

RULEMAKING NOTICE FORM

Notice Number 2015-177

Rule Number He-W 502

1. Agency Name & Address:
**Dept. of Health & Human Services
Office of Medicaid Business and Policy
129 Pleasant Street
Concord, NH 03301**

2. RSA Authority: RSA 161:4-a, X
3. Federal Authority: 42 CFR 435.133,
42 CFR 435.322
4. Type of Action:
Adoption _____
Amendment _____
Repeal _____
Readoption _____
Readoption w/amendment X

5. Short Title: **Aid to the Needy Blind**

6. (a) Summary of what the rule says and of any proposed amendments:

He-W 502 Aid to the Needy Blind (ANB), provides financial and medical assistance to those recipients who meet eligibility requirements in accordance with He-W 600 and He-W 800, and who meet the definition of blindness as defined in Sections 216(i)(1) and 1614(a)(2) of the Social Security Act. ANB is mandated by 42 CFR 435.133 and 42 CFR 435.322.

This proposal is a readoption with amendment that makes minor changes and incorporates by reference a required application form. There are no changes to eligibility, and there is no expansion or reduction in services.

Most of the rule is scheduled to expire October 25, 2015, but is subject to extension pursuant to RSA 541-A:14-a.

6. (b) Brief description of the groups affected:

This rule affects all NH medicaid recipients who meet the definition of blindness.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

| <u>RULE</u> | <u>STATE OR FEDERAL STATUTE THE RULE IMPLEMENTS</u> |
|-------------|--|
| He-W 502.01 | Sections 216(i)(1) and 1614(a)(2) of the Social Security Act, 42 USC 416 and 42 USC 1382c; RSA 167:6, IV; 42 CFR 435.530 |
| He-W 502.02 | 42 CFR 435.133; 42 CFR 440.210; 42 CFR 440.220; 42 CFR 435.322 |
| He-W 502.03 | 42 CFR 435.531 |

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Michael Holt** Title: **Rules Coordinator**
Address: **Dept. of Health and Human Services** Phone #: **271-9234**
Administrative Rules Unit Fax#: **271-5590**
129 Pleasant St. E-mail: michael.holt@dhhs.state.nh.us
Concord, NH 03301

TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

The proposed rules may be viewed and downloaded at:
<http://www.dhhs.nh.gov/oos/aru/comment.htm>

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Monday, November 30, 2015**

Fax

E-mail

Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Thursday, November 19, 2015 at 3:30 p.m.**

Place: **DHHS Brown Bldg., Auditorium, 129 Pleasant St., Concord, NH**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 15:191 , dated 10/19/15

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

There is no difference in cost when comparing the proposed rules to the existing rules.

2. Cite the Federal mandate. Identify the impact of state funds:

The rule is federally mandated by 42 CFR 435.133 and 42 CFR 435.322.

3. Cost and benefits of the proposed rule(s):

A. To State general or State special funds:

None.

B. To State citizens and political subdivisions:

None.

C. To Independently owned businesses:

None.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

The proposed rule modifies an existing program or responsibility, but does not mandate any fees, duties or expenditures on the political subdivisions of the state, and therefore does not violate Part I, Article 28-a of the N.H. Constitution.

CHAPTER He-W 500 MEDICAL ASSISTANCE

PART He-W 502 AID TO THE NEEDY BLIND PROGRAM

Readopt with amendment He-W 502.01, effective 10/25/07 (Document #9011), as amended effective 7/1/12 (Document #10139), to read as follows:

He-W 502.01 Definitions.

(a) "Aid to the Needy Blind (ANB)" means a category of assistance for which eligibility is determined by the New Hampshire department of health and human services, in accordance with RSA 167:6, IV.

~~(b) "Blindness" means "blindness" as defined in Sections 216(i)(1) and 1614(a)(2) of the Social Security Act, 42 USC 416 and 42 USC 1382c.~~

~~(b)(c)~~ "Department" means the New Hampshire department of health and human services.

~~(e)(d)~~ "Medicaid" means the Title XIX and Title XXI programs administered by the department, which makes medical assistance available to eligible individuals.

~~(e)(e)~~ "Recipient" means any individual who is eligible for and receiving medical assistance under the medicaid program.

~~(e) "Statutory blindness" means "statutory blindness" as defined in Sections 216(i)(1) and 1614(a)(2) of the Social Security Act, 42 USC 416 and 42 USC 1382e.~~

(f) "Title XIX" means the joint federal-state program described in Title XIX of the Social Security Act and administered in New Hampshire by the department under the medicaid program.

(g) "Title XXI" means the joint federal-state program described in Title XXI of the Social Security Act and administered in New Hampshire by the department under the medicaid program.

Readopt with amendment He-W 502.02 and He-W 502.03, effective 10/25/07 (Document #9011), to read as follows:

He-W 502.02 Recipient Eligibility. ANB shall be available to recipients who:

(a) Meet the financial, categorical, technical, and other eligibility requirements, pursuant to He-W 600 and He-W 800, as applicable; and

(b) Meet the definition of ~~statutory~~-blindness in He-W 502.01~~(b)~~.

He-W 502.03 Blindness Evaluation.

(a) The recipient's optometrist or ophthalmologist shall complete, sign, and date Fform 901 "Report of Eye Examination" (April 2015) and submit the form to the department.

(b) The department shall review the information provided on Fform 901 in (a) above, to determine if the criteria in He-W 502.02 have been met.

APPENDIX B

| RULE | STATE OR FEDERAL STATUTE THE RULE IMPLEMENTS |
|-------------|--|
| He-W 502.01 | Sections 216(i)(1) and 1614(a)(2) of the Social Security Act, 42 USC 416 and 42 USC 1382c; RSA 167:6, IV; 42 CFR 435.530 |
| He-W 502.02 | 42 CFR 435.133; 42 CFR 440.210; 42 CFR 440.220; 42 CFR 435.322 |
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