STATE OF NEW HAMPSHIRE

OFFICE OF LEGISLATIVE SERVICES
ADMINISTRATIVE RULES
STATE HOUSE ANNEX
25 CAPITOL STREET, ROOM 234
CONCORD, NH 03301

Rulemaking Notice Form

Notice Number: 2026-33

Rule Number: He-W 530

1. **Agency:** Department of Health and Human Services
   Division of Medicaid Services
   129 Pleasant Street, 2nd Floor
   Concord, NH 03301

2. **RSA Authority:** RSA 161:4-a, X

3. **Federal Authority:**

4. **Action(s):** Adoption, Readopt w/Amendment

5. **Short Title:** Service Limits, Co-Payments, and Non-Covered Services

6. **(a) Summary of what the rule says and of any proposed amendments including whether the rule implements a state statute for the first time:**

   He-W 530 specifies which Medicaid recipients are subject to service limits and co-payments, what the service limits and co-payments are, the services that are not covered under Medicaid, when the recipient is responsible for payment, and criteria for prior authorization of services that exceed service limits.

   The Department of Health and Human Services (Department) is proposing to adopt He-W 530.05 and He-W 530.06 and readopt with amendment the remaining sections of He-W 530. The proposed amendments to this rule, as compared to the existing and expired provisions include:

   - Updating various provisions of the rule for better clarity, program integrity, and to be consistent with language used in other rules, and making minor substantive and editorial revisions throughout to include updated citations, terminology, acronyms, grammar, and punctuation;

   - Updating He-W 530.01 on definitions by amending the definitions of “co-payment”, “department”, “medically necessary”, “non-preferred prescription

drug", "preferred prescription drug", "recipient", "service", "service limit", "Title XIX", and "Title XXI";

- Updating He-W 530.02 on recipients subject to service limits, co-payments, and non-covered services by making minor editorial revisions and updating citations;

- Updating He-W 530.03 on service limits by adding service limits on the referenced services, previously effective and expired on August 25, 2025, to include hearing aid evaluations or consultations, hospital services, podiatry services, therapy services, vision care services, and radiological services. Additional revisions include adding requirements on if a recipient is covered by another insurance, and making other minor revisions for clarification;

- Updating He-W 530.04 on co-payments by removing outdated information regarding the New Hampshire Health Protection Program, Updating the co-payment amount from $1.00 for preferred prescription drugs and $2.00 for non-preferred drugs to $4.00 for all prescription drugs, to align with the state plan amendment mandated by HB 2 of the 2025 legislative session (Chapter 141 of the Laws of 2025), and adding that there is no copayment required for any preventive service recommended by the U.S. Preventive Services Task Force with a grade of A or B and that all recipients may receive tobacco cessation products and counseling with no copayment as opposed to just pregnant women;

- Adopting He-W 530.05 on non-covered services, previously effective January 9, 2014 and amended March 29, 2014 and expired on January 9, 2024 and March 29, 2024. Revisions to this section as compared to the expired requirements include removing information regarding coverage of services by New Hampshire or New England commercial insurance policies, updating the incorporated by reference documents, and making minor revisions for clarification;

- Adopting He-W 530.06 on recipient responsibility for payment, previously effective August 26, 2015 and expired August 26, 2025,by making clarifying revisions; and

- Updating He-W 530.07 on prior authorization of services which exceed service limits by adding various requirements on prior authorization that were previously effective, and expired on May 23, 2024, to include when a prior authorization to exceed service limits shall be requested, who may make the requests, what the requests shall include, and requirements on the approval or denial of a request, and making additional revisions to align the process for prior authorization requests with current Department and managed care organization requirements.

The majority of the existing rules will expire May 25, 2026 but are subject to extension pursuant to RSA 541-A:14-a.

6. **(b) Brief description of the groups affected:**

This rule affects NH Medicaid recipients and providers of Medicaid services.

6. **(c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:**

Rule	Specific State or Federal Statute or Regulations the Rule Implements
He-W 530.01	RSA 318:1; 21 CFR 310.6; 42 CFR 440.120; 21 USC 802(6)
He-W 530.02	42 USC 1396o; 42 CFR 447.56
He-W 530.03	RSA 167:3-h, IV; 42 CFR 440.230(d); 42 CFR 447.53-55; RSA 326-B:2, I; RSA 326-B:11
He-W 530.04	42 USC 1396o; 42 CFR 447.53, 42 CFR 438.114(a), 42 CFR 447.26(b), 42 CFR 447.56
He-W 530.05	42 CFR 440.230(d); RSA 541-A:21, VIII
He-W 530.06	42 CFR 447.15
He-W 530.07	42 CFR 440.230(d); 42 CFR 431.107; RSA 126-A:5, VIII

7. **Contact person for copies and questions including requests to accommodate persons with disabilities:**

Name: Allyson Raadmae	**Title:** Administrator- Administrative Rules Unit
Address: Dept. of Health and Human Services Administrative Rules Unit 129 Pleasant Street, 2nd Floor Concord, NH 03301	**Phone Number:** (603) 271-9604
	FAX Number: (603) 271-5590
	Email: Allyson.E.Raadmae@dhhs.nh.gov

8. **Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified:**

Wednesday, March 18, 2026

X **Fax**
X **Email**
_ **Other**

9. **Public hearing scheduled for:**
Date: Wednesday, March 11, 2026
Time: 11:00 AM
Place: DHHS Brown Bldg., Auditorium, 129 Pleasant St., Concord, NH 03301

Electronic Access, if applicable: N/A

10. **Fiscal Impact Statement (Prepared by Legislative Budget Assistant):**

FIS #: 25:318, dated: January 21, 2025

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

Not applicable with respect to He-W 530.05 and .06, or various provisions in He-W 520.03 and .07, which expired at various points in 2024 and 2025. With respect to the remainder, the proposed rules will decrease state revenues and benefit state citizens by indeterminable amounts.

2. Cite the Federal mandate. Identify the impact on state funds:

No federal mandate, no impact on state funds.

3. Cost and benefits of the proposed rule(s):

The increase in pharmacy copayments found in He-W 530.04 is mandated by Chapter 141:65, Laws of 2025 (the budget trailer bill). Any cost or benefit is attributable to the law and not to the rule. Various provisions in He-W 530.03 and He-W 530.07 are expired in addition to He-W 530.05 and He-W 530.06. The Department of Health and Human Services states that there are no costs associated with the adoption of the expired provisions and sections as no new services are being covered (all services are covered under their own set of rules) and all updates in the proposed rule align the rule with current Department procedures and requirements and the State Plan.

A. To State general or State special funds:

The proposed He-W 530.04 removes copays for tobacco cessation or preventive services recommended by the U.S Preventive Services Task Force with a grade of A or B. The existing rule imposes a copay of $1 to $2 for pharmaceutical products related to such services. This change may decrease revenues collected by the Medicaid program by an indeterminable amount.

B. To State citizens and political subdivisions:

Medicaid recipients will benefit to the extent that, per the proposed He-W 530.04, they will no longer be required to make a copayment for tobacco cessation or preventive services recommended by the U.S Preventive Services Task Force with a grade of A or B. As noted in response to 3A above, the existing rule imposes a copay of $1 to $2 for pharmaceutical products related to such services.

C. To independently owned businesses:

None.

11. **Statement Relative to Part I, Article 28-a of the N.H. Constitution:**

The proposed rule modifies an existing program or responsibility, but does not mandate any fees, duties, or expenditures on the political subdivisions of the state, and therefore does not violate Part I, Article 28-a of the N.H. Constitution.