

STATE OF NEW HAMPSHIRE
BY HIS EXCELLENCY
JOHN H. LYNCH, GOVERNOR

Executive Order 2006-5
Continuing Emergency Prescription Drug Relief
Renewal of Emergency Order

WHEREAS, the State of New Hampshire values the public health and welfare of its senior citizens who constitute dually eligible beneficiaries under the Medicare Modernization Act, Part D;

WHEREAS, the systems used by the federal government to process prescription benefits for dually eligible beneficiaries failed during implementation of the Medicare Modernization Act, Part D;

WHEREAS, on January 6, 2006, in immediate response to this failure, Governor John H. Lynch issued Executive Order 2006-1 to provide emergency relief to dually eligible beneficiaries under the Medicare Modernization Act, Part D, pending the enactment of remedial legislation;

WHEREAS, the New Hampshire General Court acted promptly to pass SB 393-FN-A during an emergency session to provide temporary financial assistance for dually eligible beneficiaries seeking to purchase prescription drugs until March 1, 2006;

WHEREAS, on March 1 and March 17, 2006, Governor Lynch issued Executive Order 2006-2 and 2006-4 to continue providing temporary financial assistance for dually eligible beneficiaries and to allow a sufficient opportunity for the General Court to enact additional remedial legislation;

WHEREAS, additional remedial legislation by the General Court is pending and has not yet been enacted;

WHEREAS, the systems used by the federal government to process prescription benefits for dually eligible beneficiaries continue to fail and have not been repaired adequately;

WHEREAS, many dually eligible beneficiaries in this State have relied on Executive Order 2006-1, 2006-2, 2006-4 and the emergency legislation in order to obtain medications that are necessary for their health, welfare and safety;

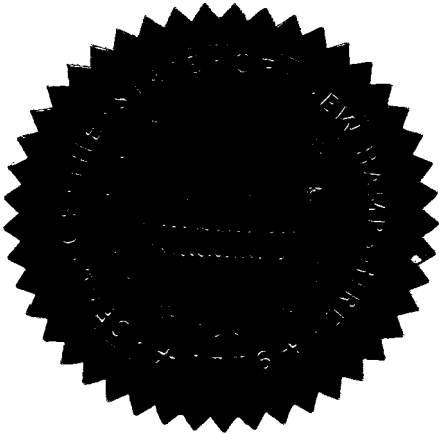
WHEREAS, any lapse in the provision of temporary, emergency relief to dually eligible beneficiaries will create a threat to the safety and welfare of the inhabitants of this state and requires a further invocation of Governor Lynch's emergency powers pursuant to RSA 4:45;

WHEREAS a renewal of the declaration of a state of emergency is necessary to prevent a lapse in the emergency relief to dually eligible beneficiaries;

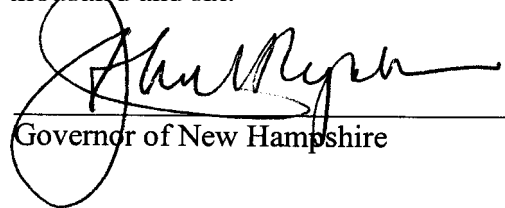
WHEREAS, this declaration of a state of emergency shall apply throughout the State of New Hampshire and shall be in duration for 21 days;

NOW, **THEREFORE, I, JOHN H. LYNCH, GOVERNOR OF THE STATE OF NEW HAMPSHIRE**, by the authority vested in me by part II, article 41 of the New Hampshire Constitution do hereby order the following:

1. That the commissioner of health and human services shall provide supplemental assistance with the purchase of drugs and other pharmaceutical services, which shall be available to persons who are eligible for benefits under both medicaid and medicare. The supplemental pharmacy assistance shall be designed to provide temporary aid during the period of transition to the new pharmacy benefit under Part D of the federal medicare program; and
2. That the commissioner, to the extent possible, shall seek reimbursement from the medicare preferred drug plans and from medicare, Medicaid or any other federal program for the expenditures incurred in the provision of the supplemental pharmacy assistance. The department of health and human services may seek reimbursement from persons receiving assistance for the costs of the pharmaceutical services to the extent they otherwise would have had to pay if provided benefit under medicare.



Given under my hand and seal at the Executive Chambers in Concord, this 7th day of April, in the year of our Lord, two thousand and six.


Governor of New Hampshire