

# Committee Report

**REGULAR CALENDAR**

**February 9, 2021**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Majority of the Committee on Health, Human Services and Elderly Affairs to which was referred HB 185-FN,**

**AN ACT removing the work requirement of the New Hampshire granite advantage health care program. Having considered the same, report the same with the recommendation that the bill OUGHT TO PASS.**

**Rep. Joe Schapiro**

**FOR THE MAJORITY OF THE COMMITTEE**

**MAJORITY  
COMMITTEE REPORT**

Committee:	<b>Health, Human Services and Elderly Affairs</b>
Bill Number:	<b>HB 185-FN</b>
Title:	<b>removing the work requirement of the New Hampshire granite advantage health care program.</b>
Date:	<b>February 9, 2021</b>
Consent Calendar:	<b>REGULAR</b>
Recommendation:	<b>OUGHT TO PASS</b>

**STATEMENT OF INTENT**

The work/community engagement requirement, a good faith compromise when it was enacted in 2018, was part of a five-year renewal of Expanded Medicaid, renamed the New Hampshire Granite Advantage Health Care Program. Since that time, the landscape has changed dramatically. In July of 2019, Governor Sununu delayed implementation of the work requirement due to difficulties contacting and signing up eligible Medicaid recipients. It would later be reported by the US Government Accountability Office that the unsuccessful attempt at implementation had cost a total of \$4.4 million, with \$187,000 in state funds and the rest in federal dollars. Later that month, a federal judge ruled that the US Health and Human Services had misused its authority in approving the new requirement, halting any further attempts at implementation. Similar work requirements in Arkansas and Kentucky were also struck down. Now, in the midst of a pandemic, Covid 19 presents further ethical, practical, and public health impediments to implementation. The initial intent of this statute was never to deny people health care coverage, but rather to encourage self-reliance and independence. Nevertheless, it is now clear to the majority that this policy puts residents' health at risk, is legally questionable, administratively unworkable, and presents an enormous financial liability for the state of New Hampshire.

Vote 11-10.

Rep. Joe Schapiro  
FOR THE MAJORITY

Original: House Clerk  
Cc: Committee Bill File

## REGULAR CALENDAR

Health, Human Services and Elderly Affairs

**HB 185-FN**, removing the work requirement of the New Hampshire granite advantage health care program. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Joe Schapiro for the **Majority** of Health, Human Services and Elderly Affairs. The work/community engagement requirement, a good faith compromise when it was enacted in 2018, was part of a five-year renewal of Expanded Medicaid, renamed the New Hampshire Granite Advantage Health Care Program. Since that time, the landscape has changed dramatically. In July of 2019, Governor Sununu delayed implementation of the work requirement due to difficulties contacting and signing up eligible Medicaid recipients. It would later be reported by the US Government Accountability Office that the unsuccessful attempt at implementation had cost a total of \$4.4 million, with \$187,000 in state funds and the rest in federal dollars. Later that month, a federal judge ruled that the US Health and Human Services had misused its authority in approving the new requirement, halting any further attempts at implementation. Similar work requirements in Arkansas and Kentucky were also struck down. Now, in the midst of a pandemic, Covid 19 presents further ethical, practical, and public health impediments to implementation. The initial intent of this statute was never to deny people health care coverage, but rather to encourage self-reliance and independence. Nevertheless, it is now clear to the majority that this policy puts residents' health at risk, is legally questionable, administratively unworkable, and presents an enormous financial liability for the state of New Hampshire. **Vote 11-10.**

Original: House Clerk

Cc: Committee Bill File

**REGULAR CALENDAR**

**February 9, 2021**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Minority of the Committee on Health, Human Services and Elderly Affairs to which was referred HB 185-FN,**

**AN ACT removing the work requirement of the New Hampshire granite advantage health care program. Having considered the same, and being unable to agree with the Majority, report with the following resolution: RESOLVED, that it is INEXPEDIENT TO LEGISLATE.**

**Rep. William Marsh**

**FOR THE MINORITY OF THE COMMITTEE**

**MINORITY  
COMMITTEE REPORT**

Committee:	<b>Health, Human Services and Elderly Affairs</b>
Bill Number:	<b>HB 185-FN</b>
Title:	<b>removing the work requirement of the New Hampshire granite advantage health care program.</b>
Date:	<b>February 9, 2021</b>
Consent Calendar:	<b>REGULAR</b>
Recommendation:	<b>INEXPEDIENT TO LEGISLATE</b>

**STATEMENT OF INTENT**

The minority appreciates the bipartisan coalition which passed SB 313 establishing the Granite Advantage Program. The minority recognizes that tweaks to programs may need to be made on a data-driven basis as programs are implemented, but does not agree that the repeal of the work requirement is supported by data, especially as this requirement is suspended due to the Covid-19 pandemic. The minority recognizes this bipartisan coalition no longer exists. Repeal of the work requirement opens the door to subsequent changes to the Medicaid Expansion Program based solely on changes in the political climate in New Hampshire. Various providers who might be inclined to create programs expecting stability in reimbursement through Medicaid Expansion for five years might well decide to forego capital investments without that stability. Given the need to expand programs addressing behavioral health, discouraging capital investments in healthcare is very much not in the interest of the state of New Hampshire. If the work requirement successfully allows 1% of participants (500) to lift themselves out of poverty, and those participants lose their eligibility for Medicaid Expansion due to their increased income, the minority believes that would validate the efficacy of the work requirement. For these reasons, the minority recommends this bill be found Inexpedient to Legislate.

