



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

**Roger A. Seigny**  
Commissioner

**Alexander K. Feldvebel**  
Deputy Commissioner

March 21, 2011

By Email via MLRAdjustments@hhs.gov

Gary Cohen  
Acting Director, Office of Oversight  
Department of Health and Human Services  
7500 Security Boulevard, Mail Stop C2-21-15  
Baltimore MD 21244-1850

RE: Request by State of New Hampshire  
for Medical Loss Ratio Standard Waiver  
Response to Application Complete Letter dated March 14, 2011

Dear Mr. Cohen:

Thank you for deeming NH's application complete. Your agency's timely decision will bring much needed clarity to all market participants. The Department has prepared the following in response to your request for additional information.

1. The Department does not have the capacity to provide the information requested. The Department would be able to provide HHS with annual statement data, or other data that it may have that is readily available, so that HHS can fashion its own estimates. At this time, the Department simply does not have the resources to expend on fashioning the same.

2. Page 3 of the attachment labeled "MLRReqInfoSupport" does in fact match the information labeled "MLRReqdInfo".

(a) The MLRs in the first workbook are consistent with the MLRs shown on row 20 of the second workbook, labeled "MLR (State Law)". As you know, the federal law uses a different formula for calculating the MLR from what New Hampshire, and most other States, use in their rate review process. In the very next row, row 21, of the second workbook, we estimated what the equivalent MLR calculation would be under the federal law.

(b) 45 CFR § 158.321 (d) requires information 'for each issuer who offers coverage'.

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The carriers in question do not currently offer coverage. The statistics shown are for closed blocks that are in run off mode.

3. The matter has been referred to the Department's Market Conduct Division and is pending a review for enforcement.

We look forward to your agency's decision.  
Sincerely,

David Sky  
Life, Accident and Health Actuary