

# **EXHIBIT A**

June 20, 2019  
2019-2626-CofC  
01/04

1 Committee of Conference Report on SB 290-FN, relative to the New Hampshire granite advantage  
2 health care program.

3

4

5 Recommendation:

6 That the Senate recede from its position of nonconcurrency with the House amendment, and  
7 concur with the House amendment, and

8 That the Senate and House adopt the following new amendment to the bill as amended by the  
9 House, and pass the bill as so amended:

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

12

13 1 New Hampshire Granite Advantage Health Care Program. Amend RSA 126-AA:2, III to read  
14 as follows:

15 III.(a) Newly eligible adults who are unemployed shall be eligible to receive benefits under  
16 this paragraph if the commissioner finds that the individual is engaging in at least 100 hours per  
17 month based on an average of 25 hours per week in one or more work or other community  
18 engagement activities, *including self-employment*, as follows:

19 (1) Unsubsidized employment including by nonprofit organizations.

20 (2) Subsidized private sector employment.

21 (3) Subsidized public sector employment.

22 (4) On-the-job training.

23 (5) Job skills training related to employment, including credit hours earned from an  
24 accredited college or university in New Hampshire. Academic credit hours shall be credited against  
25 this requirement on an hourly basis.

26 (6) Job search and job readiness assistance, including, but not limited to, persons  
27 receiving unemployment benefits and other job training related services, such as job training  
28 workshops and time spent with employment counselors, offered by the department of employment  
29 security. Job search and job readiness assistance under this section shall be credited against this  
30 requirement on an hourly basis.

31 (7) Vocational educational training not to exceed 12 months with respect to any  
32 individual.

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

35 (9) Satisfactory attendance at secondary school or in a course of study leading to a

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1 certificate of general equivalence, in the case of a recipient who has not completed secondary school  
2 or received such a certificate.

3 (10) Community service or public service.

4 (11) ~~[Caregiver services for a nondependent relative or other person with a~~  
5 ~~disabling medical or developmental condition.]~~

6 (12) Participation in substance use disorder treatment *or recovery activities*  
7 *and/or mental health treatment.*

8 (b) If an individual in a family receiving benefits under this paragraph fails to comply  
9 with the work or community engagement activities required in accordance with this paragraph, the  
10 assistance shall be ~~[terminated]~~ *suspended*. The commissioner shall adopt rules under RSA 541-A  
11 to determine good cause and other exceptions to termination. Following approval by the joint  
12 health care reform oversight committee, pursuant to RSA 161:11, to initiate rulemaking, any rules  
13 proposed under this subparagraph shall be submitted to the fiscal committee of the general court,  
14 which shall review the rules prior to submission to the joint legislative committee on administrative  
15 rules and make recommendations to the commissioner regarding the rules. An individual may  
16 apply for good cause exemptions which shall include, at a minimum, the following verified  
17 circumstances:

18 (1) The beneficiary experiences the birth or death of a family member living with  
19 the beneficiary.

20 (2) The beneficiary experiences severe inclement weather, including a natural  
21 disaster, and therefore was unable to meet the requirement.

22 (3) The beneficiary has a family emergency or other life-changing event such as  
23 divorce.

24 (4) The beneficiary is a victim of domestic violence, dating violence, sexual assault,  
25 or stalking consistent with definitions and documentation required under the Violence Against  
26 Women Reauthorization Act of 2013 under 24 C.F.R. section 5.2005 and 24 C.F.R. section 5.2009, as  
27 determined by the commissioner pursuant to rulemaking under RSA 541-A.

28 ~~[(5) The beneficiary is a custodial parent or caretaker of a child 6 to 12 years of age~~  
29 ~~who, as determined by the commissioner on a monthly basis, is unable to secure child care in order~~  
30 ~~to participate in qualifying work and other community engagement either due to a lack of child care~~  
31 ~~scholarship or the inability to obtain a child care provider due to capacity, distance, or another~~  
32 ~~related factor.]~~

33 (c) This paragraph shall only apply to those considered able-bodied adults as described  
34 in section 1902(a)(10)(A)(i)(VIII) of the Social Security Act of 1935, as amended, 42 U.S.C. section  
35 1396a(a)(10)(A)(i).

36 (d) This paragraph shall not apply to:

37 (1) A person who is unable to participate in the requirements under subparagraph

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1 (a) due to illness, incapacity, or treatment, including inpatient treatment, as certified by a licensed  
2 physician, an advanced practice registered nurse (APRN), a licensed behavioral health professional,  
3 a licensed physician assistant, a licensed alcohol and drug counselor (LADC), or a board-certified  
4 psychologist. The physician, APRN, licensed behavioral health professional, licensed physician  
5 assistant, LADC, or psychologist shall certify, on a form provided by the department, the duration  
6 and limitations of the disability.

7 (2) A person participating in a state certified drug court program, as certified by the  
8 administrative office of the superior court.