Rep. William Marsh  
FOR THE MINORITY

Original: House Clerk  
Cc: Committee Bill File

## REGULAR CALENDAR

Health, Human Services and Elderly Affairs

**HB 185-FN**, removing the work requirement of the New Hampshire granite advantage health care program. **INEXPEDIENT TO LEGISLATE.**

Rep. William Marsh for the **Minority** of Health, Human Services and Elderly Affairs. The minority appreciates the bipartisan coalition which passed SB 313 establishing the Granite Advantage Program. The minority recognizes that tweaks to programs may need to be made on a data-driven basis as programs are implemented, but does not agree that the repeal of the work requirement is supported by data, especially as this requirement is suspended due to the Covid-19 pandemic. The minority recognizes this bipartisan coalition no longer exists. Repeal of the work requirement opens the door to subsequent changes to the Medicaid Expansion Program based solely on changes in the political climate in New Hampshire. Various providers who might be inclined to create programs expecting stability in reimbursement through Medicaid Expansion for five years might well decide to forego capital investments without that stability. Given the need to expand programs addressing behavioral health, discouraging capital investments in healthcare is very much not in the interest of the state of New Hampshire. If the work requirement successfully allows 1% of participants (500) to lift themselves out of poverty, and those participants lose their eligibility for Medicaid Expansion due to their increased income, the minority believes that would validate the efficacy of the work requirement. For these reasons, the minority recommends this bill be found Inexpedient to Legislate.

Original: House Clerk

Cc: Committee Bill File

# Voting Sheets





STATE OF NEW HAMPSHIRE  
OFFICE OF THE HOUSE CLERK



1/22/2021 10:06:45 AM  
Roll Call Committee Registers  
Report

2021 SESSION

Health, Human Services and Elderly Affairs

Bill #: HB 185-FN Motion: OTP AM #: \_\_\_\_\_ Exec Session Date: 2/8/2021

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Pearson, Mark A. Chairman		10	
Marsh, William M. Vice Chairman		1	
McMahon, Charles E.		2	
Nelson, Bill G.		3	
Acton, Dennis F.	1		
Gay, Betty I.		4	
Cushman, Leah P.		5	
Folsom, Beth A. Clerk		6	
Kelsey, Niki		7	
King, Bill C.		8	
Kofalt, Jim		9	
Weber, Lucy M.	2		
MacKay, James R.	3		
Snow, Kendall A.	4		
Knirk, Jerry L.	5		
Salloway, Jeffrey C.	6		
Cannon, Gerri D.	7		
Nutter-Upham, Frances E.	8		
Schapiro, Joe	9		
Woods, Gary L.	10		

STATE OF NEW HAMPSHIRE  
OFFICE OF THE HOUSE CLERK



1/22/2021 10:06:45 AM  
Roll Call Committee Registers  
Report

2021 SESSION

Health, Human Services and Elderly Affairs

Bill #:	HB 185-FN	Motion:	OTP	AM #:		Exec Session Date:	2/8/2021	
Merchant, Gary						11		
<b>TOTAL VOTE:</b>						11	10	0

# Hearing Minutes

HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

PUBLIC HEARING on Bill # HB 185-FN

**BILL TITLE:** An Act removing the work requirement of the New Hampshire granite advantage health care program.

**DATE:** 2/2/2021

**ROOM:** 206/8

**Time Public Hearing Called to Order:** 1:20 pm

**Time Adjourned:** 1:31 pm

**Committee Members Present:**

**Remote from home:**

**Reps. M. Pearson, Marsh, McMahan, Nelson, Acton, Gay, Cushman, Folsom, Kelsey, King, Kofalt, Weber, MacKay, Snow, Knirk, Salloway, Cannon, Nutter-Upham, Schapiro, Woods, Merchant**

**TESTIMONY**

\* Use asterisk if written testimony and/or amendments are submitted.

