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 #41 Pursuant to Executive Order 2020-04 as Extended by Executive Orders 2020-05 and 2020-08

Additional Medicaid Eligibility for Uninsured

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), which the Governor extended by Executive Order 2020-05 until April 24, 2020; 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, 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, experts anticipate that while a high percentage of individuals affected by COVID-19 will experience mild flu-like symptoms, some will have severe symptoms and require hospitalization, particularly individuals who are elderly or already have underlying chronic health conditions; and

WHEREAS, on Monday, March 23, 2020, the first New Hampshire death resulting from COVID-19 occurred and there have been 47 additional deaths in New Hampshire since that date; and

WHEREAS, as of May 4, 2020, according to the CDC, there were 1,152,372 confirmed cases of COVID-19 in the United States and territories, with 67,456 of those confirmed cases resulting in death; and

WHEREAS, as of May 4, 2020, New Hampshire Division of Public Health reported that there have been 2,588 confirmed positive cases of COVID-19 and that of these cases, 286 individuals have required hospitalization; and

WHEREAS, the Federal Government's Families First Coronavirus Response Act (FFCRA) created a new, optional Medicaid eligibility category for uninsured individuals; and

WHEREAS, one provision of FFCRA allows Medicaid to pay for COVID-19 testing services for uninsured individuals. This reimbursement is limited to diagnostic services for which payment is available under the state plan, and does not include coverage for treatment or preventive care. This coverage is 100% federally funded; and

WHEREAS, the State would need to amend its Medicaid State Plan to allow for this new eligibility category to be implemented. The coverage availability is allowed retroactive to March 18, 2020; and

WHEREAS, HB 4 (2019), Chapter Law 346:65 requires the Department to consult with the House Health, Human Services and Elderly Affairs Committee and the Senate Health and Human Services Committee, and obtain approval from the Fiscal Committee and the Governor and Executive Council prior to making any changes to Medicaid program eligibility standards or benefit levels that might be expected to increase or decrease enrollment in the program or increase expenditures from any source of funds; and

WHEREAS, the Legislature has suspended most activities through May 4, causing the Department to be unable to comply with the HB 4 legislative committee requirements; and

WHEREAS, the Governor, under Executive Order 2020-04 assumed his emergency powers authority under RSA 21-P and RSA 4:45; and

WHEREAS, if the State delays in testing uninsured individuals, it could result in further spread of the COVID-19 virus; and

WHEREAS, given the current status of the Legislature, the State may require further Medicaid State Plan Amendments regarding Medicaid program eligibility standards or benefit levels related to COVID-19 and the State must be prepared to act immediately to file the appropriate Medicaid State Plan Amendments.

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

1. The requirements of HB 4 (2019), Chapter Law 346:65 are hereby waived and the Department shall move forward with a Medicaid State Plan Amendment to allow for the coverage for testing of COVID-19 for uninsured individuals.
2. The requirements of HB 4 (2019), Chapter Law 346:65 are hereby waived and the Department is authorized to file any Medicaid State Plan Amendment, as approved by the

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Governor, in order to allow the State to access new Medicaid benefits or eligibility standards made available that relate to COVID-19.

Given under my hand and seal at the Executive Chambers in Concord, this 5th day of May, in the year of Our Lord, two thousand and twenty, and the independence of the United States of America, two hundred and forty-four.

GOVERNOR OF NEW HAMPSHIRE

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