for the administrative costs for the program. The commissioner may***
14 ***accept any gifts, grants, donations, or other funding from any source and shall deposit all***
15 ***such revenue received into the fund. No state general fund appropriations shall be***
16 ***deposited into the fund.*** All moneys in the trust fund shall be nonlapsing and shall be continually
17 appropriated to the commissioner of the department of health and human services for the purposes
18 of the trust fund. The trust fund shall be authorized to pay and/or reimburse:

19 6 New Sections; Funding the State Share of the New Hampshire Health Protection Program;
20 Voluntary Provider Contributions. Amend RSA 126-A by inserting after section 5-b the following
21 new sections:

22 126-A:5-c Funding the State Share of the New Hampshire Health Protection Program.

23 I. In this section:

24 (a) "Program" means the New Hampshire health protection program under RSA 126-
25 A:5, XXIV-XXV.

26 (b) "Remainder amount" means the cost of the program for coverage effective between
27 January 1, 2017 and June 30, 2017 plus administrative costs attributable to the program, less all
28 federal reimbursement for the program and federal reimbursement for the related administrative
29 costs; and the cost of the program for coverage effective between July 1, 2017 and December 31,
30 2018, plus administrative costs attributable to the program, less all federal reimbursement for the
31 program and federal reimbursement for administrative costs attributable to the program, and taxes
32 attributable to premiums written for medical and other medical related services for the newly
33 eligible Medicaid population as provided for under RSA 126-A:5, XXIV-XXVI, consistent with
34 RSA 400-A:32, III(b).

35 II. Funding for the program from January 1, 2017 until December 31, 2018 shall not be
36 funded from general funds. The program shall be funded as follows:

37 (a) Federal funds as made available by 42 U.S.C. section 1396d(y)(1).

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1 (b) Revenue generated under RSA 400-A:32, III(b).

2 (c) Other non-general fund revenues.

3 III. If the commissioner determines that at any time the sum total of the federal match rate
4 applied, as set forth in 42 U.S.C. section 1396d(y)(1), and insurance premium tax revenues
5 attributable to the program and revenue from non-general fund sources is insufficient to fully fund
6 the program for newly eligible adults under RSA 126-A:5, XXIV-XXV, then RSA 126-A:5, XXIV and
7 XXV shall be repealed 180 days after such determination upon notification by the commissioner of
8 the department of health and human services to the secretary of state and the director of legislative
9 services and consistent with the terms of the waiver for this program issued by the Centers for
10 Medicare and Medicaid Services. Upon such determination, the commissioner shall immediately
11 issue notice to program participants of the program's pending repeal.

12 IV. On or before August 15th of each year, the department of health and human services, in
13 consultation with the insurance department, shall calculate the remainder amount pursuant to this
14 section for the next calendar year. The remainder amount shall be calculated utilizing estimated
15 insurance premium taxes attributable to medical and other medical-related services for the newly
16 eligible Medicaid population as provided for under RSA 126-A:5, XXIV-XXVI for each calendar year.
17 The commissioner of health and human services shall report the remainder amounts to the
18 insurance department, any contributing charitable foundation, the New Hampshire Health Plan,
19 the governor, the speaker of the house of representatives, and the senate president.

20 V. After the close of each calendar year, on or before January 15th, the department of
21 health and human services, in consultation with the insurance department, shall recalculate the
22 remainder amount utilizing actual insurance premium tax revenues attributable to medical and
23 other medical-related services for the newly eligible Medicaid population provided for under
24 RSA 126-A:5, XXIV-XXVI for the completed calendar year. The commissioner of health and human
25 services shall compare the remainder amount calculations under this paragraph with the remainder
26 amount calculations under paragraph IV and report the results to the insurance department, any
27 contributing charitable foundation, the New Hampshire Health Plan, the governor, the speaker of
28 the house of representatives, and the senate president. Any difference between amounts calculated
29 under paragraphs IV and V for a completed calendar year shall be added to the remainder amount
30 due and payable during the current calendar year. In the event that actual program costs are less
31 than funds received, the difference shall be credited against the remaining amount for the next
32 payable period.

