

New Hampshire

I. Local Responsibility

Each town or city in New Hampshire is responsible for the care, relief, and maintenance of any person who is unable to support himself or herself, whether the person is a resident or nonresident.¹ The New Hampshire statutes refer to a person who is eligible to receive such general assistance as a “town or city assisted person.”² The town must adopt written guidelines for general assistance that include information regarding the application process, the eligibility criteria, and the process for appealing a decision.³ State law also requires that the city contract with a hospital regarding uncompensated hospitalization of an assisted person before the city reimburses the hospital for any care rendered.⁴

Although each town or city must care for any persons in that town who are unable to support themselves, the financial responsibility for the care of the “assisted person” lies with the town or city in which the person resides.⁵ This responsibility exists regardless of economic pressures the city may experience, and towns must continue to provide such services until the state legislature decides to change this policy.⁶

II. County Responsibility

County governments are responsible for certain classes of individuals: those receiving old age assistance, aid to the permanently and totally disabled, or nursing home care in an intermediate care facility.⁷ These individuals are classified as “county assisted persons,”⁸ and counties must reimburse the state for a pro rata share of any state expenditures for the cost of care for these persons.⁹ State law explicitly places responsibility for the care of “county assisted persons” on the county commissioners of each county.¹⁰

¹ N.H. REV. STAT. § 165:1 (I)

² N.H. REV. STAT. § 165:1-a

³ N.H. REV. STAT. § 165:1 (II)

⁴ N.H. REV. STAT. § 31:7

⁵ N.H. REV. STAT. § 165:2-a

⁶ *Hall v. County of Hillsborough* 122 NH 448, 445 A2d 1125 (1982)

⁷ N.H. REV. STAT. §§ 166:1, 166:10

⁸ N.H. REV. STAT. § 166:1

⁹ N.H. REV. STAT. § 166:1-a

¹⁰ N.H. REV. STAT. § 28:9

III. State Responsibility

New Hampshire's Department of Health and Human Services is responsible for working with other state health officials as well as county and local governments to create a state plan for providing medical assistance to those in need.¹¹

A. Medicaid Expansions tied to public assistance programs

The state has chosen to extend Medicaid coverage to certain categories of indigents who are eligible to participate in certain public assistance programs, including the elderly, the blind, persons eligible for aid to families with dependent children, and the disabled.¹² Eligibility for these programs depends on whether an individual lacks "sufficient income or other resources to provide a reasonable subsistence compatible with decency and health."¹³ Eligibility for these programs, as described below, renders an individual eligible for medical assistance as "categorically needy." Those who meet the categorical, age and technical requirements of these programs, but who are otherwise ineligible for the program may still be eligible for medical assistance as "medically needy" if the person's income and assets fall below the limits set by the medically needy program.¹⁴

1. The Elderly

Low-income New Hampshire residents over the age of sixty-five who either receive or are eligible to receive old age assistance from the state are eligible for medical assistance as "categorically needy."¹⁵

2. The Blind

Low-income New Hampshire residents who are blind or whose vision cannot be corrected to a level that allows the performance of ordinary activities for which eyesight is essential, are eligible for medical assistance as "categorically needy."¹⁶

3. Aid to Families with Dependent Children

New Hampshire children who have been deprived of parental support or care and who are residents of the state are eligible for medical assistance as "categorically needy."¹⁷

¹¹ N.H. REV. STAT. § 161:2 (VI)

¹² N.H. REV. STAT. § 167:6

¹³ N.H. REV. STAT. § 167:4

¹⁴ N.H. REV. STAT. § 167:6 (VII)

¹⁵ N.H. REV. STAT. §§ 167:6 (I, VII)

¹⁶ N.H. REV. STAT. §§ 167:6 (IV, VII)

¹⁷ N.H. REV. STAT. §§ 167:6 (V, VII)

4. The Disabled

New Hampshire residents between the ages of 18 and 64, inclusive, who are disabled as defined in the federal Social Security Act, Titles II and XVI, except that the minimum required duration is 48 months, are eligible for medical assistance as “categorically needy.”¹⁸

B. Medicaid Expansions for Children and Pregnant Women (The Children’s Health Plan)

In 1993, the New Hampshire legislature passed legislation that expands Medicaid coverage to children and pregnant women with family incomes below 185 percent of the federal poverty level.¹⁹ The law calls on the division of human services to adopt and implement rules that establish categorically needy coverage groups for this population.

The coverage extends to women during pregnancy and during the 60-days after childbirth, all infants and children under six years of age, and all children under 19 years who were born after September 30, 1983.²⁰

The legislation also attempts to simplify the application process by mandating medicaid-only application forms, and accepting applications at locations other than those used for Aid to Families with Dependent Children (Now TANF), including at the offices of the Medicaid provider. The law also attempts to expand use of the program by making Medicaid available immediately to pregnant women by use of a “presumptive eligibility period;” creating a public education campaign to encourage use of the program; and by sending health professionals out to visit families with newborns to encourage them to participate in the Early and Periodic, Screening, Diagnosis and Treatment Program.²¹

In 1995, the New Hampshire legislature decided to scale back the program by reducing the income eligibility level to 170 percent of the federal poverty level. This change will take effect on July 1, 1999.²²

C. Uncompensated Care Fund

The state legislature created this fund in 1991 to help shift costs of uncompensated care away from hospitals that provide such care to indigent patients.²³ Funding for this special program comes from the Medicaid Enhancement Tax, which taxes gross patient revenues in New Hampshire hospitals.²⁴

¹⁸ N.H. REV. STAT. §§ 167:6 (VI, VII)

¹⁹ N.H. REV. STAT. § 167:66 et. seq.

²⁰ N.H. REV. STAT. § 167:68

²¹ N.H. REV. STAT. § 167:68

²² N.H. REV. STAT. § 167:68

²³ N.H. REV. STAT. §§ 167:63 to 167:65

²⁴ N.H. REV. STAT. § 84-A

D. Mental Health

The Department of Health and Human Services oversees the state mental health services system.²⁵ According to state law, no severely mentally disabled person shall be denied mental health services from the state because of an inability to pay.²⁶ The treatment includes any available psychological, psychiatric, habilitative, rehabilitative, vocational and case management services which are necessary and appropriate in improving the patient's condition.²⁷

²⁵ N.H. REV. STAT. § 135-C:2

²⁶ N.H. REV. STAT. § 135-C:13

²⁷ N.H. REV. STAT. § 135-C:13