



**The State of New Hampshire**  
**Insurance Department**  
21 South Fruit Street, Suite 14  
Concord, NH 03301

**Roger A. Sevigny**  
Commissioner

**Alexander K. Feldvebel**  
Deputy Commissioner

**BULLETIN**

**Docket Number INS No. 09-038-AB**

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

**FROM:** Roger A. Sevigny

A handwritten signature in black ink, appearing to read "RAS", is positioned above the "FROM:" line.

**DATE:** July 28, 2009

**RE:** Application of a Preexisting Condition Limitation

This bulletin is intended to address questions that have been raised regarding the application of a preexisting condition exclusion period to persons who lost coverage for a period of time exceeding 62 days due to unemployment. RSA 420-G:7, III (c) states as follows:

If a person did not have health coverage during a period of unemployment prior to the effective date of new employer-based group health coverage, the lack of health coverage during the period of unemployment shall be disregarded and, for the purposes of crediting coverage, coverage shall be considered to have been continuous from the date of termination of the person's health coverage immediately prior to the period of unemployment to the effective date of the new employer-based group health coverage.

This provision prohibits a carrier from applying a preexisting condition limitation period to a person who had a lapse of health coverage greater than 63 days, if the basis for the lapse of health coverage was due to unemployment.

The application of this provision is limited by its own terms to persons who remain unemployed during the entire period of time that coverage has lapsed. If a person obtained employment, but was not offered health coverage in connection with the employment, that person becomes subject to the general rule stated in RSA 420-G:7, III (a) that provides a period of otherwise creditable coverage shall not be counted if that person's health coverage lapsed for a period of 63 days or more. To verify a person's eligibility for counting creditable coverage when there has been a lapse of coverage exceeding 62 days, a carrier may request tax forms or other information from the member to confirm that the member has remained unemployed during the entire period of time that health coverage has lapsed.

Please contact Leslie Ludtke directly at [leslie.ludtke@ins.nh.gov](mailto:leslie.ludtke@ins.nh.gov) if you have any questions.