

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
JFK Federal Building, Government Center
Room 2275
Boston, Massachusetts 02203

CMS

CENTERS for MEDICARE & MEDICAID SERVICES

Division of Medicaid and Children's Health Operations / Boston Regional Office

October 23, 2008

Nicholas A. Toumpas, Commissioner
Department of Health and Human Services
129 Pleasant Street
Concord, New Hampshire 03301



Dear Mr. Toumpas:

We are pleased to enclose a copy of approved State plan amendment (SPA) No. 07-009 with an effective date of April 1, 2007, as requested. SPA 07-009 transmitted a proposed amendment to your Department's approved Title XIX State plan to provide for a Qualified State Long-Term Care (LTC) Insurance Partnership program and an exception to estate recovery provisions with respect to individuals who receive benefits under LTC insurance policies sold under the Partnership program.

Please note that we are approving this SPA as revised. In response to our request for additional information, you indicated that you would apply the less restrictive methodology of disregarding resources in the amount equal to the LTC insurance benefits paid to, or on behalf of, such individuals to the following Medicaid eligibility groups: (1) all mandatory categorically needy, including aged, blind, or disabled groups for which the State uses more restrictive policy under §1902(f) of the Social Security Act (the Act); and (2) individuals in institutions who are eligible under a special income level specified at §1902(a)(10)(A)(ii)(V) of the Act.

Should you have any questions or concerns, please contact Chong Tieng. He can be reached at (617) 565-9157.

Sincerely,



Richard R. McGreal
Associate Regional Administrator

Enclosure



**TRANSMITTAL AND NOTICE OF APPROVAL OF
STATE PLAN MATERIAL**

1. TRANSMITTAL NUMBER:
07-009

2. STATE
NH

FROM: HEALTH CARE FINANCING ADMINISTRATION

3. PROGRAM IDENTIFICATION: TITLE XIX OF THE
SOCIAL SECURITY ACT (MEDICAID)

TO: REGIONAL ADMINISTRATOR
HEALTH CARE FINANCING ADMINISTRATION
DEPARTMENT OF HEALTH AND HUMAN SERVICES

4. PROPOSED EFFECTIVE DATE
04/01/07

5. TYPE OF PLAN MATERIAL (Check One):

NEW STATE PLAN

AMENDMENT TO BE CONSIDERED AS NEW PLAN

AMENDMENT

COMPLETE BLOCKS 6 THRU 10 IF THIS IS AN AMENDMENT (Separate Transmittal for each amendment)

6. FEDERAL STATUTE/REGULATION CITATION:

7. FEDERAL BUDGET IMPACT:

- a. FFY we are unable to determine the amount of savings at
- b. FFY this time.

8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT:

9. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION
OR ATTACHMENT (If Applicable):

Page 53b and Supplement 8c to Attachment 2.6-A, pages 1 and 2

10. SUBJECT OF AMENDMENT:

STATE LONG-TERM CARE INSURANCE PARTNERSHIP

11. GOVERNOR'S REVIEW (Check One):

- GOVERNOR'S OFFICE REPORTED NO COMMENT
- COMMENTS OF GOVERNOR'S OFFICE ENCLOSED
- NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL

OTHER, AS SPECIFIED:
Comments, if any, will follow.

12. SIGNATURE OF STATE AGENCY OFFICIAL:

13. TYPED NAME:

John A. Stephen

14. TITLE:

Commissioner

15. DATE SUBMITTED:

16. RETURN TO:

Dawn I. Landry
Brown Building/ DHHS, Program Support
129 Pleasant Street
Concord, NH 03301

FOR REGIONAL OFFICE USE ONLY

17. DATE RECEIVED:

June 29, 2007

18. DATE APPROVED:

October 23, 2008

PLAN APPROVED - ONE COPY ATTACHED

19. EFFECTIVE DATE OF APPROVED MATERIAL:

April 1, 2007

20. SIGNATURE OF REGIONAL OFFICIAL:



21. TYPED NAME:

Richard R. McGreal

22. TITLE: Associate Regional Administrator

Division of Medicaid and Children's Health
Operations

23. REMARKS:

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State/Territory: New Hampshire

1917(b)(1)(C)

(4) X

If an individual covered under a long-term care insurance policy received benefits for which assets or resources were disregarded as provided for in Attachment 2.6-A, Supplement 8c (State Long-Term Care Insurance Partnership), the State does not seek adjustment or recovery from the individual's estate for the amount of assets or resources disregarded.

TN No. 07-009
Supersedes
TN No. _____

Approval Date 10/23/08

Effective Date 04/01/2007

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

STATE: NEW HAMPSHIRE

STATE LONG-TERM CARE INSURANCE PARTNERSHIP

1902(r)(2)
1917(b)(1)(C)

The following more liberal methodology applies to individuals who are eligible for medical assistance under one of the following eligibility:

- X All mandatory categorically needy, including aged, blind or disabled groups for which the state uses more restrictive policy under 1902(f);
- X Individuals in institutions who are eligible under a special income level: 1902(a)(10)(A)(ii)(V).

An individual who is a beneficiary under a long-term care insurance policy that meets the requirements of a “qualified State long-term care insurance partnership” policy (partnership policy) as set forth below, is given a resource disregard as described in this amendment. The amount of the disregard is equal to the amount of the insurance benefit payments made to or on behalf of the individual. The term “long-term care insurance policy” includes a certificate issued under a group insurance contract.

- X The State Medicaid Agency (Agency) stipulates that the following requirements will be satisfied in order for a long-term care policy to qualify for a disregard. Where appropriate, the Agency relies on attestations by the State Insurance Commissioner (Commissioner) or other State official charged with regulation and oversight of insurance policies sold in the state, regarding information within the expertise of the State’s Insurance Department.
 - The policy is a qualified long-term care insurance policy as defined in section 7702B(b) of the Internal Revenue Code of 1986.
 - The policy meets the requirements of the long-term care insurance model regulation and long-term care insurance model Act promulgated by the National Association of Insurance Commissioners (as adopted as of October 2000) as those requirements are set forth in section 1917(b)(5)(A) of the Social Security Act.

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

STATE: NEW HAMPSHIRE

STATE LONG-TERM CARE INSURANCE PARTNERSHIP

- The policy was issued no earlier than the effective date of this State plan amendment.
- The insured individual was a resident of a Partnership State when coverage first became effective under the policy. If the policy is later exchanged for a different long-term care policy, the individual was a resident of a Partnership State when coverage under the earliest policy became effective.
- The policy meets the inflation protection requirements set forth in section 1917(b)(1)(C)(iii)(IV) of the Social Security Act.
- The Commissioner requires the issuer of the policy to make regular reports to the Secretary that include notification regarding when benefits provided under the policy have been paid and the amount of such benefits paid, notification regarding when the policy otherwise terminates, and such other information as the Secretary determines may be appropriate to the administration of such partnerships.
- The State does not impose any requirement affecting the terms or benefits of a partnership policy that the state does not also impose on non-partnership policies.
- The State Insurance Department assures that any individual who sells a partnership policy receives training, and demonstrates evidence of an understanding of such policies and how they relate to other public and private coverage of long-term care.
- The agency provides information and technical assistance to the Insurance Department regarding the training described above.