

SB 242-FN - AS AMENDED BY THE SENATE

03/16/2023 0845s  
03/16/2023 0921s  
03/30/2023 1144s

2023 SESSION

23-1030  
09/08

SENATE BILL

***242-FN***

AN ACT relative to Medicaid direct certification.

SPONSORS: Sen. Whitley, Dist 15; Sen. Watters, Dist 4; Sen. Perkins Kwoka, Dist 21; Sen. Fenton, Dist 10; Sen. Ricciardi, Dist 9; Rep. Wallner, Merr. 19; Rep. Simpson, Rock. 33

COMMITTEE: Health and Human Services

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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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Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears ~~[in brackets and struckthrough.]~~  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Three*

AN ACT                    relative to Medicaid direct certification.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1            1 Findings. The general court hereby finds:

2            I. Childhood hunger has been increasing in New Hampshire since the pandemic, at a time  
3 when rising costs make it harder not only for families, but for local communities and nonprofits to  
4 respond adequately to rising needs.

5            II. Studies have shown that schoolchildren who receive nutritious meals are more likely to  
6 have higher achievement scores, have fewer disciplinary problems, are less likely to be absent or  
7 tardy to class and have better health outcomes.

8            III. School children who are considered low income or receive public assistance qualify for  
9 free or reduced-price school meals. The state department of education and the state department of  
10 health and human services maintain various databases to ascertain which schoolchildren are eligible  
11 for these programs.

12           IV. Research from other states shows that Medicaid direct certification increases the  
13 participation of low-income schoolchildren in free school meals and reduces administrative costs for  
14 schools. Research has also shown direct certification improves the integrity of the meal programs  
15 because it ensures that the children receiving the meals are truly needy.

16           V. The state department of education and the state department of health and human  
17 services have had a memorandum of understanding for 16 years to share direct certification data so  
18 that children on SNAP and TANF, and also children who are homeless, migrant, in foster care or  
19 enrolled in Head Start can be directly certified for free and reduced meals. These children are  
20 considered “categorically eligible” for free meals without submitting an application under Federal  
21 law.

22           VI. The state department of education and the state department of health and human  
23 services have maintained the privacy and confidentiality of directly certified children for the last 16  
24 years.

25           2 New Paragraphs; School Boards, Superintendents, Teachers; and Truant Officers; Food and  
26 Nutrition Programs. Amend RSA 189:11-a by inserting after paragraph VIII the following new  
27 paragraphs:

28           IX. The department of education shall seek participation in the Demonstration Projects for  
29 states to evaluate the impact of using Medicaid eligibility data to directly certify students for free

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**- Page 2 -**

1 and reduced price school meals administered by the United States Department of Agriculture  
2 (USDA). The department of health and human services shall assist the department of education as  
3 needed in pursuing and implementing Medicaid direct certification.

4 X. The department of education and department of health and human services shall submit  
5 an application for participation in the Demonstration Projects for states to evaluate the impact of  
6 using Medicaid eligibility data to directly certify students for free and reduced price school meals  
7 administered by the United States Department of Agriculture (USDA) no later than September 1,  
8 2023.

9 XI. Within 30 days of acceptance into the Demonstration Projects for states to evaluate the  
10 impact of using Medicaid eligibility data to directly certify students for free and reduced price school  
11 meals administered by the United States Department of Agriculture (USDA), the department of  
12 education and department of health and human services shall implement the program.

13 XII. School districts shall provide notice to parents of children who are identified as eligible  
14 for free or reduced meals through Medicaid Direct Certification that they can choose to opt out of the  
15 free and reduced school lunch program.

16 3 Appropriation. The sum of \$ 1 for the biennium ending June 30, 2025 is hereby appropriated  
17 to the department of education for the purpose of participating in the school meals Medicaid direct  
18 certification Demonstration Projects described in RSA 189:11-a. The governor shall determine if any  
19 discretionary funds appropriated in the American Rescue Plan Act of 2021, Public Law 117-2, or any  
20 other federal funds, can be used for this purpose, and the commissioner shall expend such federal  
21 funds for this purpose. Any remainder shall be appropriated from the general fund. The governor is  
22 authorized to draw a warrant for the general fund portion of such sum from any money in the  
23 treasury not otherwise appropriated. The department of health and human services may accept and  
24 expend matching federal funds without prior approval of the fiscal committee of the general court.

25 4 Effective Date. This act shall take effect upon its passage.

LBA  
23-1030  
1/11/23

**SB 242-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT                    relative to Medicaid direct certification.

**FISCAL IMPACT:**

Due to time constraints, the Office of Legislative Budget Assistant is unable to provide a fiscal note for this bill, **as introduced**, at this time. When completed, the fiscal note will be forwarded to the Senate Clerk's Office.

**AGENCIES CONTACTED:**

Department of Education and Department of Health and Human Services