

SB 407-FN - AS AMENDED BY THE HOUSE

02/24/2022 0801s
21Apr2022... 1591h
4May2022... 1926h

2022 SESSION

22-3089
05/04

SENATE BILL **407-FN**

AN ACT relative to expanding Medicaid to include certain postpartum health care services and making an appropriation therefor and relative to exemptions from vaccine mandates.

SPONSORS: Sen. Prentiss, Dist 5; Sen. Bradley, Dist 3; Sen. Rosenwald, Dist 13; Sen. Perkins Kwoka, Dist 21; Sen. Whitley, Dist 15; Sen. Hennessey, Dist 1; Sen. Watters, Dist 4; Sen. Kahn, Dist 10; Rep. M. Murray, Hills. 22; Sen. Cavanaugh, Dist 16; Sen. Sherman, Dist 24; Sen. Gannon, Dist 23; Sen. D'Allesandro, Dist 20; Sen. Soucy, Dist 18; Rep. Nordgren, Graf. 12

COMMITTEE: Health and Human Services

AMENDED ANALYSIS

This bill directs the department of health and human services to submit a state plan amendment to temporarily expand postpartum coverage under Medicaid, establishes a quarterly reporting requirement, and makes an appropriation to the department for the purpose of funding the postpartum health care services for a 12 month period. The program expansion is repealed March 31, 2027.

The bill also requires public employers, private employers, and postsecondary education institutions that receive public funds to accept an employee or student's request for exemption from a vaccination or other inoculation procedure on medical, religious, or right of conscience grounds.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to expanding Medicaid to include certain postpartum health care services and making an appropriation therefor and relative to exemptions from vaccine mandates.

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

1 1 Title. This act shall be known and may be cited as the "Healthy Moms, Healthy Babies Act of
2 2022".

3 2 New Paragraph; Medicaid Enhancement for Children and Pregnant Women. Amend RSA
4 167:68 by inserting after paragraph III the following new paragraph:

5 IV.(a) Pursuant to the state option under the American Rescue Plan Act of 2021 to expand
6 maternity care under Medicaid and section 1902(e)(16) of the Social Security Act (42 U.S.C. section
7 1396a(e)), the commissioner of the department of health and human services shall submit, no later
8 than August 15, 2022, a Medicaid state plan amendment to the federal Centers for Medicare and
9 Medicaid Services to establish and implement 12 months of continuous coverage for the entire
10 postpartum period. This benefit shall be available to anyone who received medical assistance under
11 the state plan for all pregnancy-related and postpartum medical assistance available under the state
12 plan.

13 (b) The purpose of the program shall be, through ensuring continuous coverage for a 12-
14 month postpartum period, to increase identification and mitigation of preventable pregnancy related
15 and pregnancy associated morbidity and mortality, including those related to substance use disorder
16 and mental illness.

17 (c) The medical assistance provided for a pregnant or postpartum woman under this
18 section shall, consistent with Section 1902(e)(16) include all items and services covered under the
19 state plan that are not less in amount, duration, or scope, or are determined by the Secretary to be
20 substantially equivalent, to the medical assistance available for an individual described in
21 subsection (a)(10)(A)(i); and be provided for the individual while pregnant and during the 12-month
22 period that begins on the last day of the individual's pregnancy and ends on the last day of the
23 month in which such 12-month period ends.

24 (d) On January 1, 2023, the commissioner shall begin submitting quarterly reports to
25 the oversight committee on health and human services, the legislative committees with jurisdiction
26 over health and human services, and the governor regarding the department's progress in obtaining
27 and implementing the state plan amendment. The quarterly reports shall include the department's
28 plans for reducing administrative burdens for enrollees and the department's efforts to expand

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1 access and participation to voluntary, evidence-based maternal home visiting programs, pursuant to
2 subparagraph (a). Reports submitted under this paragraph shall also be posted on the department's
3 website.

4 (e) The department shall include in its biennial request for appropriations under RSA
5 9:4, not less than \$200,000 for each fiscal year, for the purpose of providing the postpartum health
6 care services required under this paragraph.

