CHRISTOPHER T. SUNUNU
Governor

STATE OF NEW HAMPSHIRE
OFFICE OF THE GOVERNOR

STATE OF NEW HAMPSHIRE
BY HIS EXCELLENCY
CHRISTOPHER T. SUNUNU, GOVERNOR

Emergency Order #59 Pursuant to Executive Order 2020-04 as Extended by Executive Orders 2020-05, 2020-08, 2020-09, 2020-10, 2020-14 and 2020-15

Temporary Modification of Health and Human Services Rules and Statutes Regarding MEAD Premium and Signature Requirements

WHEREAS, on Friday, March 13, 2020, the President of the United States declared a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak; and

WHEREAS, on Friday, March 13, 2020, the Governor issued Executive Order 2020-04, An order declaring a state of emergency due to the Novel Coronavirus (COVID-19); and

WHEREAS, experts indicate that COVID-19 is most commonly spread from an infected person to others through respiratory droplets, including:

- Through the air by coughing and sneezing;
- Close personal contact, such as touching or shaking hands;
- Touching an object or surface with the virus on it, then touching your mouth, nose, or eyes before washing your hands.

WHEREAS, the CDC reports that COVID-19 may be spread before an infected person shows symptoms of the virus; and

WHEREAS, on Friday, March 13, 2020, the Governor activated the Emergency Operations Center at the Incident Planning and Operations Center in Concord to assist in the State's response to the COVID-19 outbreak; and

WHEREAS, on March 26, 2020, the Governor ordered in Emergency Order 17 (extended in Emergency Order #40) that all New Hampshire citizens shall stay at home or in their place of residence subject to exceptions; and

WHEREAS, on June 15, 2020, the Governor issued Emergency Order 52, that transitions from a Stay at Home Order to a Safer at Home Advisory, and that modifies many of the restrictions on businesses, places of worship, and other places of commerce or gathering to allow them to continue to transition to full re-opening while limiting the risk of multiplying the spread of COVID-19 in New Hampshire; and

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WHEREAS, in the days since the Governor declared a State of Emergency and activated the Emergency Operations Center, the COVID-19 outbreak in New Hampshire has expanded significantly; and

WHEREAS, Department rules requires New Hampshire citizens accessing services to sign forms and applications; and

WHEREAS, many individuals serviced by the Department have limited access to technology and devices that would allow them to access Department forms and sign them electronically from their home; and

WHEREAS, one provision of Families First Coronavirus Response Act ("FFCRA") allows the State to receive an enhanced Federal Medical Assistance Percentage ("FMAP") as long as the Department does not terminate a New Hampshire recipient's Medicaid coverage through the end of the month in which the national public health emergency ends; and

WHEREAS, the Centers for Medicare and Medicaid Services issued guidance on April 13, 2020 explaining that states will forego the 6.2 percentage point FMAP increase (millions of dollars to the State of New Hampshire) if states terminate Medicaid coverage for beneficiaries who fail to pay premiums for the MEAD program through the end of the month in which the national public health emergency ends. States are also not allowed to collect premiums from members that did not pay during the emergency period, even after the emergency ends, and still receive the increased FMAP; and

WHEREAS, New Hampshire state law requires Medicaid recipients enrolled in the Medicaid for Employed Adults with Disabilities ("MEAD") program to pay premiums to contribute to their cost of care. Failure to pay those premiums under current state law requires the Department to terminate Medicaid coverage; and

WHEREAS, New Hampshire MEAD beneficiaries are disabled adults with part-time jobs and therefore are a vulnerable population; and

WHEREAS, with the safer at home advisory and limitations on business operations, MEAD beneficiaries have a reduced income which means they may be required to use their disability income to cover their MEAD premiums; and

WHEREAS, discontinuing MEAD premiums during the emergency period will reduce stress and undue financial burden on MEAD beneficiaries, this vulnerable population, while ensuring they maintain their necessary Medicaid coverage.

NOW THEREFORE, Pursuant to Section 18 of Executive Order 2020-04 as extended by Executive Orders 2020-05, 2020-06, 2020-08, 2020-09, 2020-10, 2020-14, and 2020-15, it is hereby ordered, effective immediately, that:

1. Any statutory or administrative rules in regards to requiring a wet signature are temporarily stayed until 90 days following the termination of the public health

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emergency. After exhausting alternative means, the Commissioner of the Department of Health and Human Services may authorize the acceptance of verbal authorizations that are contemporaneously documented. The Department shall create guidance on the process and acceptance of verbal authorizations.

2. The statutory and administrative provisions in RSA 167:6, IX, RSA 167:3-c, XII(c)-(d), and N.H. Admin. R. He-C 5003, requiring the Department to establish and collect premiums for the MEAD program is hereby waived effective March 1, 2020 and to resume billing the month following the month the National Public Health Emergency terminates.

Given under my hand and seal at the Executive Chambers in Concord, this 21st day of July, in the year of Our Lord, two thousand and twenty, and the independence of the United States of America, two hundred and forty-four.

Chris Sununu

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