



**The State of New Hampshire**  
**Insurance Department**  
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**Roger A. Sevigny**  
Commissioner

**Alexander K. Feldvebel**  
Deputy Commissioner

**BULLETIN**  
**Docket No.: INS No. 07-055-AB**

**TO:** All New Hampshire Licensed Health Insurance Companies, Health Maintenance Organizations, Fraternal Benefit Societies and Third Party Administrators

**FROM:** Roger A. Sevigny  
Insurance Commissioner

**DATE:** June 12, 2007

**RE:** Eligibility Status for Issue and Renewal in the Small Group Market

This bulletin is intended to clarify the requirements regarding the determination of eligibility status for issue and renewal in the small group market. By law, individuals are not allowed to purchase group health insurance in New Hampshire or participate in the small group market. To purchase group health insurance, an individual must qualify as a New Hampshire small employer, which by statute, is defined as a business employing on average one to 50 employees, including owners and self-employed persons.

In writing and renewing small group coverage, a carrier must determine the eligibility status of the small employer group before either issuing or renewing a policy in the small group market. A carrier writing in New Hampshire's small group market shall apply the same eligibility criteria to determining eligibility for issue and renewal. To do this, the carrier must obtain sufficient supporting information at both issue and renewal to confirm that the small employer group continues to operate as a business in New Hampshire. Small group carriers that do not obtain sufficient documentation demonstrating that the entity insured is, in fact, a New Hampshire small business will be subject to enforcement under the Unauthorized Insurance Act. The law does not allow an individual to participate in the small group market. Therefore no carrier may renew a policy issued to a New Hampshire small employer group when that business has ceased to operate in New Hampshire or as a small employer.