



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

## Rulemaking Notice Form

**Notice Number:** 2026-224

**Rule Number:** He-W 801.07

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 167:3-c, I
3. **Federal Authority:**
4. **Action(s):** Readopt w/Amendment
5. **Short Title:** Eligibility for Medical Assistance Definitions R-S
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 (Department) is proposing to readopt with amendment He-W 801.07 "Eligibility for Medical Assistance Definitions R-S", to comply with Public Law 119-21, also known as the "One Big Beautiful Bill Act," which the Centers for Medicare and Medicaid Services (CMS) refers to as the "Working Families Tax Cut" (WFTC) legislation. Section 71112 amends retroactive medical periods for all medical assistance beneficiaries.

Individuals enrolled in the "adult expansion group" as described in 42 CFR 435.119, will be able to receive retroactive benefits for medical assistance up to one month preceding the application date and for all other categories of medical assistance, individuals will be able to receive 2 months, beginning with the application scheduled on or after January 1, 2027.

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

He-W 801.07 does not implement a state statute for the first time but is being amended to comply with Public Law 119-21, Section 71112.

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

He-W 801.07 affects all Medicaid beneficiaries, including individuals enrolled in the “adult expansion group” as described in 42 CFR 435.119.

**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 801.07 | RSA 161-B:2, XIV; RSA 167:3; RSA 167:3-c, I; RSA 167:4, I; RSA 167:6, V; RSA 167:7, I-III; RSA 167:14-a; RSA 167:78, XXIII; RSA 170-B:2, XII; 42 CFR 435.119; 42 CFR 435.403(d); 42 CFR 435.915; 42 USC 607(e); 42 USC 409(a)(4); 42 USC 1396a(a)(34); 42 USC 1382b; 42 USC 1396p |

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

|                                                                                                                                                         |                                            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|
| <b>Name:</b> Nicole Valanzola                                                                                                                           | <b>Title:</b> Rules Coordinator            |
| <b>Address:</b> Department of Health and Human Services<br>Administrative Rules Unit<br>Brown Building, 2nd Floor<br>129 Pleasant St. Concord, NH 03301 | <b>Phone Number:</b> (603) 271-9640        |
|                                                                                                                                                         | <b>FAX Number:</b> (603) 271-5590          |
|                                                                                                                                                         | <b>Email:</b> 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

☒ **Fax**  
☒ **Email**  
☐ **Other**

9. **Public hearing scheduled for:**

**Date:** Friday, November 13, 2026

**Time:** 11:30 AM

**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 #: 26:223, 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 rule, the proposed rule may decrease state expenditures and increase costs to state citizens by indeterminable amounts.

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

The Department of Health and Human Services states that it is amending the rule to comply with Public Law 119-21, also known as the "One Big Beautiful Bill Act," which Centers for Medicare and Medicaid Services (CMS) refers to as the "Working Families Tax Cut" (WFTC) legislation. Section 71112 amends retroactive medical periods for all medical assistance beneficiaries. Indeterminable impact on state funds.

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

**A. To State general or State special funds:**

Individuals enrolled in the "adult expansion group" as described in 42 CFR 435.119, will be able to receive retroactive benefits for medical up to one month preceding the application date, and individuals under all other categories of medical assistance will be able to receive two months, beginning with application scheduled on or after January 1, 2027. Currently, the existing rule specifies three months of retroactive coverage. To the extent that this reduces services provision, there may be an indeterminable decrease in state expenditures from the various sources that fund the state Medicaid program.

**B. To State citizens and political subdivisions:**

As noted in the response to 3(A) above, the proposed rule may result in a decrease in service provision, potentially resulting in an increased cost to Medicaid recipients if they pay out of pocket for services previously covered.

No impact on political subdivisions.

**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.