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: 2026-225

Rule Number: He-W 880.01

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:** Initiation of Medical Assistance

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 880.01 describes the initiation of medical assistance for an individual after an application has been submitted, including the effective begin date of coverage for regular eligibility, for spenddowns, and for newborns, and the availability of retroactive medical assistance and the begin date of such.

   The Department of Health and Human Services (Department) is proposing to readopt with amendment He-W 880.01 “Initiation of Medical Assistance”, 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?

The rule does not implement a state statute for the first time but does implement a federal change, specifically Section 71107 of Public Law 119-21.

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

He-W 880.01 affects all Medicaid beneficiaries, especially 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 880.01	42 CFR 435.911; 42 CFR 435.912; 42 CFR 435.915; 42 CFR 435.119; RSA 167:3-c, I

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: 11:00 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 #: 26:220, dated: Thursday, October 8, 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.