

Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing section 24 with the following:

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3 24 County Reimbursement of Funds; Limitations on Payments. Amend RSA 167:18-a to read  
4 as follows:

5 167:18-a County Reimbursement of Funds; Limitations on Payments.

6 I. These expenditures shall in the first instance be made by the state, but each county shall  
7 make monthly payments to the state for the amounts due under this section within 45 days from  
8 notice thereof.

9 (a) Counties shall reimburse the state for expenditures for recipients for whom such  
10 county is liable who are eligible for nursing home care and are receiving services from a licensed  
11 nursing home, or in another New Hampshire setting as an alternative to a licensed nursing home  
12 placement and are supported under the Medicaid home and community-based care waiver for the  
13 elderly and chronically ill, as such waiver may be amended from time to time, to the extent of 100  
14 percent of the non-federal share of such expenditures. ***If at any point the Federal Medical  
15 Assistance Percentage increases, the counties' portion of the non-federal share shall be  
16 reduced by the amount of the increased federal percentage, if allowable under federal law  
17 and subject to any conditions on the funding.*** Expenditures shall not include payments made  
18 for skilled care.

19 (b) Counties shall not be liable for Medicaid recipients in state institutions, the Crotched  
20 Mountain Rehabilitation Center, and intermediate care facilities (ICF) approved by the department  
21 of health and human services and servicing developmentally impaired persons.

22 II.(a) The total billings to all counties made pursuant to this section shall not exceed the  
23 amounts set forth below for state fiscal years ~~[2020-2021]~~ **2022-2023**:

24 (1) State fiscal year ~~[2020]~~ **2022**, [~~\$123,372,750~~] **\$129,362,411**.

25 (2) State fiscal year ~~[2021]~~ **2023**, [~~\$126,923,933~~] **\$131,849,659**.

26 (b) The caps on total billings for fiscal years after fiscal year 2015 shall be established by  
27 the legislature at least on a biennial basis.

28 III.(a) ***The cap in total billings shall not exceed an annual increase of 2 percent in  
29 any year of the biennium.***

30 (b) The counties shall have an aggregate credit of \$5,000,000 against amounts due  
31 under this section for each fiscal year beginning July 1, 2008. The credit shall be allocated as  
32 follows:

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1 (1) For fiscal year 2009, \$4,000,000 shall be allocated among the counties based upon  
2 the proportion each paid for such expenditures in the prior fiscal year, and \$1,000,000 shall be  
3 allocated among the counties based upon their relative proportions of residents age 65 or older who  
4 are Medicaid recipients.

5 (2) For fiscal year 2010, \$2,000,000 shall be allocated among the counties based upon  
6 the proportion each paid for such expenditures in the prior fiscal year, and \$3,000,000 shall be  
7 allocated among the counties based upon their relative proportions of residents age 65 or older who  
8 are Medicaid recipients.

9 (3) For fiscal year 2011 and for each fiscal year thereafter, \$5,000,000 shall be  
10 allocated among the counties based upon their relative proportions of residents age 65 or older who  
11 are Medicaid recipients.

12 (4) *For fiscal year 2021, in addition to the \$5,000,000 allocated pursuant to*  
13 *subparagraph III(b)(3), a credit of \$9,721,305 shall be allocated among the counties based*  
14 *upon their relative proportions of residents aged 65 years of age or older who are Medicaid*  
15 *recipients.*

16 [~~(b)~~] (c) The credit shall be made available as soon as possible after the start of the fiscal  
17 year. The department shall adopt county credit criteria in consultation with the county-state finance  
18 commission and in accordance with the provisions of RSA 541-A. The total aggregate obligation of  
19 the counties shall be reduced by the amount of the credit in each fiscal year.

20 **IV. Budgeted general funds shall be applied to the funding of Medicaid long-term**  
21 **services and supports after the allocation of the credit and prior to any county funds.**

22 **V.** Notwithstanding the procedures of paragraphs I-III of this section, no county shall be  
23 liable for total billings in fiscal year 2009 or fiscal year 2010 in an amount which would be greater  
24 than the amount of liability projected for that fiscal year using the methodology for determining  
25 county payments in former RSA 167:18-a, 167:18-b, and 167:18-f prior to its repeal together with the  
26 amount of liability projected for that fiscal year using the repealed methodology for determining  
27 county payments in RSA 169-B, 169-C, and 169-D.

28 [~~V.~~] **VI.**(a) Any shortfall between the state audited Medicaid allowances incurred by the  
29 state's county operated nursing homes and amounts otherwise reimbursed by federal 50 percent  
30 Medicaid matching funds or other income, shall be certified as a public expenditure and be eligible  
31 for additional federal funding match.

32 (b) The department of health and human services shall seek federal Medicaid assistance  
33 match for any state audited county nursing home Medicaid expense which is not fully reimbursed  
34 through rates. Any revenue realized through such a match shall be paid to the nursing homes which  
35 incurred the unreimbursed expense.