



NEW HAMPSHIRE LEGAL ASSISTANCE

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RE: Draft Section 1115 Demonstration Amendment
New Hampshire Health Protection Program Premium Assistance
Project #11-W-00298/1

Dear Ms. Kstesich:

New Hampshire Legal Assistance (NHLA) submits the following comments regarding the Draft Section 1115 Demonstration Amendment (“Draft Amendment”) for the New Hampshire Health Protection Program Premium Assistance (NHHPP).¹

Waiver of Comparability

NHLA supports waiving comparability for medically frail NHHPP enrollees so they will be subject to the same cost-sharing obligations as other Medicaid managed care enrollees. A comparability waiver will promote access to healthcare services for medically frail people and increase administrative efficiency at the Department of Health and Human Services (“the Department”). We encourage you to approve this request.

Citizenship Verification

The Draft Amendment proposes a new citizenship verification requirement under which United States citizens would be required to verify citizenship with two forms of identification. (We do not interpret HB 1696 (2016), the bill reauthorizing the NHHPP, as prohibiting enrollment of non-citizens. Rather, we interpret it as purporting to create an additional verification requirement.)

The proposed citizenship verification requirement would erect an unreasonable barrier to eligibility determinations and redeterminations for NHHPP

¹ The absence of comment regarding a provision in the Draft Amendment does not necessarily reflect support for that provision. NHLA submits these comments without prejudice to the right of our law firm and/or our current or future clients to make any claims in any current or future litigation.

applicants and enrollees, requiring them to produce (and in many cases, obtain) paper documents. The requirement would create an enormous administrative burden for the Department, which would need to review, record, and store hundreds of thousands of documents. We do not believe the Department has sufficient staff to absorb this burden and predict the requirement would lead to delays in eligibility determinations and redetermination “churn.” NHLA is aware of no evidence that the Department’s current approach to citizenship verification, which utilizes a “crossmatch” with the “federal services data hub,” is unreliable. See Medical Assistance Manual 303.05, available at http://www.dhhs.nh.gov/mam_hm/newmam.htm.

Residency Verification

The Draft Amendment’s proposed residency verification requirement is similarly problematic. Requiring driver’s licenses or non-driver identification cards from all applicants and enrollees will inevitably result in the denial of applications or redeterminations for eligible people. Again, we are aware of no evidence suggesting that the Department has enrolled non-residents in the NHHPP.

Work Requirement

Under 42 U.S.C. § 1315(a), demonstration projects may be approved if they promote the objectives of the Medicaid program. The objective of the Medicaid program is to provide healthcare services. It is not an education, training, or employment program. Indeed, the proposed work requirement could stand in the way of Medicaid’s healthcare objectives; people forced to comply with it might have to forego needed healthcare services, particularly if they are only able to get low-wage jobs without paid sick time. Approval of the work requirement described in the Draft Amendment is impermissible, and we urge you to reject it as you have rejected similar requests in the past.

Please call me at (603) 978-3414 if you have any questions.

Very truly yours,



Sarah Mattson Dustin, Esq.
Policy Director