**Representative Shapiro**

- 25 hours was the highest requirement of all the states.
- AR & NH requirements ruled unlawful by DC Court of Appeals
- AR - 18K in lost benefits
- NH - still unable to roll out program
- Oral arguments to the Supreme Court Mar 29, 2021

**Henry Lipman DHHS**

Possible cost savings to NH if this bill passed before the Supreme Court appearance

**Dawn McKinney, Legal Assistance**

Healthcare not job training

Respectfully submitted,

Rep. Beth Folsom, Clerk

## House Remote Testify

### Health, Human Services and Elderly Affairs Committee Testify List for Bill HB185 on 2021-02-02

Support: 75 Oppose: 7 Neutral: 1 Total to Testify: 3

<u>Name</u>	<u>Email Address</u>	<u>Phone</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Signed Up</u>
Lipman, Henry	henry.lipman@dhhs.nh.gov	2719200	State Agency Staff	DHHS	Neutral	Yes (5m)	2/1/2021 9:11 AM
McKinney, Dawn	dmckinney@nhla.org	603.686.9929	A Lobbyist	NH Legal Assistance	Support	Yes (2m)	2/1/2021 3:14 PM
Schapiro, Joe	joe.schapiro@leg.state.nh.us	603.852.5039	An Elected Official	Cheshire 16, Keene	Support	Yes (0m)	1/28/2021 6:36 PM
Pinto, Josie	josie@nhyouthmovement.org	413.461.5766	A Lobbyist	New Hampshire Youth Movement	Support	No	1/29/2021 11:23 AM
Fordey, Nicole	nikkif610@gmail.com	516.318.2296	A Member of the Public	Myself	Support	No	1/29/2021 6:22 PM
Wazir, Safiya	s.wazir@leg.state.nh.us	603.333.0594	An Elected Official	My Constituent	Support	No	1/29/2021 7:10 PM
Grossi, Anne	adgrossi7982@gmail.com	603.674.1181	A Member of the Public	Myself	Support	No	1/29/2021 9:57 PM
Doherty, David	ddoherty0845@gmail.com	603.485.2788	A Member of the Public	Myself	Support	No	1/30/2021 10:33 AM
Till, Mary	justdidit18@yahoo.com	603.203.1961	A Member of the Public	Myself	Oppose	No	1/30/2021 11:19 AM
Rosenwald, Cindy	cindy.rosenwald@leg.state.nh.us	603.566.0586	An Elected Official	SD 13	Support	No	1/30/2021 12:02 PM
Bouchard, Donald	donalddbouchard@gmail.com	603.622.0388	An Elected Official	Myself	Support	No	1/30/2021 12:53 PM
Summerfield, Tobin	tobysummerfield@yahoo.com	603.795.9408	A Member of the Public	Myself	Support	No	1/30/2021 1:33 PM
Hamer, Heidi	heidi.hamer@state.leg.nh.us	603.625.4895	An Elected Official	Myself	Support	No	1/31/2021 1:20 PM
Chase, Wendy	wendy.chase@leg.state.nh.us	603.319.7259	An Elected Official	Myself	Support	No	1/31/2021 2:29 PM
Telerski, Laura	Laura.Telerski@Leg.State.NH.US	603.320.3957	An Elected Official	Hillsborough 35	Support	No	1/31/2021 3:03 PM
Campbell, Alexander	ac83090@gmail.com	603.305.6237	A Member of the Public	Myself	Support	No	1/31/2021 3:37 PM
Stagnone, Leah	leahstagnone@gmail.com	603.809.2665	A Member of the Public	Myself	Support	No	1/31/2021 5:18 PM
Van Dusen, Danielle	lilaeden@gmail.com	603.969.2267	A Member of the Public	Myself	Support	No	1/31/2021 7:14 PM
Garen, June	jzanesgaren@gmail.com	603.393.8134	A Member of the Public	Myself	Support	No	1/31/2021 8:22 PM
Damon, Claudia	cordsdamon@gmail.com	603.226.4561	A Member of the Public	Myself	Support	No	1/31/2021 8:30 PM
McWilliams, Rebecca	rebecca.mcwilliams@leg.state.nh.us	603.227.6494	An Elected Official	Merrimack 27	Support	No	1/31/2021 8:46 PM
Kinney, Rev. Dr. Gail	gailhrdi@aol.com	603.632.4538	A Member of the Public	Myself	Support	No	1/31/2021 9:25 PM
Stevens, Holly	hstevens@new-futures.org	603.255.9540	A Lobbyist	New Futures	Support	No	1/31/2021 10:33 PM
Spencer, Louise	kentstusa@aol.com	603.491.1795	A Member of the Public	Myself	Support	No	1/31/2021 10:44 PM
Podlipny, Ann	apodlipny57@comcast.net	603.370.1914	A Member of the Public	Myself	Support	No	2/1/2021 6:22 AM
QUISUMBING-KING, Cora	coraq@comcast.net	603.343.4347	A Member of the Public	Myself	Oppose	No	2/1/2021 10:58 AM
Dejoie, John	jdejoie@karnrbluestrategies.com	603.682.8531	A Lobbyist	National Association of Social	Support	No	2/1/2021 7:33 AM

