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: 2026-223

Rule Number: He-W 837

1. **Agency:** Department of Health and Human Services
   Former Division of Human Services

   Agency Address: Department of Health and Human Services
   Administrative Rules Unit
   Brown Building, 2nd Floor
   129 Pleasant St. Concord, NH 03301

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

3. **Federal Authority:**

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

5. **Short Title:** Granite Advantage Health Care Program

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:**

   The Department of Health and Human Services is proposing to readopt with amendment and renumbering He-W 837, which specifies the eligibility criteria for the Granite Advantage Health Care Program, specifically the community engagement requirements.

   Proposed edits to He-W 837 include:

   - Updating He-W 837.01 on definitions to remove definitions for cure, dating violence, deficit hours, good cause, homeless, immediate family member, stalking, sexual assault, and voluntary; update definitions for community engagement requirement, disability, disenrollment, licensed medical professional, medically frail, noncompliant, and redetermination; and adding definitions for activities of daily living, applicable individual, caretaker relative, dependent child, eligibility

period, exception, exclusion, exemption, family caregiver, specified excluded individual, and work requirements;

- Updating He-W 837.02 on the community engagement requirement to reflect current requirements under section 71119 of Public Law 119-21;

- Updating He-W 837.03 on exclusions and exceptions to include current allowable exemptions including the short-term hardship exceptions under 42 CFR 435.55 which New Hampshire has opted to allow;

- Updating He-W 837.04 to include current verification requirements for the allowable exclusions and exceptions, and the duration of exclusions and exceptions;

- Updating He-W 837.05 on qualifying activities to remove the activities that are no longer allowable and add current allowable community engagement activities;

- Updating He-W 837.06 on reporting of community engagement activities and crediting of hours to include current activities and the reporting and verification methods;

- Repealing previous He-W 837.07-He-W 837.13 as these sections do not apply to the current requirements of section 71119 of Public Law 119-21;

- Adding new He-W 837.07 on retroactive eligibility;

- Adding new He-W 837.08 on non-compliance requirements;

- Renumbering He-W 837.14 as He-W 837.09 on disenrollment, reconsideration and re-application and updating to the requirements of section 71119 including the review period at renewal and timeline for verifying compliance during the 90-day reconsideration period;

- Repealing previous He-W 837.15 on re-application as this has been added to He-W 837.14;

- Renumbering He-W 837.16 as He-W 837.10 and updating on screening for other bases of Medicaid eligibility prior to termination or denial of eligibility;

- Renumbering He-W 837.17 as He-W 837.11 on appeals and updating for current requirements;

- Repealing He-W 837.18 on other department obligations; and

- Making other editorial edits including but not limited to correcting punctuation and grammar.

Does this rule implement a state statute for the first time?

The proposed rule is instigated by Public Law 119-21, section 71119 and does not implement a state statute for the first time.

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

He-W 837 affects individuals applying for and receiving Medicaid under the adult expansion group Granite Advantage, which is adults ages 19-64 who are not receiving Medicare and have income at or below 133% of the Federal Poverty Level.

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 837	RSA 161:2, VI
He-W 837.01	RSA 161:4-a, X; 42 CFR 435.554; 42 USC 1396a, xx and P.L. 115-119, section 2; 28 CFR 35.108
He-W 837.02	42 CFR 435.552; 42 CFR 435.556; 28 CFR 35.108;
He-W 837.03	42 CFR 435.553-555; 38 USC 1155
He-W 837.04	42 CFR 435.557
He-W 837.05	42 CFR 435.552
He-W 837.06	42 CFR 435.552; 42 CFR 435.557
He-W 837.07	42 CFR 435.556(b); 42 U.S.C. 1396a(a)(34)
He-W 837.08	42 CFR 435.558
He-W 837.09	42 CFR 435.119; 42 CFR 435.916(a)(3)(iii)
He-W 837.10	42 CFR 435.916(f)
He-W 837.11	42 CFR 431 Subpart E

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

Name: Nicole Valanzola	**Title:** Rules Coordinator
Address: Department of Health and Human Services Administrative Rules Unit Brown Building, 2nd Floor 129 Pleasant St. Concord, NH 03301	**Phone Number:** (603) 271-9640
	FAX Number: (603) 271-5590
	Email: Nicole.Valanzola@dhhs.nh.gov

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

   Friday, November 20, 2026

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

9. **Public hearing scheduled for:**
   Date: Friday, November 13, 2026
   Time: 12:00 PM
   Place: Department of Health and Human Services
   Brown Building, Auditorium
   129 Pleasant St.
   Concord, NH 03301

   Electronic Access, if applicable: N/A

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

    FIS #: 26:222, dated: Monday, October 12, 2026

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

    When compared to the existing rules, the proposed rules will have an indeterminable impact on state expenditures.

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

    Public Law 119-21, section 71119 (aka the "One Big Beautiful Bill Act") requires states to implement community engagement requirements for adult expansion Medicaid groups effective January 1, 2027. Existing administrative rules promulgated by the Department of Health and Human Services already contemplate a community engagement requirement, as one was put into effect by state law in 2019. However, subsequent court and legislative actions prevented the requirement from taking effect. The proposed rule revisions, therefore, reflect the differences between the new, federally mandated requirement and the original state requirement. Any cost impact is indeterminable.

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

    A. To State general or State special funds:

    The Department notes that there may be an indeterminable increase in administrative costs resulting from the need to implement the new federal requirements. The precise impact, however, is indeterminable, and the Department has received a federal grant to make system changes for program implementation.

B. To State citizens and political subdivisions:

None. As noted in response to 2 above, existing rules already contained a community engagement requirement that never took effect; the proposed rules are being amended not to create a new requirement, but to comply with the specific provisions contained in federal law.

C. To independently owned businesses:

None.

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

Although the proposed rule modifies existing responsibilities, it 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.