

13975, (eff 5-23-24)

Adopt He-W 845 to read as follows:

PART He-W 845 CONTINUOUS ELIGIBILITY FOR PREGNANT WOMEN, CHILDREN, AND DEEMED NEWBORNS

He-W 845.01 12 Month Postpartum Coverage.

- (a) All pregnant women who are receiving medical assistance shall:
- (1) Remain eligible for medical assistance through the duration of the pregnancy and the 12 month postpartum period pursuant to RSA 167:68, IV(a); and
 - (2) Not be required to complete a redetermination until the end of the postpartum period.
- (b) Eligibility for medical assistance shall remain in effect regardless of the individual's change in circumstance except when the following occurs:
- (1) The individual requests voluntary termination;
 - (2) The individual has moved out of New Hampshire;
 - (3) The department determines that eligibility was determined incorrectly at the most recent determination of eligibility because of an error made by the department;
 - (4) The department determines fraud, abuse, or perjury attributed to the individual; or
 - (5) The individual dies.
- (c) Medical assistance shall terminate on the last day of the month in which the 12 month postpartum period ends, if no longer eligible for any other medicaid category, in accordance with 42 CFR 435.916(f).

He-W 845.02 12 Month Continuous Eligibility for Children Under Age 19.

- (a) All children under age 19 receiving medical assistance shall:
- (1) Remain eligible for medical assistance, beginning on the effective date of the individual's eligibility, pursuant to He-W 880, through the end of the 12 month continuous eligibility period; and
 - (2) Not be required to complete a redetermination until the end of the 12 month continued eligibility period as described in 42 CFR 435.926(c).
- (b) Eligibility for medical assistance for children under age 19 shall remain in effect regardless of any change in circumstance, except when the following occurs:
- (1) The child turns age 19;
 - (2) The child moves out of New Hampshire;
 - (3) The child or child's representative requests a voluntary termination of eligibility;
 - (4) The department determines that eligibility was determined incorrectly at the recent determination of eligibility because of an error made by the department;

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- (5) The department determines fraud, abuse, or perjury attributed to the individual; or
- (6) The child dies.

(c) Eligibility for medical assistance for children under age 19 shall terminate on the last day of the month in which the 12 month continuous eligibility ends, if no longer eligible for any other medicaid category, in accordance with 42 CFR 435.916(f).

He-W 845.03 12 Month Continuous Eligibility for Deemed Newborns.

(a) Pursuant to 42 CFR 435.117(b)(1), the agency shall provide Medicaid to children from birth until the child's first birthday, without application, if the child's mother was eligible for and received covered services at the time of birth, under the medicaid state plan in New Hampshire.

(b) Eligibility for medical assistance for deemed newborns shall remain in effect regardless of changes in circumstances until the child's first birthday, except when the following occurs:

- (1) The child moves out of New Hampshire;
- (2) The child or the child's representative requests a voluntary termination of eligibility; or
- (3) The child dies.

(c) Redetermination of medical assistance shall not be required until the end of the 12 month period, and no more frequently than once every 12 months, as described in 42 CFR 435.916(a)(1).

(d) Eligibility for medical assistance shall terminate on the last day of the month in which the newborn 12 month continuous eligibility ends, if no longer eligible for any other medicaid category, in accordance with 42 CFR 435.916(f).

APPENDIX

Rule	Specific State or Federal Statute or Regulations the Rule Implements
He-W 845.01	42 USC 1396a (l)(1)(2)(A)(i); RSA 167:68; 42 CFR 435.916(f)
He-W 845.02	RSA 167:3-c, I; 42 CFR 435.915; 42 CFR 435.916(f); 42 CFR 435.926; Section 5112 of the CAA, 2023
He-W 845.03	RSA 167:3-c, I; 42 CFR 435.117(b)(1); 42 CFR 435.915; 42 CFR 435.916(a)(1); 42 CFR 435.916(f); 42 CFR 435.926(c); sections 1902(e)(4) and 2112(e) of the Social Security Act