				Workers - NH Chapter			
Casino, Joanne	joannecasino@comcast.net	603.746.3491	A Member of the Public	Myself	Oppose	No	2/1/2021 7:49 AM
Hayes, Randy	rcompostr@gmail.com	7839262	A Member of the Public	Myself	Support	No	2/1/2021 7:52 AM
Spielman, Kathy	jspielman@comcast.net	603.397.7879	A Member of the Public	Myself	Support	No	2/1/2021 8:00 AM
Spielman, James	jspielman@comcast.net	603.868.1626	A Member of the Public	Myself	Support	No	2/1/2021 8:01 AM
McKevitt, Susan	mcwil@tds.net	603.938.2401	A Member of the Public	Myself	Support	No	2/1/2021 8:03 AM
Bushueff, Catherine	agawamdesigns@gmail.com	603.763.2266	A Member of the Public	Myself	Support	No	2/1/2021 8:06 AM
Dresser, Sarah	dresser.sarah@gmail.com	603.643.0395	A Member of the Public	Myself	Support	No	2/1/2021 8:21 AM
Corell, Elizabeth	Elizabeth.j.corell@gmail.com	603.545.9091	A Member of the Public	Myself	Support	No	2/1/2021 8:33 AM
Montgomery, Kayla	kayla.montgomery@ppnne.org	603.674.8372	A Lobbyist	Planned Parenthood NHAF	Support	No	2/1/2021 8:38 AM
Longman, Petra	petra.longman@gmail.com	830.329.3746	A Member of the Public	Myself	Support	No	2/1/2021 8:43 AM
Cannon, Gerri	gerri.cannon@gmail.com	603.841.5410	An Elected Official	Myself	Oppose	No	2/1/2021 8:52 AM
Hinebauch, Mel	melhinebauch@gmail.com	603.224.4866	A Member of the Public	Myself	Support	No	2/1/2021 3:40 PM
Hampton, Doris	dandmhamp38@gmail.com	603.783.4418	A Member of the Public	Myself	Support	No	2/1/2021 3:59 PM
Folsom, Andrea	aahfolsom@gmail.com	603.746.1189	A Member of the Public	Myself	Support	No	2/1/2021 4:25 PM
Ragen-Coffman, Debra	debrarcoffman@gmail.com	603.717.6256	A Member of the Public	Myself	Support	No	2/1/2021 5:18 PM
Dewey, Karen	pkdewey@comcast.net	603.504.2813	A Member of the Public	Myself	Support	No	2/1/2021 7:53 PM
Vigneau, Kristen	tjvkmv@gmail.com	603.591.2127	A Member of the Public	Myself	Support	No	2/1/2021 7:54 PM
Pierog, Jake	pierogjake@gmail.com	603.361.2711	A Member of the Public	Myself	Oppose	No	2/1/2021 8:10 PM
Stoddard, Kristine	kstoddard@bistatepca.org	480.794.0523	A Lobbyist	Bi-State Primary Care Association	Support	No	2/1/2021 9:10 PM
Rathbun, Eric	ericrathbun@gmail.com	860.912.3751	A Member of the Public	Myself	Support	No	2/1/2021 10:31 PM
Platt, Elizabeth-Anne	lizanneplatt09@gmail.com	603.715.8191	A Member of the Public	Myself	Support	No	2/2/2021 7:07 AM
Rettew, Annie	abrettew@gmail.com	603.651.7000	A Member of the Public	Myself	Support	No	2/2/2021 8:10 AM
Ellermann, Maureen	ellermann@aol.com	603.545.5878	A Member of the Public	Myself	Support	No	2/2/2021 8:18 AM
Staub, Kathy	kstaub@comcast.net	603.624.0249	A Member of the Public	Myself	Support	No	2/2/2021 8:41 AM
Fay, Maura	maurafay@gmail.com	603.289.9742	A Member of the Public	Myself	Support	No	2/2/2021 9:10 AM
Sylvia, Mike	mike.sylvia@leg.state.nh.us	603.707.8594	An Elected Official	Belknap 6	Oppose	No	2/2/2021 9:17 AM
Horrigan, NH State Rep. Timothy	timothy.horrigan@leg.state.nh.us	603.969.3823	An Elected Official	Strafford 6	Support	No	2/2/2021 9:49 AM
Marino, Elizabeth	bethmarino@comcast.net	603.657.4779	A Member of the Public	Myself	Support	No	2/2/2021 9:55 AM
Brennan, Nancy	burningnan14@gmail.com	5291969	A Member of the Public	Myself	Support	No	2/2/2021 10:06 AM
Cohen, Leah	leah.cohen11@tufts.edu	650.863.7443	A Member of the Public	Myself	Support	No	2/2/2021 10:17 AM
Glynn, Nancy	imastar711@gmail.com	603.552.7441	A Member of the Public	Myself	Support	No	2/2/2021 10:20 AM
Stockwell, Heather	heather@radnh.org	603.762.5718	A Lobbyist	Rights & Democracy NH	Support	No	2/2/2021 1:28 PM
Donahue, Nancy	Nancyd114@roadrunner.com	603.536.1270	A Member of the Public	Myself	Support	No	2/2/2021 10:38 AM
Garber, Marcia	mag1022rn@comcast.net	603.218.3611	A Member of the Public	Myself	Support	No	2/2/2021 10:56 AM
Rollo, Michael	mike.rollo@cancer.org	603.661.8974	A Lobbyist	American Cancer Society Cancer	Support	No	2/2/2021 11:13 AM

