

# Senate Health and Human Services Committee

*Cameron Lapine 271-2104*

**SB 242-FN**, relative to Medicaid direct certification.

**Hearing Date:** February 15, 2023

**Time Opened:** 10:59 a.m.

**Time Closed:** 11:16 a.m.

**Members of the Committee Present:** Senators Birdsell, Avard, Bradley, Whitley and Prentiss

**Members of the Committee Absent:** None

**Bill Analysis:** This bill directs the department of health and human services, and the department of education to participate in the Demonstration Projects for states to evaluate the impact of using medicaid eligibility data to directly certify students for free and reduced price school meals administered by the USDA.

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**Sponsors:**

Sen. Whitley

Sen. Watters

Sen. Perkins Kwoka

Sen. Fenton

Sen. Ricciardi

Rep. Wallner

Rep. Simpson

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**Who supports the bill:** In total, **82 individuals** signed in in support of SB 242-FN. The full sign in sheets are available upon request to the Legislative Aide, Cameron Lapine ([cameron.lapine@leg.state.nh.us](mailto:cameron.lapine@leg.state.nh.us)).

**Who opposes the bill:** In total, **2 individuals** signed in in opposition to SB 242-FN. The full sign in sheets are available upon request to the Legislative Aide, Cameron Lapine ([cameron.lapine@leg.state.nh.us](mailto:cameron.lapine@leg.state.nh.us)).

**Who is neutral on the bill:** In total, **1 individual** signed in as neutral on SB 242-FN. The full sign in sheets are available upon request to the Legislative Aide, Cameron Lapine ([cameron.lapine@leg.state.nh.us](mailto:cameron.lapine@leg.state.nh.us)).

**Summary of testimony presented in support:**

**Senator Becky Whitley**

**Senate District 15**

- Senator Whitley said the content of SB 242-FN was considered previously, although not as a stand-alone bill.
- Sen. Whitley said Medicaid Direct Certification provides automatic enrollment in the school meals program for children whose families already receive Medicaid services. She said this streamlines the process for families, as they would not need to fill out a separate application for the school meals program.

- Sen. Whitley said Medicaid Direct Certification is done through an electronic data matching process.
- Sen. Whitley said the State should help children are eligible for school meals to receive them.
- Sen. Whitley said SB 242-FN is also good for school meal administrators and municipalities.
- Sen. Whitley said there is a high rate of childhood hunger in New Hampshire, which increased during the COVID-19 pandemic and has not dropped since due to the increased costs of food and groceries.
- Sen. Whitley said New Hampshire is a small state with small communities and there is no reason children cannot have access to food. She said the idea of children going through the day without food is heartbreaking to her.
- Sen. Whitley said SB 242-FN directs the Department of Health and Human Services (DHHS) and the Department of Education (DOE) to participate in a federal demonstration project. She said it is important for New Hampshire to take advantage of the opportunity.
- Sen. Whitley said New Hampshire is 47<sup>th</sup> in the nation for school breakfasts. She said that is not a statistic to be proud of. She said Medicaid Direct Certification led to a 12% increase in children certified for meals in the states that have implemented it. She said in the seven years since Texas first implemented Medicaid Direct Certification, there has been a 48% increase.
- Sen. Whitley noted that SB 242-FN is a bipartisan bill.
- Sen. Whitley said there is not a completed fiscal note for SB 242-FN so the cost is unknown but she urged the Committee to think of it as a pilot program to figure out the costs and practicalities of getting children access to school meals.
- Sen. Whitley said ending childhood hunger should be a priority for the General Court.

### **Mike Apfelberg**

#### **United Way of Greater Nashua**

- Mr. Apfelberg said United Way of Greater Nashua partnered with the Nashua School District to provide 125,000 breakfasts and lunches to children in a low- or no-barrier way. He said there was a great need for the meals. He said nearly all school children eat lunch at school, and many also eat breakfast and a snack at school.
- Mr. Apfelberg said nutrition is vital to learn and concentrate. He said that that cannot be done over time on an empty stomach.
- Mr. Apfelberg said there has been a decline in enrollment for free and reduced school meal programs after the pandemic, because the barriers to entry during the pandemic were low or non-existent.
- Mr. Apfelberg said that allowing Medicaid qualification to carry over to school meals will increase participation in the program, which will provide a boost to health and educational outcomes.

### **Laura Milliken**

#### **Executive Director, NH Hunger Solutions**

- Ms. Milliken referenced her written testimony.
- Ms. Milliken said Medicaid Direct Certification reduces child food insecurity and larger costs to the system. She said it improves health and educational outcomes and serves as a more accurate way to measure the number of children in need of nutritional assistance.

- Ms. Milliken said the families did not need to fill out forms for school meal programs during the pandemic. She said that some families did not fill out the forms once the pandemic ended. Ms. Milliken said the forms are burdensome to schools and families.
- Ms. Milliken said some concerns had been raised about data privacy but DHHS and DOE already have a MOU in place to cover data sharing regarding children who receive supports through Supplemental Nutrition Assistance Program, Temporary Assistance for Needy Families, and homeless support programs, as well as children who take part in Head Start. She said there has never been a data breach.
- Sen. Whitley asked how many children would qualify for school meals programs through Medicaid Direct Certification.
  - Ms. Milliken said, pre-pandemic, they had run comparisons of Medicaid enrollment and school meals program enrollment and estimated a gap of 6,000 to 7,000 children. She said she assumed the number would be higher today.
- Sen. Whitley asked how much higher than 6,000 or 7,000 the number was. She asked if it was closer to 8,000 or 10,000 children.
  - Ms. Milliken deferred that question to DOE.
- Sen. Whitley asked how many children there were in New Hampshire. She said even 7,000 hungry children was startling.
  - Ms. Milliken agreed.

**Summary of testimony presented in opposition:** None.

#### **Neutral Information Presented:**

##### **Rob Berry and Deb Sorli**

##### **General Counsel, Division of Medicaid; Chief, Bureau of Family Assistance, DHHS**

- Mr. Berry said DHHS had engaged with the House of Representatives on HB 601-FN-L and heard significant privacy concerns. He said they developed an amendment that should address the House's concerns with an ability to opt-out of the data sharing.
- Senator Bradley said that when many Senators supported the policy of Medicaid Direct Certification in 2022, it was promoted as a pilot program. He said he has since been told that it would have a direct impact on education adequacy funding. He said the Committee needed to hear about that, as there is not a fiscal note available for SB 242-FN.
  - Mr. Berry said that an individual being able to opt-out would have an impact on funding. He said that there would be less funding available for a district because that data wouldn't be included in the information transfer. He said that was all DHHS could give at the time.
- Sen. Bradley asked DHHS to work with DOE on the fiscal impact as it would relate to adequacy funding. He said the Governor's Budget proposal included a large increase in the stipend for free and reduced lunches, which is a good and appropriate thing. He said he had heard that SB 242-FN would have an impact in the millions of dollars on education funding.
- Sen. Whitley said that adequacy funding is tied to how many children receive free and reduced lunch. She said that there is no control over that. She asked if children need support, and schools need support, and families are suffering, isn't it important to support them.
  - Mr. Berry said DHHS always supports more children being fed.

- Mr. Berry said that applications are not being taken by the federal government to join the demonstration project. He said the effective date of September 30, 2023 may be hard for DHHS to meet. He said they do not know when the applications will reopen for states.

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Date Hearing Report completed: February 17, 2023