9 (3) A parent or caretaker [~~as identified in RSA 167:82, II(g)~~] where the required  
10 *care of an individual who may or may not reside in the household* is considered necessary by  
11 a licensed physician, APRN, board-certified psychologist, physician assistant, or licensed behavioral  
12 health professional who shall certify the duration that such care is required.

13 (4) A custodial parent or caretaker of a dependent child [~~under 6 years of age~~]  
14 *through 12 years of age* or a child with developmental disabilities who is residing with the parent  
15 or caretaker; provided that the exemption shall only apply to one parent or caretaker in the case of  
16 a 2-parent household *where responsibility for the child the exemption is based on is shared*  
17 *by the 2 parents or caretakers.*

18 (5) Pregnant women.

19 (6) A beneficiary who has a disability as defined by the Americans with Disabilities  
20 Act (ADA), section 504 of the Rehabilitation Act, or section 1557 of the Patient Protection and  
21 Affordable Care Act [~~and is unable to meet the requirement for reasons related to that disability~~]  
22 *with or without an accommodation*; or who has an immediate family member in the home with  
23 a disability under federal disability rights laws and who is unable to meet the requirement for  
24 reasons related to the disability of that family member, or the beneficiary or an immediate family  
25 member who is living in the home or the beneficiary experiences a hospitalization or serious illness.

26 (7) Beneficiaries who are identified as medically frail, under 42 C.F.R. section  
27 440.315(f), and as defined in the alternative benefit plan and in the state plan and who are certified  
28 by a licensed physician or other medical professional to be unable to comply with the work and  
29 community engagement requirement as a result of their condition as medically frail. The  
30 department shall require proof of such limitation annually, including the duration of such disability,  
31 on a form approved by the department.

32 (8) Any beneficiary who is in compliance with the requirement of the Supplemental  
33 Nutritional Assistance Program (SNAP) and/or Temporary Assistance to Needy Families (TANF)  
34 employment initiatives.

35 (9) *Any beneficiary who is homeless as defined by the McKinney-Vento*  
36 *Homeless Assistance Act of 1987, 42 U.S.C. section 11301 et seq.*

37 (e) The commissioner shall adopt rules under RSA 541-A pertaining to the community

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1 engagement requirement. Following approval by the joint health care reform oversight committee,  
2 pursuant to RSA 161:11 to initiate rulemaking, any rules proposed under this subparagraph shall  
3 be submitted to the fiscal committee of the general court, which shall review the rules prior to  
4 submission to the joint legislative committee on administrative rules and make recommendations to  
5 the commissioner regarding the rules. The rules shall be consistent with the terms and conditions  
6 of any waiver issued by the Centers for Medicare and Medicaid Services for the program, *provided*  
7 *that any waiver issued by the Centers for Medicare and Medicaid Services is not*  
8 *unreasonably inconsistent with any provision of this chapter*, and shall address, at a  
9 minimum, the following:

- 10 (1) Enrollment, suspension, and disenrollment procedures in the program.
- 11 (2) Verification of compliance with community engagement activities.
- 12 (3) Verification of exemptions from participation.
- 13 (4) Opportunity to cure and re-activation following noncompliance, including not  
14 being barred from re-enrollment.
- 15 (5) Good cause exemptions.
- 16 (6) Education and training of enrollees.
- 17 (7) Annual certification of medical frailty pursuant to 42 C.F.R. section 440.315(f),  
18 including proof and duration of such condition on a form supplied by the department.

19 2 New Paragraphs; New Hampshire Granite Advantage Health Care Program. Amend RSA  
20 126-AA:2 by inserting after paragraph VIII the following new paragraphs:

21 IX. The commissioner shall, as expeditiously as possible, submit to the Centers for Medicare  
22 and Medicaid Services an amendment to the waiver for approval of a revised waiver of retroactive  
23 eligibility permitting coverage for the 45-day period immediately preceding the determination of  
24 eligibility for all persons insured in the program.

25 X. The commissioner shall waive the application of the work and community engagement  
26 requirement in subparagraph III(a) or the suspension from coverage for noncompliance for any  
27 period of time up to but not after July 1, 2021 upon a finding of one or more of the following  
28 circumstances that impact a substantial number of program members who are mandatory for the  
29 requirement:

30 (a) The inability to communicate verbally and in writing and directly counsel all  
31 members who are mandatory for the requirement and not already exempted or are in compliance in  
32 accordance with the rules of the work and community engagement requirement adopted under 541-  
33 A.

34 (b) The unavailability of qualifying activities in any region of the state that may result  
35 in a disproportionate impact upon program members located elsewhere.

36 (c) The impact of seasonal employment opportunities on the ability of members to  
37 achieve the minimum hours for qualifying activities.

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1 (d) The inability to achieve the minimum hours of qualifying activities after taking into  
2 account all applicable exemptions despite good faith efforts to comply.

