



The State of New Hampshire Insurance Department

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Christopher R. Nicolopoulos
Commissioner

Alexander K. Feldvebel
Deputy Commissioner

In the Matter Of The Individual Health Insurance Market in New Hampshire

Docket: INS No. 20-009-AP

SUPPLEMENTAL ORDER

Factual Background:

On February 25, 2020, the Commissioner of the New Hampshire Insurance Department (the “Department”) issued an Order (the “Initial Order”) stating his findings of fact regarding the individual health insurance market in New Hampshire and ordering the New Hampshire Individual Health Plan Benefit Association, d/b/a New Hampshire Health Plan (“NH Health Plan”) to develop and submit to the Department for approval a plan of operation for a reinsurance risk mechanism pursuant to New Hampshire RSA 404-G:12, that contemplates an application by the State to the federal government for a Section 1332 State Innovation Waiver under the Affordable Care Act (the “1332 Waiver”).

Pursuant to the Initial Order, the NH Health Plan Board of Directors amended its existing plan of operations to establish a plan of operations for an individual health insurance market stabilization program known as the New Hampshire Reinsurance Program (the “Reinsurance Program”), which included a recommendation that the State apply for a 1332 Waiver (the “Reinsurance Program Plan of Operation”).

The Commissioner approved the Reinsurance Program Plan of Operation and on April 23, 2020, submitted an application on behalf of the State for the Section 1332 Waiver, (the “Waiver Application”). The Waiver Application named NH Health Plan as the Administrator of the Reinsurance Program.

The Waiver Application was approved by the U.S. Department of Health & Human Services and the U.S. Department of the Treasury (the “Departments”), subject to certain terms and conditions (the “Terms and Conditions”), on August 5, 2020.

The federal support of the Reinsurance Program under the 1332 Waiver will be issued in the form of a grant (“Federal Funding”). Pursuant to RSA 420-N:6-a, the NH Health Plan, created pursuant to RSA 404-G, shall be eligible to draw down federal pass through funding to support this mechanism. Hence, the Commissioner and the NH Health Plan have determined

that it will be most effective and efficient for the Federal Funding to be distributed directly to the NH Health Plan, as Administrator of the Reinsurance Program, and for the NH Health Plan to be subject to the Terms and Conditions.

In the process of preparing the Reinsurance Program Plan of Operations, the Waiver Application and the acceptance of the Federal Funding and the Terms and Conditions, it has been determined that the estimated reinsurance parameters and estimated premium savings should be published by the NH Health Plan on or before March 31 of the preceding year, and not by February 1, as contemplated by the Department's Initial Order.

Directives Pursuant to this Order:

1. In its role as the Administrator of the Reinsurance Program, the NH Health Plan shall take all actions necessary to qualify as the direct recipient of, and to accept and receive, the Federal Funding; provided that the NH Health Plan will not be required to take any action that will require it to expend its own funds or incur liability beyond the expenditures and obligations contemplated by the Reinsurance Program Plan of Operation, as amended pursuant to this Supplemental Order and as it may be amended from time to time with the approval of the Commissioner.

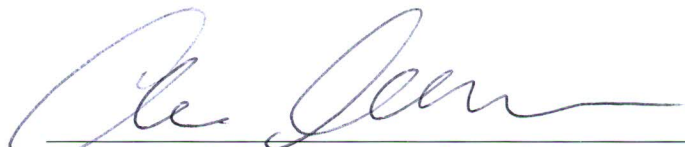
2. In the performance of its duties as the Administrator of the Reinsurance Program, the NH Health Plan shall receive and use the Federal Funding in accordance with RSA 404-G, the Terms and Conditions, and the Reinsurance Program Plan of Operations, as amended pursuant to this Supplemental Order and as it may be amended from time to time with the approval of the Commissioner.

3. The Department will assist the NH Health Plan, as needed, to work cooperatively, in complying with the requirements imposed by the Terms and Conditions, including but not limited to, requests for suspension, withdrawal, termination, amendment or extension of the 1332 Waiver, quarterly and annual reporting requirements, and the conduct of a post-award forum.

4. No later than 30 days from today's date, the NH Health Plan shall amend and submit to the Commissioner for approval, the Reinsurance Program Plan of Operations to: (i) reflect its status as the grant recipient of the Federal Funding; (ii) state the commitment of the NH Health Plan and the Department to work cooperatively in complying with the Terms and Conditions; and (iii) change the deadline for publishing the estimated reinsurance parameters and estimated premium savings of the Reinsurance Program to March 31 of the preceding year.

SO ORDERED.

Date: 9/30, 2020


Christopher R. Nicolopoulos, Commissioner