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 #45 Pursuant to Executive Order 2020-04 as Extended by Executive Orders 2020-05, 2020-08 and 2020-09

Modification of Emergency Order #31 (Establishment of the COVID-19 Long Term Care Stabilization Program)

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

WHEREAS, COVID-19 has a disproportionate impact on New Hampshire's most vulnerable populations including those with physical disabilities, developmental disabilities, people with mental health complexity, individuals with substance use disorders, and older adults requiring both residential and community based care; and

WHEREAS, Medicaid providers that provide long term services in facility-based settings as well as in the home and community have seen a steady increase in the number of employees seeking unemployment compensation as a result of COVID-19, threatening critical staffing levels needed to provide continuity of long term supports and services to individuals in those programs; and

WHEREAS, New Hampshire's Medicaid funded residential facilities and social service organizations are struggling to retain the workforce needed to meet the demands associated with the COVID-19 crisis; and

WHEREAS, the margin for unemployment is incredibly narrow within this critical sector without having significant impacts on the ability to provide effective care for the state's most vulnerable populations; and

WHEREAS, older adults, persons with physical disabilities, people with mental health complexity, individuals with substance use disorders, and those with developmental disabilities rely on the direct support workforce and critical wrap around services that allow them to live at home; and

WHEREAS, at this time, prior to incurring further employment losses within this critical sector, it is imperative that the state do all that it can to sustain the workforce to allow those who can to remain at home safely with direct care supports while also maintaining staffing at Medicaid facilities that support some of New Hampshire's individuals who are most at risk for COVID-19; and

WHEREAS, New Hampshire must support this sector of critical workforce during the COVID-19 emergency by increasing funding for front line workers to ensure the State's most vulnerable individuals continue to receive the vital care they need; and

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WHEREAS, without a strengthened workforce, individuals are at risk to move into higher cost settings due to a lack of home and community based support; and

WHEREAS, the Department of Health and Human Services manages the Medicaid program as the State's medical program for its vulnerable citizens, including eligible low-income adults, children, pregnant women, elderly adults, and people with disabilities; and

WHEREAS, the State's providers have an immediate need for financial support for these critical front line workers providing Medicaid long-term services and supports; and

WHEREAS, providing supportive funding to the workforce will lead to greater quality, economy and efficiency for these at-risk populations during the COVID-19 Emergency; and

WHEREAS, on March 27, 2020 the United States Congress passed, and President Trump, approved the CARES Act which included Coronavirus Relief Funds totaling approximately $1.25 billion in "flex funds" that may only be used to cover costs incurred by the State that (i) are necessary expenditures incurred due to the public health emergency with respect to COVID-19; (ii) were not accounted for in the budget most recently approved as of the date of enactment of the CARES Act; and (3) were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020; and

WHEREAS, the Governor's Office for Emergency Relief and Recovery (GOFERR) was created by Executive Order 2020-06 on April 14, 2020. GOFERR is charged with assisting the Governor in the planning, allocation and disbursement of the Coronavirus Relief Funds; and

WHEREAS, on April 16th, 2020, the Governor issued Emergency Order #31, which established the COVID-19 Long Term Care Stabilization Program (the "Program"); and

WHEREAS, GOFERR has reviewed the purpose of the program and has recommended that it isan allowable expenditures for CRF, and has further recommended that continued disbursements from the Program would also be allowable expenditures from CRF as long as CRF criteria continue to be met in the review and approval process; and

WHEREAS, GOFERR has recommended, and the Governor has approved, the expansion of the Program to include frontline workers contracted by qualifying Medicaid providers.

Now therefore, pursuant to Section 18 of Executive Order 2020-04 as extended by Executive Orders 2020-05, 2020-08 and 2020-09, it is hereby ordered, effective immediately, that paragraphs 1-6 of Emergency Order #31 are amended to read as follows:

1. There is established the COVID-19 Long Term Care Stabilization Program (the "Program") for services provided by front line workers employed or contracted by certain Medicaid providers, and contracted entities through the developmental services system, as determined by the Department of Health and Human Services (DHHS) and the New Hampshire Department of Employment Security (NHES). The Program shall provide temporary stabilization funding to incentivize frontline workers to remain in or rejoin this critical workforce during the COVID-19 Emergency.

2. The Program shall be available to front line workers that provide Medicaid funded services directly to individuals in residential, home, and community settings as well as other front line workers that have a greater risk of exposure of COVID-19 as a result of their employment. To be eligible, the individual must be employed by, or contract with, a qualifying Medicaid provider. In addition to Medicaid funded

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services, the Program shall also be available to front line workers at the New Hampshire Veterans Home and the John H. Sununu Youth Services Center. DHHS and NHES shall have the authority, with approval of the Governor, to determine which provider types ("qualifying Medicaid providers) and workers ("qualifying frontline workers") qualify for the Program consistent with the provisions of this Order. DHHS and NHES shall publish guidance with additional detail for providers and workers in accordance with this order.) DHHS and NHES shall work with GOFERR to ensure that the Program remains compliant with the CARES Act Coronavirus Relief Fund criteria

3. NHES shall utilize general funds not otherwise appropriated to provide stipends to qualifying front line workers of qualifying Medicaid providers including those providers that deliver services through the State's developmental services system. In the event that the Governor determines that Federal funds are available to be utilized for this program, those Federal funds shall backfill and supplant the general funds.

4. To participate, qualifying Medicaid providers may file an application through the NHES online portal.

5. NHES shall distribute $300 per week in stipends to full time qualifying frontline workers and $150 per week in stipends to part time qualifying frontline workers, amounts that are intended to be similar to planned increases in subsequent payments to qualifying Medicaid providers designed to support these qualifying frontline workers through the State's Medicaid program. For purposes of this Order, a full time worker is an individual who works for 30 hours or more a week for an individual employer. For purposes of this Order, an individual is considered part time if he or she works less than 30 hours a week.

6. The program shall end when the state of emergency ends or on June 30, 2020, whichever comes sooner.

Given under my hand and seal at the Executive Chambers in Concord, this 18th 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.

Chris T. Sununu

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