

NEW HAMPSHIRE DRAFTING AND PROCEDURE MANUAL

APPENDIX II-L

STATEMENT FOR REPEAL OF EMERGENCY RULE

Doc. #13155, (eff 1-7-21 @ 9:43 a.m.)

Document Number 13118

Rule Number He-W 504.02(b)

<p>1. Agency Name &amp; Address:  <b>Dept. of Health and Human Services</b>  <b>Division of Medicaid Services</b>  <b>129 Pleasant Street, Brown Bldg.</b>  <b>Concord, NH 03301</b></p> <p>4. Effective Date of the Repeal: <u>January 7, 2021</u></p>	<p>2. RSA Authority: <u>RSA 167:3-c, XII</u></p> <p>3. Federal Authority: _____</p>
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5. Short Title: **Emergency Rule Amendment Related to MEAD Disability Determinations**

6. Contact person to answer questions about the repeal:

Name:	<b>Allyson Zinno</b>	Title:	<b>Administrative Rules Coordinator</b>
Address:	<b>Dept. of Health and Human Services</b> <b>Administrative Rules Unit</b> <b>129 Pleasant Street, Brown Bldg.</b> <b>Concord, NH 03301</b>	Phone #:	<b>(603) 271-9604</b>

7. An explanation of why the emergency rule is being repealed.

**On October 19, 2020, the Department of Health and Human Services (Department) filed an emergency rule, (Document #13118, effective October 19, 2020), amending He-W 504.02(b) in order to come into compliance with a federal requirement and to prevent the imminent peril to the public health or safety for individuals applying for Medicaid for Employed Adults with Disabilities (MEAD) and avoid the incorrect denial of benefits.**

**However, after further review of the emergency rule it was determined that the emergency rule, as filed, overcorrected the outstanding issue and as a result, may allow individuals to be approved for MEAD for any number of chronic, but not disabling, health conditions. To be eligible for MEAD, individuals must be severely disabled, with an impairment that is expected to result in death or which has lasted or which can be expected to last for a continuous period of at least 48 months.**

**The Department is repealing this emergency rule to minimize the fiscal harm it may cause to the state as a result of allowing ineligible individuals to be approved for MEAD. This repeal will be followed by the Department filing a new emergency rule to address the compliance with a federal requirement that will prevent imminent peril to the public health or safety for individuals applying for MEAD.**

**\*\*PLEASE SUBMIT 2 COPIES OF THIS STATEMENT** to the Office of Legislative Services, Administrative Rules.

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**\*\*PLEASE SIGN THE FOLLOWING:**

I, the adopting authority,\* hereby certify that this is an accurate statement explaining why an emergency rule is being repealed.

Date: 1/6/2021  
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Signature: *Lori Shibinette*

Name: Lori A. Shibinette

Title: Commissioner

Date: 1-6-2021

Signature: *Lori Weaver*

Name: Lori A. Weaver

Title: Deputy Commissioner

(\*("Adopting authority" is the official empowered by statute to adopt the rule, or a member of the group of individuals empowered by statute to adopt the rule.)