				Action Network			
Lane, Connie	connie.lane@leg.state.nh.us	603.491.7379	An Elected Official	Merrimack	Support	No	2/2/2021 11:27 AM
Lewis, Elizabeth	ecop.lewis@comcast.net	603.557.0652	A Member of the Public	Myself	Support	No	2/2/2021 11:56 AM
Brackett, JB	jbrackett@naminh.org	603.325.3160	A Member of the Public	NAMI New Hampshire	Support	No	2/2/2021 12:31 PM
Booras, Hon. Efstathia	ebooras@gmail.com	603.930.3220	An Elected Official	Constituents	Support	No	2/2/2021 12:57 PM
Blake, Karen	kblake4213@gmail.com	603.348.8830	A Member of the Public	Myself	Support	No	2/2/2021 1:03 PM
Hurley, John	jrhurjd@aol.com	603.287.8913	A Member of the Public	Myself	Support	No	2/2/2021 5:14 PM
Hennessey, Martha	Martha.hennessey@gmail.com	603.643.8640	A Member of the Public	Myself	Support	No	2/2/2021 8:08 PM
Guggisberg, Karen	optimist246@gmail.com	603.756.0998	A Member of the Public	Myself	Support	No	2/3/2021 9:48 AM
Nichols, Statia	hewittstat@comcast.net	603.540.1872	A Member of the Public	Myself	Support	No	2/1/2021 9:19 AM
Gould, Rep. Linda	lgouldr@myfairpoint.net	603.472.3877	An Elected Official	Myself	Oppose	No	2/1/2021 9:28 AM
Smiley, Julie	smilesjusa@yahoo.com	508.918.6353	A Member of the Public	Myself	Support	No	2/1/2021 10:35 AM
Dubois, Jillian	jillianadubois@gmail.com	603.724.4047	A Member of the Public	Myself	Support	No	2/1/2021 10:41 AM
QUISUMBING-KING, MariaSocorro	coraq@comcast.net	603.343.4347	A Member of the Public	Myself	Support	No	2/1/2021 11:05 AM
King, Walter	genedocwk@gmail.com	603.978.9775	A Member of the Public	Myself	Support	No	2/1/2021 11:42 AM
Mower, Robin	melodyofharpists@gmail.com	603.659.2716	A Member of the Public	Myself	Support	No	2/1/2021 12:00 PM
Anderson, Keryn	kerynlanderson@gmail.com	603.731.6425	A Member of the Public	Myself	Support	No	2/1/2021 12:54 PM
Lucas, Janet	janluca1953@gmail.com	603.726.7614	A Member of the Public	Myself	Support	No	2/1/2021 1:58 PM
Straiton, Marie	M.straiton@comcast.net	603.496.2717	A Member of the Public	Myself	Support	No	2/1/2021 1:59 PM
Cahill, Kathy	kathyhigginscahill@gmail.com	603.731.3246	A Member of the Public	Myself	Support	No	2/1/2021 2:16 PM
Frost, Sherry	sherry.frost@leg.state.nh.us	978.255.3924	An Elected Official	Myself	Support	No	2/1/2021 2:30 PM
Carter, Lilian	lcarter0914@gmail.com	603.560.7047	A Member of the Public	Myself	Support	No	2/1/2021 3:14 PM



# Testimony

**Archived:** Wednesday, March 17, 2021 3:37:56 PM  
**From:** Dawn McKinney  
**Sent:** Wednesday, February 3, 2021 10:47:32 AM  
**To:** ~House Health Human Services and Elderly Affairs  
**Subject:** Testimony re: HB 185  
**Importance:** Normal

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Dear Committee Members,

Thank you for hearing my testimony regarding HB 185. NH Legal Assistance strongly supports HB 185 to remove the work requirement from Granite Advantage. NH Legal Assistance has consistently opposed the Medicaid work requirement because it is contrary to federal law. Medicaid is a health care program, not a work program. People need health care to stay healthy so they can work, not the other way around. In fact, 2/3 of those on Granite Advantage are in working households.

