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 #31 Pursuant to Executive Order 2020-04 as Extended by Executive Order 2020-05

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, in the 32 days since the Governor declared a State of Emergency, the COVID-19 outbreak in New Hampshire has expanded significantly; and

WHEREAS, as of April 14, 2020, the Department of Health and Human Services, Division of Public Health Services has reported 1,091 cases of COVID-19 in the State of New Hampshire; 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, since the Governor issued Emergency Order #5 on March 17, 2020 expanding eligibility for unemployment compensation benefits for those whose employment has been impacted by COVID-19, there have been over 100,000 new claims for unemployment benefits filed in New Hampshire, thus exceeding in three weeks the total number of initial claims filed in the past three years; 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

107 North Main Street, State House - Rm 208, Concord, New Hampshire 03301
Telephone (603) 271-2121 • FAX (603) 271-7640
Website: http://www.governor.nh.gov/ • Email: governorsununu@nh.gov
TDD Access: Relay NH 1-800-735-2964

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

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 Service is working with the Centers for Medicare & Medicaid Services (CMS) to seek amendments to the Medicaid State Plan and/or Appendix K approvals through the1915 (c) waivers in order to operationalize additional Medicaid assistance; and

WHEREAS, the State's providers cannot wait for CMS approval due to the 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.

Now therefore, pursuant to Section 18 of Executive Order 2020-04 as extended by Executive Order 2020-05, it is hereby ordered, effective immediately, that:

1. There is established the COVID-19 Long Term Care Stabilization Program (the "Program") for services provided by front line workers employed 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 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.

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.

107 North Main Street, State House - Rm 208, Concord, New Hampshire 03301
Telephone (603) 271-2121 • FAX (603) 271-7640
Website: http://www.governor.nh.gov/ • Email: governorsununu@nh.gov
TDD Access: Relay NH 1-800-735-2964

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 is intended to provide financial support as quickly as possible while the State seeks any necessary amendments to the Medicaid State Plan and/or Appendix K approvals through the1915 (c) waivers from CMS in order to operationalize additional Medicaid assistance. The program shall end as soon as additional payments can be made through the State's Medicaid program, or if Medicaid funds are not available, the Program shall end on June 30, 2020.

Given under my hand and seal at the Executive Chambers in Concord, this 16th day of April, 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

GOVERNOR OF NEW HAMPSHIRE

107 North Main Street, State House - Rm 208, Concord, New Hampshire 03301
Telephone (603) 271-2121 • FAX (603) 271-7640
Website: http://www.governor.nh.gov/ • Email: governorsununu@nh.gov
TDD Access: Relay NH 1-800-735-2964