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, over the course of the last several days, the systems used by the
federal government to process prescription benefits for dually eligible beneficiaries have
failed;

WHEREAS, pharmacies across the State of New Hampshire have been unable to
process the sales of covered prescription drugs to dually eligible beneficiaries;

WHEREAS, many dually eligible beneficiaries in this State have been unable to
obtain medications that are necessary for their health, welfare and safety;

WHEREAS, this circumstance has created a threat to the safety and welfare of the
inhabitants of this state that requires an invocation of Governor Lynch's emergency
powers pursuant to RSA 4:45;

WHEREAS, this declaration of a state of emergency shall apply throughout the
State of New Hampshire and shall be in duration for 10 days to allow a sufficient
opportunity for the General Court to enact remedial legislation;

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 6th day of January, in the year of our Lord, two thousand and six.

[Signature]
Governor of New Hampshire.