

# **EXHIBIT B**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

_____	)	
SAMUEL PHILBRICK et al.,	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 1:19-CV-00773
(JEB)	)	
	)	
ALEX M. AZAR et al.,	)	
Defendants.	)	
_____	)	

DECLARATION OF HENRY LIPMAN IN SUPPORT OF THE NEW HAMPSHIRE DEPARTMENT OF HEALTH AND HUMAN SERVICES’ REPLY MEMORANDUM IN SUPPORT OF ITS PARTIAL MOTION FOR SUMMARY JUDGMENT AS TO COUNT II OF THE PLAINTIFFS’ COMPLAINT

I, Henry Lipman, declare as follows:

1. I am over the age of 18 and make this declaration on personal knowledge.
2. I am the Medicaid Director for the State of New Hampshire and, in that position, am employed by the New Hampshire Department of Health and Human Services. In my position, I oversee the Granite Advantage Health Care Program.
3. The records of the New Hampshire Department of Health and Human Services for the Granite Advantage Health Care Program presently reflect the following:
  - a. **Samuel Philbrick** is meeting the work or community engagement requirements of the Granite Advantage program and has reported past employment of 125.5 hours per month based on verified pay stubs. Under the MAGI<sup>1</sup> rules for

<sup>1</sup> “The Affordable Care Act established a new methodology for determining income eligibility for Medicaid, which is based on Modified Adjusted Gross Income (MAGI). . . . MAGI is the basis for determining Medicaid income eligibility for most children,

eligibility, the New Hampshire Department of Health and Human Services uses that verified paystub information until the re-determination for determining those hours, unless Mr. Philbrick has a significant change in employment circumstances that he is required to report to the Department. The re-determination month for Mr. Philbrick is December 2019. Thus, absent a significant change in employment circumstances, Mr. Philbrick does not have to report his hours to the Department again until December 2019.

b. **Ms. VLK** is exempt from the work or community engagement requirements of the Granite Advantage program because she has verified her medical frailty. She was previously exempt from the work or community engagement requirements of the Granite Advantage program because she was caring for a dependent child under 6 years of age.

c. **Mr. VLK** is exempt from the work or community engagement requirements of the Granite Advantage program because he is exempt in the Supplemental Nutrition Assistance Program (SNAP).

d. **Ian Ludders** is required to meet the work or community engagement requirements of the Granite Advantage program. He presently has reported no job or hours to the Department.

I DECLARE under penalty of perjury that the foregoing is true and correct.

Executed on this 28th day of June 2019.

By: /s/ Henry Lipman  
Henry Lipman

---

pregnant women, parents, and adults.” See Medicaid.gov, Eligibility, Determining Eligibility for Medicaid, Financial Eligibility, <https://www.medicaid.gov/medicaid/eligibility/index.html>.