33 VI. The commissioner of the department of health and human services shall be responsible
34 for determining, on a quarterly basis commencing no later than December 31, 2016, whether there
35 is sufficient funding in the New Hampshire health protection trust fund, established in RSA 126-
36 A:5-b, to cover projected program costs for the non-federal share for the next quarter. If at any time
37 the commissioner determines that a projected shortfall exists, he or she shall terminate the program

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1 in accordance with paragraph III.

2 126-A:5-d Voluntary Provider Contributions. For the period of January 1, 2017 through
3 December 31, 2018, voluntary provider donations received from the Foundation for Healthy
4 Communities or any other charitable foundation may be deposited into the New Hampshire health
5 protection trust fund, established pursuant to RSA 126-A:5-b.

6 7 Individual Health Insurance Market; Purpose. Amend RSA 404-G:1, II to read as follows:

7 II. Create a nonprofit, voluntary organization to facilitate the availability of affordable
8 individual nongroup health insurance by establishing an assessment mechanism and an individual
9 health insurance market mandatory risk sharing plan as a mechanism to distribute the risks
10 associated within the individual nongroup market **and to support the marketplace premium**
11 **assistance program established in RSA 126-A:5, XXV.**

12 8 Individual Health Insurance Market; Definitions. Amend RSA 404-G:2, X-a to read as
13 follows:

14 X-a. "Plan of operation" means the plan of operation of the risk sharing mechanism, the
15 high risk pool, **support for the program established in RSA 126-A:5, XXV**, and the federally
16 qualified high risk pool, including articles, bylaws and operating rules, procedures and policies
17 adopted by the association.

18 9 New Paragraph; Individual Health Insurance Market; Definitions. Amend RSA 404-G:2 by
19 inserting after paragraph X-b the following new paragraph:

20 X-c. "Program" means the marketplace premium assistance program established pursuant
21 to RSA 126-A:5, XXIV.

22 10 Plan of Operation for the High Risk Pool. Amend RSA 404-G:5-a, IV(b) and (c) to read as
23 follows:

24 (b) Established no later than November 1 in the year preceding the calendar year for
25 which the carrier's experience shall be used to calculate the assessment; ~~and~~

26 (c) Anticipated to be sufficient to meet the high risk pool's funding needs **and the**
27 **association's share of the costs of the program, as defined in subparagraph (d); and**

28 **(d) For the period of January 1, 2017 through December 31, 2018, an amount**
29 **not to exceed 50 percent of the remainder amount, as defined in RSA 126-A:5-c, I(b), less**
30 **the amount made available to the program pursuant to RSA 404-G:11, VI. The association**
31 **shall transfer all amounts collected pursuant to this subparagraph and the amount made**
32 **available to the program pursuant to RSA 404-G:11, VI to the New Hampshire health**
33 **protection trust fund, established pursuant to RSA 126-A:5-b.**

34 11 High Risk Pool; Termination Activities and Dissolution. Amend RSA 404-G:11, VI to read as
35 follows:

36 VI. Following the cessation of coverage on December 31, 2013, the association shall take
37 such actions as are necessary and desirable to wind down its affairs under this chapter in

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1 accordance with the plan of termination. The association shall retain all of its powers and duties,
2 including, but not limited to, its power to establish and collect regular and special assessments
3 under RSA 404-G:5 and RSA 404-G:5-a, and the immunity provided by RSA 404-G:9 and the bylaws
4 of the association. Any excess funds remaining after the satisfaction of all of the association's
5 liabilities shall be ~~[returned to the association's members in proportion to their respective liability~~
6 ~~for the last regular assessments imposed by the association]~~ ***used for the program and for the***
7 ***association's reasonable costs for collecting its share of the remainder amount.***

8 ***VI-a. No later than October 1, 2016, the board of directors shall prepare and***
9 ***submit to the commissioner and the commissioner of health and human services for***
10 ***approval an amendment to the plan of termination that provides for the continuation of***
11 ***the association for the limited purpose of compliance with the provisions of RSA 404-G:5-a,***
12 ***IV(d).***

13 12 New Section; Commission to Evaluate the Effectiveness and Future of the Premium
14 Assistance Program. Amend RSA 126-A by inserting after section 126-A:5-d the following new
15 section:

16 126-A:5-e Commission to Evaluate the Effectiveness and Future of the Premium Assistance
17 Program.