That is why our organization fought this in federal court. If the work requirement wasn't halted in August 2019, nearly 17,000 NH residents would have lost health coverage. This is despite the significant efforts on the part of NH DHHS to inform people and the \$4 million spent by the state to implement the program.

While this was prior to COVID, the pandemic reminds us of how important health care is not just to individuals and families, but to the public health of our communities. Likewise, the resulting economic fallout, is a reminder of how uncertain work is for those who rely on Medicaid for a safety net. We urge the NH legislature to pass this bill, removing the work requirement to provide Granite Staters peace of mind.

I'd also like to follow-up on two questions that came up during the hearing. Regarding timing, the US Supreme Court will hear the case March 29<sup>th</sup>, but a decision is not likely until June. Regarding the impact on NH's Medicaid waiver, it's important to note that NH would still have an approved waiver if the Circuit Court decision is overturned. However, Mr. Lipman was correct that the state can't eliminate Medicaid coverage during the Public Health Emergency, if it wants to receive the enhanced federal matching rate for Medicaid.

Finally, I'd like to share two items that may be helpful to your decision making. This is data from DHHS regarding outreach and the number of Granite Staters who would have been impacted: <https://www.dhhs.nh.gov/medicaid/granite/documents/ga-ce-report-062019.pdf> and here is the GAO report that Representative Schapiro referenced regarding the administrative costs of implementing the requirement: <https://www.gao.gov/assets/710/701885.pdf>

I'm happy to answer any additional questions the committee may have.

Thank you,  
Dawn

Dawn McKinney  
Policy Director  
NH Legal Assistance  
Cell: 686.9929

Rep Joe Schapiro  
Cheshire 16, Keene  
HHSEA Committee  
603-852-5039  
joe.schapiro@leg.state.nh.us

## HB 185-FN

Thank you Mr. Chairman. I come before you today to introduce HB 185-FN, a bill that will repeal the work/community engagement requirement for the Granite Advantage Health Care Plan, more frequently known as Expanded Medicaid. While the work requirement has yet to be implemented, it should be noted that it remains in statute and efforts to make it a reality continue to be pursued in the courts.

The work requirement first came to be when a compromise was reached in 2017. Expanded Medicaid would be renewed for an additional 5 years and a program to ready recipients for work and discourage long-term reliance on state benefits would be embedded in the law. Requiring 25 hours of work and/or community engagement made it the most extensive requirement in the country. I fully understand that this was a good faith bargain made by Democrats and Republicans, allowing both sides to fulfill their priorities. In the intervening years, however, the landscape has changed dramatically and the work requirement is no longer viable. Therefore, it is time to repeal that segment of the law.

Since being signed into law the following have occurred:

- Arkansas put a similar program with less required hours into effect in 2018 causing some 18,000 beneficiaries to lose their benefits.
- In 2019 NH attempted to roll out its program, but had to call a halt to its efforts when it was unable to enroll 20,000 of the 50,000 recipients subject to the requirement.
- According to US Government Accountability Office that effort at implementation failed in spite of expenditures of 4.4 million dollars, \$187,000 in state funds and the rest in federal monies
- A federal court ruled that the Arkansas program was not lawful.

- In July, 2019 the US District Court for the District of Columbia ruled that the NH program was invalid, saying that “providing medical care to the needy is Medicaid’s core objective” and that the federal waiver failed “to adequately consider the (work) requirements’ effects on Medicaid coverage.” In other words, Medicaid is designed to provide health care; not job readiness or character building
- In response to an appeal, the DC Circuit Court of Appeals ruled once again in February 2020 that the US HHS lacked authority to approve the Arkansas program.
- Since the Arkansas and NH programs are essentially the same, NH joined with Arkansas and the Trump administration to appeal to the US Supreme Court. Two months ago the Supreme Court agreed to hear the case, and presumably a hearing will occur this spring.

If an effective work requirement was ever practical, it is clear that Covid 19 has now created many new obstacles. Having people lose their insurance during a pandemic is unwise and ethically questionable and requiring more people to engage in work and/or volunteering will serve to heighten the current public health crisis

It is time to repeal the Granite Advantage Health Care Program work requirement. This was a program, conceived in good faith by Democrats and Republicans with different philosophical points of view, which has proved to be unworkable practically, legally, and now from a public health standpoint as well. At this point repealing this segment of RSA 126-AA will merely align our state statute with the federal reality.

February 2, 2021

The Honorable Mark Pearson, Chair  
House Health, Human Services and Elderly Affairs  
Legislative Office Building Room 205  
Concord, NH 03301

Re: New Futures' support for HB 185-FN

Dear Chair Pearson and Members of the Committee:

New Futures appreciates the opportunity to testify in support of HB 185-FN, which would repeal the Medicaid expansion program's work requirement. New Futures is a nonpartisan, nonprofit organization that advocates, educates and collaborates to improve the health and wellness of all New Hampshire residents. In this role, we work extensively with policy makers, health care providers and families to increase access to quality, affordable health care throughout the Granite State.

