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 #80 Pursuant to Executive Order 2020-04 as Extended by Executive Orders 2020-05, 2020-08, 2020-09, 2020-10, 2020-14, 2020-15, 2020-16, 2020-17, 2020-18, 2020-20, 2020-21, 2020-23, 2020-24, and 2020-25

Medicaid Disaster Relief for the COVID-19 National Emergency, COVID-19 Vaccine Administration

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 pursuant to statutory authority under NH RSA 4:45; and

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

WHEREAS, FDA approved vaccines for COVID-19 are now available and the State is currently implementing a comprehensive COVID-19 Vaccination plan; and

WHEREAS, under section 6008(b)(4) of the Families First Coronavirus Response Act ("FFCRA") for a state to receive the temporary Federal Medical Assistance Percentage ("FMAP") increase, the state must cover COVID-19 vaccines and their administration for most Medicaid eligibility categories without cost sharing. This coverage is required during any quarter for which the state claims the temporary FMAP increase under FFCRA section 6008; and

WHEREAS, the initial supply of COVID-19 vaccine will be federally purchased and providers cannot bill for the vaccine itself; and

WHEREAS, under the current Medicaid state plan vaccine administration may only be reimbursed when billed as a medical claim, the State Medicaid agency (agency) must now make adjustment to billing methodology relating to the vaccine administration fees to permit pharmacies to bill for COVID-19 vaccine administration to allow for streamlined billing in order to support and facilitate COVID-19 vaccination; and

WHEREAS, In addition the agency must also now allow qualified vaccine administrators as defined by the Public Health Readiness and Emergency Preparedness Act to administer the COVID-19 vaccine during the Public Health Emergency; and

WHEREAS, administration of the initial supply of COVID-19 vaccine requires two doses and involve costs in administering the vaccine, including required public health reporting, conducting outreach and patient education, and spending additional time with patients answering their questions about the vaccine; and

WHEREAS, the agency seeks to implement policies and procedures during the period of the Presidential and Secretarial emergency declarations related to the COVID-19 outbreak that are different than the policies and procedures for vaccine administration otherwise applied under the Medicaid state plan to facilitate COVID-19 vaccinations, and in order to do so must submit an emergency Medicaid state plan amendment to execute Medicaid Disaster Relief for the COVID-19 National Emergency, COVID-19 Vaccine Administration; and

WHEREAS, HB 4 (2019), Chapter Law 346:65 requires the agency 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 Medicaid state plan amendment must be filed before the Legislature returns to session, causing the agency 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 implementation of the Medicaid state plan amendment for COVID-19 vaccine administration coverage, it could result in further spread of the COVID-19 virus.

Now therefore, pursuant to Section 18 of Executive Order 2020-04 as extended by Executive Orders 2020-05, 2020-08, 2020-09, 2020-10, 2020-14, 2020-15, 2020-16, 2020-17, 2020-18, 2020-20, 2020-21, 2020-23, 2020-24, and 2020-25, it is hereby ordered, effective immediately, that:

1. The requirements of HB 4 (2019), Chapter Law 346:65 are hereby waived and the agency shall move forward with a Medicaid State Plan Amendment to allow for Medicaid Disaster Relief for the COVID-19 National Emergency, COVID-19 Vaccine Administration.

Given under my hand and seal at the Executive Chambers in Concord, this 4th day of January, in the year of Our Lord, two thousand and twenty-one, and the independence of the United States of America, two hundred and forty-five.

Christopher T. Sununu

GOVERNOR OF NEW HAMPSHIRE

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