18 I. There is hereby established a commission to evaluate the effectiveness and future of the
19 premium assistance program.

20 (a) The members of the commission shall be as follows:

21 (1) Three members of the senate, appointed by the president of the senate, one of
22 whom shall be a member of the minority party.

23 (2) Three members of the house of representatives, appointed by the speaker of the
24 house of representatives, one of whom shall be a member of the minority party.

25 (3) The commissioner of the department of health and human services, or designee.

26 (4) The commissioner of the department of insurance, or designee.

27 (5) A representative of an insurance carrier that offers policies for sale in
28 New Hampshire on the exchange, appointed by the senate president.

29 (6) A representative of a hospital that operates in New Hampshire, appointed by the
30 speaker of the house of representatives.

31 (7) A public member, who is a taxpayer, appointed by the senate president.

32 (8) A public member, who currently receives insurance coverage through the
33 program, appointed by the speaker of the house of representatives.

34 (9) A licensed physician, appointed by the governor.

35 (10) A licensed mental health professional, appointed by the governor.

36 (11) A masters level licensed alcohol and drug counselor, appointed by the governor.

37 (b) Legislative members of the commission shall receive mileage at the legislative rate

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1 when attending to the duties of the commission.

2 II.(a) The commission shall evaluate the effectiveness and future of the premium assistance
3 program. Specifically the commission shall:

4 (1) Review the program's financial metrics

5 (2) Review the program's product offerings.

6 (3) Review the program's impact on insurance premiums for individuals and small
7 businesses.

8 (4) Make recommendations for future program modifications, including, but not
9 limited to whether the premium assistance program is the most cost-effective model for the long
10 term versus a return to private market managed care.

11 (5) Evaluate non-general fund funding options for longer term continuation of the
12 program.

13 (b) Any funding solutions recommended by the commission shall not include the use of
14 new general funds.

15 (c) The commission shall solicit information from any person or entity the commission
16 deems relevant to its study.

17 III. The members of the commission shall elect a chairperson from among the members.
18 The first meeting of the commission shall be called by the first-named senate member. The first
19 meeting of the commission shall be held within 45 days of the effective date of this section. Eight
20 members of the commission shall constitute a quorum.

21 IV. The commission shall report its findings and any recommendations for proposed
22 legislation to the president of the senate, the speaker of the house of representatives, the senate
23 clerk, the house clerk, the governor, and the state library on or before December 1, 2017.

24 13 New Hampshire Health Protection Program. Amend 2014, 3:10, I to read as follows:

25 I. If at any time the federal match rate applied to medical assistance for newly eligible
26 adults under RSA 126-A:5, ~~[XXIII]~~ **XXIV-XXV** between July 1, 2014 – December 31, 2016 is less
27 than 100 percent, ***less than 95 percent in 2017 and less than 94 percent in 2018, of*** the amount
28 as set forth in 42 U.S.C. section 1396d(y)(1), then RSA 126-A:5~~[, XXIII,]~~ XXIV~~[,]~~ and XXV shall
29 ~~[immediately]~~ be repealed ***180 days after the event under this subparagraph occurs*** upon
30 notification by the commissioner of the department of health and human services to the secretary of
31 state and the director of legislative services. ***The commissioner shall immediately issue notice***
32 ***to program participants of the program's pending repeal.***

33 14 New Hampshire Health Protection Plan Extended. Amend 2014, 3:13, I-a as amended by
34 2015, 276:260 to read as follows:

35 I-a. Section 12, paragraphs II-VII of this act shall take effect December 31, ~~[2016]~~ **2018**.

36 15 Repeal. RSA 126-A:5-e, relative to the commission to evaluate the effectiveness and future
37 of the premium assistance program, is repealed.

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1 16 Effective Date.

2 I. Section 2 of this act shall take effect July 1, 2017.

3 II. Section 15 of this act shall take effect December 1, 2017.

4 III. The remainder of this act shall take effect upon its passage.