First and foremost, New Futures believes strongly that work requirements are contrary to the purpose of the Medicaid program, which is to provide health coverage for low-income individuals. It has been shown that many people lose Medicaid coverage due to the increased burden of complying with a work requirement and its reporting obligation, as has been the case in Arkansas.

All one has to do is look to the Temporary Aid for Needy Families (TANF) program to see that work requirements do not assist people in getting out of poverty. An evaluation of the mandatory work requirement in TANF showed that any initial increases in employment faded over time. It also showed that enrollees work regardless of whether they are required to do so, which suggests that a work requirement has little impact on increasing employment over the long-term. Additionally, many TANF recipients work in low-wage jobs and remain in poverty even though they are working. There are also barriers to employment that the TANF program (and Medicaid work requirement) does not address, such as physical and mental health conditions, substance use disorders, low educational attainment, limited work experience, criminal histories, domestic violence, and others. The TANF program has funds for barrier reduction, which Medicaid expansion does not. Therefore, the work requirement in the Medicaid expansion program will have greater negative consequences than the TANF program has seen.<sup>1</sup>

Generally, people who are eligible for Medicaid work in industries where employment and available working hours are not consistent or stable. The two industries that employ the most Medicaid beneficiaries are food services and construction. Other industries that employ many Medicaid beneficiaries are grocery stores, department stores, discount stores, home health, and childcare services. These industries are known for their unwillingness to allow for full-time hours. Many businesses require employees to be "on-call" to come in if needed but provide their employees with less than 25 hours of work per week, thus preventing these individuals from obtaining a second job to meet the hourly requirement. Additionally, these industries are known for their frequent job loss. Per the Center on Budget and Policy Priorities, about twenty-five percent of low-wage workers would fail to meet an 80-hour work requirement in at least one month. Since the

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<sup>1</sup> Medicaid Enrollees and Work Requirements: Lessons from the TANF Experience, Kaiser Family Foundation Issue Brief, August 2017, MaryBeth Musumeci and Julia Zur

analysis only looked at the 80-hour work requirement, it is unknown what percentage would fail to meet the harsher standard of 100 hours per month here in New Hampshire.<sup>2</sup>

Losing coverage or having interruptions in coverage will also lead to worse health outcomes for these individuals. Low-income people have higher rates of serious health conditions than higher-wage earners. A study of working Medicaid expansion enrollees in Michigan found that more than half had a serious physical health condition such as a heart disease, asthma, or diabetes. Also, twenty-five percent had a mental health condition. When working Medicaid expansion enrollees lose coverage or have coverage suspended, they are at risk of losing their jobs completely due to falling ill and missing time at work. This causes a vicious cycle of loss of coverage leading to job loss, leading to an inability to regain coverage due to being unable to meet the hourly requirement.<sup>3</sup>

Not only will the work requirement be detrimental to the adults who are eligible for the program, but it will have negative impacts on their children. It has been shown that children's health coverage increases when their parents have coverage themselves. If adults either don't apply for Medicaid expansion due to the burdensome work requirement or are terminated due to an inability to comply with the work requirement, their children will be less likely to have health insurance. Documentation and reporting requirements in and of themselves are a barrier that reduces enrollment in Medicaid. Therefore, even if adults are currently meeting the work and community engagement requirement, they still may elect not to apply for coverage due to the paperwork barrier.

New Hampshire should not expect different outcomes than Arkansas had when it implemented a less harsh work requirement. Tens of thousands of people lost coverage, and not because they were failing to meet the work requirement; but because they had difficulty with the administrative burden of reporting their hours or applying for an exemption. Many more beneficiaries lost coverage than were subject to the requirement in the first place.

In sum, work requirements do not assist people in getting out of poverty, they lead to lower health insurance coverage rates for children, and worse health outcomes for the adults. Individuals and families should not lose coverage simply because of administrative burdens. For these reasons, New Futures urges the Committee vote Ought to Pass on HB 185-FN.

Please don't hesitate to contact me if you have any questions.

Respectfully submitted,



Holly A. Stevens, Esq.  
Health Policy Coordinator

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<sup>2</sup> Taking Away Medicaid for Not Meeting Work Requirements Harms Low-wage Workers, Center on Budget and Policy Priorities, Updated November 2018.

<sup>3</sup> Ibid.

Rep Joe Schapiro  
Cheshire 16, Keene  
HHSEA Committee  
603-852-5039  
joe.schapiro@leg.state.nh.us

## HB 185-FN

Thank you Mr. Chairman. I come before you today to introduce HB 185-FN, a bill that will repeal the work/community engagement requirement for the Granite Advantage Health Care Plan, more frequently known as Expanded Medicaid. While the work requirement has yet to be implemented, it should be noted that it remains in statute and efforts to make it a reality continue to be pursued in the courts.

