

New Hampshire Low-Income Individuals Sue Trump HHS for Approval of State's Burdensome Medicaid Waiver Project

'Granite Advantage' Will Yank Health Care from the Most Underserved Communities

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Washington, D.C. – Low-income individuals in New Hampshire, represented by a group of health care advocates, sued the Trump administration challenging its approval of the State's "Granite Advantage" Section 1115 Medicaid waiver project that conditions Medicaid health coverage on work requirements, and cuts vital services like retroactive coverage. The [National Health Law Program](#), [New Hampshire Legal Assistance](#), and [National Center for Law and Economic Justice](#) are representing several New Hampshire Medicaid enrollees in the third legal challenge to a state Medicaid waiver plan that includes legally suspect changes to Medicaid coverage requirements. Legal challenges are underway in [Kentucky](#) and [Arkansas](#) over similar Medicaid waiver projects.

The National Health Law Program Legal Director [Jane Perkins](#) said the HHS Secretary has again taken authority he does not have.

"Congress has defined the scope of the secretary's power to waive portions of the Medicaid Act, and those waivers must further Medicaid's stated objective of furnishing medical assistance. We filed this case because the federal government ignored these limits in its effort to fundamentally transform Medicaid and 'explode' the Affordable Care Act's expansion of health coverage for medically necessary services that low-income adults need. This approval will not promote coverage, but it will result in significant coverage losses, and that is the administration's goal – to weaken the Medicaid program and cull people whom it deems unworthy from it," Perkins said.

National Health Law Program Staff Attorney [Sarah Grusin](#) added, "The New Hampshire work requirement stipulates that every month, individuals must complete 100 hours of work activities and report those hours to the government. This in no way furnishes health care coverage to individuals enrolled in Medicaid."

New Hampshire Legal Assistance Policy Director [Dawn McKinney](#) said the work requirements and cutting retroactive coverage will harm the most vulnerable individuals, families, and underserved communities in the state.

"We know from evidence in other states and numerous studies that adding these costly and ineffective requirements will ultimately cause substantial numbers of individuals to lose access to vital health care coverage," McKinney said. "In Arkansas where a work requirement is being phased in, 18,000 low-income individuals and families have already lost coverage. In Kentucky, it is estimated that 95,000 people will lose Medicaid coverage if the state's waiver plan takes effect in July."

McKinney continued, “New Hampshire’s unemployment rate is the lowest in the country. The vast majority of Medicaid recipients in New Hampshire live in working households. The people who have come to us for help navigating this new administrative maze are juggling multiple low-wage, service industry jobs. They are the people who keep the Granite State running. This new policy, which includes ending retroactive health coverage, adds more confusing and burdensome requirements for families struggling to make ends meet.”

National Center for Law and Economic Justice Senior Attorney [Travis England](#) said that “taking health care coverage away from people who are unable to meet work requirements, like New Hampshire’s plan here, will disproportionately harm low-income people living with chronic health conditions.”

“The plan’s approval by Trump’s HHS essentially will move medically necessary health services out of reach for many who have been able to access health care through New Hampshire’s Medicaid expansion,” England said. “Dismantling Medicaid may be the Trump administration’s goal, but it is not an argument for the legality of New Hampshire’s Medicaid waiver ‘experiment,’ which will lead to unnecessary losses in coverage.”

To speak with counsel for the New Hampshire plaintiffs please contact Jeremy Leaming, leaming@healthlaw.org, or Andy DiAntonio, diantonio@healthlaw.org, with the National Health Law Program; Sarah Palermo, spalermo@nhla.org with New Hampshire Legal Assistance; or Travis England, england@ncej.org with National Center for Law and Economic Justice.