3 (e) The unavailability of transportation and other supports for members who are not  
4 eligible for assistance through granite workforce.

5 (f) Other unforeseen circumstances that impact the administration and verification of  
6 the program and that more likely than not would cause members to be suspended from the  
7 program.

8 XI. The commissioner shall notify the governor, the president of the senate and the speaker  
9 of the house of representatives in writing no later than 7 days after making a finding under  
10 paragraph X with a detailed explanation as to the basis of the findings, the steps the department  
11 can and is taking to address the circumstances that gave rise to the findings, and any  
12 recommendations regarding how the suspension of the requirement may be lifted and the  
13 compliance provisions of the program resumed. The commissioner may submit an amendment to  
14 the program waiver (CMS # 11-W-00298/1) to incorporate the authority to waive the suspension of  
15 coverage consistent with this provision, to the extent required by the Centers for Medicare and  
16 Medicaid Services.

17 3 New Hampshire Granite Advantage Health Care Program; Commission to Evaluate the  
18 Effectiveness and Future of the New Hampshire Granite Advantage Health Care Program. Amend  
19 RSA 126-AA:4, II to read as follows:

20 II.(a) The commission shall evaluate the effectiveness and future of the program.  
21 Specifically the commission shall:

22 (1) Review the program's financial metrics.

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

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

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

29 (5) Evaluate non-general fund funding options for longer term continuation of the  
30 program, including options to accept funding from the federal government allowing a self-  
31 administered program.

32 (6) Review up-to-date information regarding changes in the level of uncompensated  
33 care through shared information from the department, the department of revenue administration,  
34 the insurance department, and provider organizations and the program's impact on insurance  
35 premium tax revenues and Medicaid enhancement tax revenue.

36 (7) Review the granite workforce pilot program.

37 (8) Evaluate reimbursement rates to determine if they are sufficient to ensure

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1 access to and provider capacity for all behavioral health services.

2 (9) Review the number of people who are found ineligible or who are dropped from  
3 the rolls of the program because of the work requirement *and determine whether the age of*  
4 *beneficiaries subject to the requirement should be changed. The commission shall issue*  
5 *any recommendation for change by December 1, 2019.*

6 (10) *Review the reasons beneficiaries are found ineligible or are dropped*  
7 *from program and determine if the number of required hours should be changed. The*  
8 *commission shall issue any recommendation for change by December 1, 2019.*

9 (11) Review the program's provider reimbursement rates and overall financing  
10 structure to ensure it is able to provide a stable provider network and sustainable funding  
11 mechanism that serves patients, communities, and the state of New Hampshire.

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

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

16 (d) The commission shall make a recommendation on or by ~~February~~ **October 1, 2019**  
17 to the commissioner concerning recommended monitoring and evaluation requirements for work  
18 and community engagement requirements, including a draft of proposed metrics for quarterly and  
19 annual reporting, including suggested costs and benefits evaluations.

20 4 New Hampshire Granite Advantage Health Care Program; Commission to Evaluate the  
21 Effectiveness and Future of the New Hampshire Granite Advantage Program. Amend RSA 126-  
22 AA:4, I(b) and (c) to read as follows:

23 (b) ~~[Of the commission members listed in this paragraph, only the 6 legislative members~~  
24 ~~shall be voting members. All other members shall serve in an advisory capacity only.~~

25 (e)] Legislative members of the commission shall receive mileage at the legislative rate  
26 when attending to the duties of the commission.

27 5 New Hampshire Granite Advantage Health Care Program; Commission to Evaluate the  
28 Effectiveness and Future of the New Hampshire Granite Advantage Health Care Program. Amend  
29 RSA 126-AA:4, III to read as follows:

30 III. The members of the commission shall elect a chairperson from among the members.  
31 The first meeting of the commission shall be called by the first-named senate member. The first  
32 meeting of the commission shall be held within 45 days of the effective date of this section. ~~[Four of~~  
33 ~~the 6 voting]~~ **Eight** members of the commission shall constitute a quorum.

34 6 Effective Date. This act shall take effect upon its passage.

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The signatures below attest to the authenticity of this Report on SB 290-FN, relative to the New Hampshire granite advantage health care program.

Conferees on the Part of the Senate

Conferees on the Part of the House

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Sen. Rosenwald, Dist. 13

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Rep. Martin, Hills. 23

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Sen. Feltes, Dist. 15

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Rep. Nordgren, Graf. 12

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Sen. Bradley, Dist. 3

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Rep. Champion, Graf. 12

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Rep. Weber, Ches. 1



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**AMENDED ANALYSIS**

This bill makes various changes to the New Hampshire granite advantage health care program, including:

- I. Clarifying which beneficiaries may be subject to the work and community engagement requirement.
- II. Adding exemptions for certain persons from the community engagement requirement.
- III. Adding circumstances for the elimination of the community engagement requirement.