7 3 Appropriation. The sum of \$200,000 for the biennium ending June 30, 2023 is hereby
8 appropriated to the department of health and human services for the purpose of expanding
9 postpartum health care services under the state Medicaid plan as provided in section 2 of this act.
10 The governor shall determine if any discretionary funds appropriated in the American Rescue Plan
11 Act of 2021, Public Law 117-2, or any other federal funds, can be used for this purpose, and the
12 commissioner shall expend such federal funds for this purpose. Any remainder shall be appropriated
13 from the general fund. The governor is authorized to draw a warrant for the general fund portion of
14 such sum from any money in the treasury not otherwise appropriated.

15 4 Prospective Repeal. RSA 167:68, IV, relative to Medicaid coverage of postpartum health care
16 services for a 12-month period, is repealed.

17 5 Legislative Findings. The general court finds that:

18 I. It is the longstanding public policy of New Hampshire to protect the rights of its citizens
19 to live free; and

20 II. The state of New Hampshire has affirmed in statute the natural, essential, and inherent
21 right to individual bodily integrity. Therefore, citizens shall have the right to choose what, if any,
22 substances are injected into their bodies, including without limitation, any mandated vaccine.

23 6 New Subdivision; Labor; Protective Legislation; Exemption from Vaccination Mandates.
24 Amend RSA 275 by inserting after section 77 the following new subdivision:

Exemption from Vaccination Mandates

26 275:78 Exemption from Vaccination Mandates; Public and Private Employers.

27 I. Any public or private employer that receives public funds from the federal or state
28 government or any subdivision thereof, whether such funds are in the form of payment for
29 contractual services, grants, or in any other form however denominated, and irrespective of the
30 amount or level of such funding, and mandates any vaccine, inoculation, or immunization procedure,
31 shall offer an employee the opportunity to submit a request for a medical, religious, or right of
32 conscience exemption.

33 II. An employee's written request for exemption shall simply state: "I, (employee name),
34 hereby submit a request for a medical, religious, or right of conscience exemption from the mandated
35 vaccination or inoculation. [employee signature and date]". Such request for exemption shall be
36 granted. The employer may then work with the employee to see if an agreement for a reasonable
37 accommodation can be reached.

SB 407-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to expanding Medicaid to include certain postpartum health care services and making an appropriation therefor.

FISCAL IMPACT: ☒ State ☐ County ☐ Local ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
Appropriation	\$200,000	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	Indeterminable	\$200,000 - \$1,000,000 state general funds; indeterminable matching federal funds	\$200,000 - \$1,000,000 state general funds; indeterminable matching federal funds	\$200,000 - \$1,000,000 state general funds; indeterminable matching federal funds
Funding Source:	<input checked="" type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Federal matching funds			

METHODOLOGY:

This bill requires the Department of Health and Human Services to submit a state plan amendment expanding postpartum coverage under Medicaid. The Department notes that currently, the state provides Medicaid coverage to pregnant women with incomes up to 196 percent of the federal poverty level (FPL) for 60 days postpartum, which would be extended to 12 months under the bill. In addition, the Granite Advantage Program currently covers individuals with incomes up to 138 percent of the FPL. Accordingly, the Department states the bill will effectively provide 10 months' worth of postpartum coverage for those between 138 percent and 196 percent of the FPL. As of December 2021, the Department was awaiting guidance from the federal Centers for Medicare and Medicaid Services (CMS) regarding the availability of an enhanced Federal Medical Assistance Percentage (FMAP) for these services. Depending on the FMAP available and the number of individuals eligible for the extended coverage, the Department estimates an annual increase in state general fund expenditures of \$200,000 to \$1,000,000 per year.

This bill contains an appropriation of \$200,000 in FY 2022. If federal funds are available under the American Rescue Plan Act of 2021 (ARPA), those shall be used first, with state general funds used for the remainder.

AGENCIES CONTACTED:

Department of Health and Human Services