The work requirement first came to be when a compromise was reached in 2017. Expanded Medicaid would be renewed for an additional 5 years and a program to ready recipients for work and discourage long-term reliance on state benefits would be embedded in the law. Requiring 25 hours of work and/or community engagement made it the most extensive requirement in the country. I fully understand that this was a good faith bargain made by Democrats and Republicans, allowing both sides to fulfill their priorities. In the intervening years, however, the landscape has changed dramatically and the work requirement is no longer viable. Therefore, it is time to repeal that segment of the law.

Since being signed into law the following have occurred:

- Arkansas put a similar program with less required hours into effect in 2018 causing some 18,000 beneficiaries to lose their benefits.
- In 2019 NH attempted to roll out its program, but had to call a halt to its efforts when it was unable to enroll 20,000 of the 50,000 recipients subject to the requirement.
- According to US Government Accountability Office that effort at implementation failed in spite of expenditures of 4.4 million dollars, \$187,000 in state funds and the rest in federal monies
- A federal court ruled that the Arkansas program was not lawful.
- In July, 2019 the US District Court for the District of Columbia ruled that the NH program was invalid, saying that “providing medical care to the needy is Medicaid’s core objective” and that the federal waiver failed “to adequately consider the (work) requirements’ effects on Medicaid coverage.” In other words, Medicaid is designed to provide health care; not job readiness or character building
- In response to an appeal, the DC Circuit Court of Appeals ruled once again in February 2020 that the US HHS lacked authority to approve the Arkansas program.

- Since the Arkansas and NH programs are essentially the same, NH joined with Arkansas and the Trump administration to appeal to the US Supreme Court. Two months ago the Supreme Court agreed to hear the case, and presumably a hearing will occur this spring.

If an effective work requirement was ever practical, it is clear that Covid 19 has now created many new obstacles. Having people lose their insurance during a pandemic is unwise and ethically questionable and requiring more people to engage in work and/or volunteering will serve to heighten the current public health crisis

It is time to repeal the Granite Advantage Health Care Program work requirement. This was a program, conceived in good faith by Democrats and Republicans with different philosophical points of view, which has proved to be unworkable practically, legally, and now from a public health standpoint as well. At this point repealing this segment of RSA 126-AA will merely align our state statute with the federal reality.



Bill as  
Introduced

HB 185-FN - AS INTRODUCED

2021 SESSION

21-0203

08/10

HOUSE BILL            ***185-FN***

AN ACT                removing the work requirement of the New Hampshire granite advantage health care program.

SPONSORS:            Rep. Schapiro, Ches. 16; Rep. Salloway, Straf. 5; Rep. Knirk, Carr. 3; Rep. Schultz, Merr. 18; Rep. McWilliams, Merr. 27; Sen. Rosenwald, Dist 13

COMMITTEE:          Health, Human Services and Elderly Affairs

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ANALYSIS

This bill removes the work and community engagement requirements of the New Hampshire granite advantage health care program.

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Explanation:          Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears ~~[in brackets and struckthrough.]~~  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty One*

AN ACT removing the work requirement of the New Hampshire granite advantage health care program.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 1 Repeal. The following are repealed:

2 I. RSA 126-AA:2, I(h), relative to savings generated as a result of individuals disenrolled in  
3 the New Hampshire granite advantage health care program for failing to meet the work  
4 requirements.

5 II. RSA 126-AA:2, III-IV, relative to the work and community engagement requirements  
6 under the New Hampshire granite advantage health care program.

7 III. RSA 126-AA:4, II(a)(9), relative to a certain duty of the commission to evaluate the  
8 effectiveness and future of the New Hampshire granite advantage health care program.

9 IV. RSA 126-AA:4, II(d), relative to making a certain recommendation relative to the work  
10 and community engagement requirement.

11 2 Effective Date. This act shall take effect upon its passage.

LBA  
21-0203  
12/16/20

**HB 185-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT removing the work requirement of the New Hampshire granite advantage health care program.

**FISCAL IMPACT:**     State             County             Local             None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
<b>Appropriation</b>	\$0	\$0	\$0	\$0
<b>Revenue</b>	\$0	\$0	\$0	\$0
<b>Expenditures</b>	Indeterminable	Indeterminable	Indeterminable	Indeterminable
<b>Funding Source:</b>	<input type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Revenues deposited into the NH Granite Advantage Health Care Trust Fund			

**METHODOLOGY:**

This bill removes the work and community engagement requirements from the New Hampshire Granite Advantage Health Care Program established in RSA 126-AA. The Department of Health and Human Services states that the bill's fiscal impact is indeterminable, as the Department is currently prohibited from implementing the existing requirement due to a legal order issued by the U.S. District Court for the District of Columbia on July 29, 2019.

**AGENCIES CONTACTED:**

Department of Health and Human Services