
Granite State Report

INDEPENDENT NEW HAMPSHIRE JOURNALISM · NORTHFIELD, NH

September 16, 2026

Lori A. Weaver, Commissioner
New Hampshire Department of Health and Human Services
Attn: Right-to-Know Request
Brown Building, 129 Pleasant Street
Concord, NH 03301

cc: Henry D. Lipman, Medicaid Director

Re: Request for Governmental Records Pursuant to RSA 91-A — Granite Advantage work requirement implementation records

Dear Commissioner Weaver:

Pursuant to Part I, Article 8 of the New Hampshire Constitution and the New Hampshire Right-to-Know Law, RSA 91-A, I write on behalf of Granite State Report, an independent New Hampshire news organization, to request governmental records held by the New Hampshire Department of Health and Human Services concerning the department's implementation of the Medicaid community engagement and work requirements for the Granite Advantage Health Care Program under Public Law 119-21, Section 71119, RSA 126-AA:6, and Laws of 2025, 141:412, as amended by Laws of 2026, chapter 18.

RSA 91-A:4, I gives every citizen the right to inspect governmental records in the possession, custody, or control of a public body or agency and to copy them by any method. I make this request in that capacity, on the same footing as any other citizen.

RECORDS REQUESTED

I request the following existing records. Where a category is broader than necessary, I am glad to narrow it; RSA 91-A:4, IV(e) expressly permits the agency to suggest a reasonable modification of scope, and I will engage in good faith. I do not ask the agency to compile, cross-reference, or assemble information into any form in which it is not already kept, consistent with RSA 91-A:4, VII.

1. **Quarterly status reports.** Each report the department provided under Laws of 2025, 141:412, II, as amended by Laws of 2026, 18:2, to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, or the governor, from November 1, 2025, through the date of your search, with the letter or email that transmitted each report.
2. **Fiscal Committee submission.** The proposed plan to implement community engagement and work requirements that the department submitted to the fiscal committee of the general court under Laws of 2025, 141:412, I, as amended by Laws of 2026, 18:2, with its transmittal letter and any fiscal committee

item number. If no plan had been submitted as of the date of your search, I ask that your response say so.

3. **Verification plan.** The portions of the department's verification plan under 42 CFR 435.945(j) that document its policies and procedures for verifying compliance with the Medicaid community engagement requirement, including the identification of electronic data sources that 42 CFR 435.557 requires the plan to contain, in the version most recently submitted to or shared with the Centers for Medicare & Medicaid Services, with the correspondence that transmitted it.
4. **Caregiver-exemption procedures.** Final or issued policies, procedures, eligibility manual sections, staff guidance, notice templates and forms, dated from March 27, 2026, through the date of your search, that describe how the department will verify the exemption for parents, guardians, caretaker relatives and family caregivers of a dependent child age 13 or younger or of a disabled individual, including what information or documents the department will accept and how it will apply RSA 126-AA:6's bar on self-attestation where documentation is not reasonably available.
5. **CMS correspondence on exemption verification.** Letters and emails between the department and the Centers for Medicare & Medicaid Services, from March 27, 2026, through the date of your search, concerning how the department will verify exemptions from the community engagement requirement or apply RSA 126-AA:6's bar on self-attestation. A search limited to the Medicaid Director's office will satisfy this category.

FORM OF PRODUCTION

I request production in electronic form and delivery by email to granitestatereport@gmail.com. RSA 91-A:4, V permits an agency holding records in electronic format to copy them to electronic media in a standard or common file format in lieu of providing originals. If any responsive record exists only on paper, I will accept a scanned copy, or physical copies at actual reproduction cost under RSA 91-A:4, IV(d).

RSA 91-A:4, IV(d). No cost or fee may be charged for the inspection or delivery, without copying, of governmental records, whether in paper, electronic, or other form, except as provided in paragraph VIII. Where the agency uses its own equipment to make copies, it may charge the actual cost of providing the copy.

FEES AND WAIVER

If the agency intends to impose the per-electronic-communication charge authorized by RSA 91-A:4, VIII, I note the limits that paragraph places on it: the charge may not exceed \$1.00 per communication; no charge may be incurred for the first 250 electronic communications; attachments are part of a single communication; e-mails and responses under a single subject line are a single communication; and text or chat message threads on the same topic are a single communication unless they exceed 50 messages.

I request waiver of any such charge under RSA 91-A:4, IX. That paragraph directs that the agency *shall* waive the paragraph VIII charge where disclosure is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government. These records meet that standard because they show how the department will decide whether Granite Advantage members, including the 47,571 members the department identified as of July 1, 2026, keep their coverage, and how family caregivers can establish an exemption that state law bars them from self-attesting. The plan and the quarterly reports are the public's clearest view of those decisions before the requirement begins no later than January 1, 2027.

Granite State Report is a media requestor within the meaning of RSA 91-A:4, IX. It publishes information in an accepted digital format and to standards generally recognized by professional news organizations, and it does not serve primarily as a platform to promote the interest or opinions of a special interest group, government, individual, or cause. Paragraph IX excepts media requestors from the limitation concerning a requestor's commercial interest, so that limitation does not defeat this waiver.

RSA 91-A:4, IX — scope of the media requestor definition. Paragraph IX was added by House Bill 1002 (2024, ch. 49, effective August 13, 2024) and governs *waiver of the paragraph VIII charge only*. It confers no access right, no priority, and no exemption. Access under RSA 91-A:4, I runs to every citizen equally, and Granite State Report claims nothing more. There is no subparagraph RSA 91-A:4, VIII(d); paragraph VIII has no lettered subparagraphs.

Should the agency conclude that a charge is nonetheless warranted, RSA 91-A:4, VIII places the burden on the public body to establish that the cost is reasonable and requires a determination within 10 business days where a requestor challenges the cost or a denied paragraph IX waiver. I ask that no work generating a chargeable communication be undertaken before I have received and accepted an itemized estimate.

RESPONSE REQUIRED

Records immediately available should be made available on request under RSA 91-A:4, IV(a). Where a record is not immediately available, RSA 91-A:4, IV(b) requires that within **five business days** the agency do one of exactly three things: make the record available; deny the request; or provide a written statement of the time reasonably necessary to determine whether the request will be granted or denied, the reason for the delay, and an itemized estimate of any cost that would be incurred under paragraph VIII. An acknowledgment of receipt, or a note on the status of the search, is not one of the three.

If any record is withheld in whole or in part, RSA 91-A:4, IV(c) requires a written statement of the specific exemption authorizing the withholding and a brief explanation of how that exemption applies to the record withheld. Where a record is exempt only in part, I request production of the non-exempt portions with the exempt material redacted.

I am reachable at granitestatereport@gmail.com or (603) 931-9264 to discuss scope, timing, or format. Thank you for your attention to this request.

Respectfully,

Dexter Dow

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