

RECEIVED
NH INSURANCE DEPARTMENT
MAR 10 2022

**STATE OF NEW HAMPSHIRE
INSURANCE DEPARTMENT**

**In re: Alliance for Shared Health
Docket No.: INS No. 22-001-EP**

CONSENT ORDER

This Consent Order is made between the New Hampshire Insurance Department (“NHID”) and the Alliance for Shared Health, (“Respondent”), the terms of which are as follows:

FINDINGS OF FACT

1. Respondent is a foreign, non-profit corporation headquartered in Missouri, with an address of 4230 Philips Farm Rd, Suite 201-2, Columbia, MO 65201.
2. Respondent is not licensed as an insurance company and holds no licenses, certificates, or other approvals to engage in the business of insurance in New Hampshire.
3. Respondent markets, solicits and administers health plans in New Hampshire and advertises its products as alternatives to traditional health insurance to New Hampshire consumers.
4. Respondent claims to be a Health Care Sharing Ministry (“HCSM”) that is exempt from insurance regulation in New Hampshire under NH RSA 126-V. Respondent is unable to meet the requirements of RSA 126-V because:
 - a. it has not been facilitating the sharing of medical expenses without interruption since December 31, 1999;
 - b. does not act as a facilitator among participants who have financial and medical needs by matching those participants with other participants with the present ability to assist with financial and medical need, and instead charges all members a “monthly gift amount” (a monthly premium) and then pays or does not pay for members’ needs in its sole discretion; and

- c. does not provide written monthly statements to its members with the total dollar amount of qualified needs and the amount actually published or assigned to participants for their contribution.
5. Respondent has entered into health insurance contracts with New Hampshire consumers, where ASH agrees, upon payment of a monthly monetary fee, to provide coverage for medical costs incurred by its members. While Respondent maintains that the products it offers are not insurance and does not guarantee payment of medical bills, Respondent nevertheless acts as a health insurer by:
 - a. utilizing licensed insurance producers to sell its products within the state;
 - b. charging fixed monthly payments based on the amount of coverage chosen by the consumer and regardless of the amount of requests for payment that are made by members;
 - c. requiring members to pay a deductible before covering many medical services;
 - d. utilizing Preferred Provider networks;
 - e. assessing copays for medical services; and
 - f. requiring referrals for specialist visits.

CONCLUSIONS OF LAW

6. Based on the foregoing Findings of Fact and the applicable provisions of law, the NHID concludes and finds the following Conclusions of Law:
 - a. Respondent is subject to the jurisdiction of the NHID; and
 - b. Respondent violated NH RSA 403-B:3 and NH RSA 405:1 by operating as an unlicensed insurance company; and

- c. Respondent violated NH RSA 417:3 and NH RSA 417:4, I(h) by misleading consumers into believing they joining a valid healthcare sharing ministry which is exempt under NH RSA 126-V.

ORDER

WHEREFORE, the NHID orders and Respondent consents to the following:

- a. Respondent neither admits nor denies the findings of facts and conclusions of law above, but instead seeks to buy peace with the NHID through this Consent Order.
- b. Respondent waives all rights to a formal administrative hearing in this matter and agrees that this Consent Order shall have the full force and effect of an Order fully entered in accordance with the adjudicatory procedure provided for in RSA Chapter 541-A and Ins Part 200.
- c. For the purposes of resolving this matter without a formal administrative hearing, Respondent agrees to the following:
 - i. Respondent will cease and desist all of its operations in the state by May 1, 2022.
 - ii. Respondent will communicate the cease of its operations in the state to all its current NH members via the communication provided as Attachment A to this Order.
 - iii. A \$50,000.00 administrative penalty, to be made payable to “Treasurer, State of New Hampshire”, and mailed to the attention of Sarah Prescott, New Hampshire Insurance Department, 21 South Fruit Street, Suite 14, Concord, New Hampshire 03301.

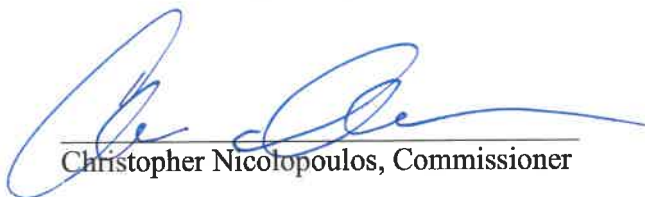
- d. In the event that Respondent fails to meet any of the terms set forth in this section, the NHID may institute further administrative proceedings under the authority of RSA 400-A:15, III or any other applicable law.
- e. By entering into this Consent Order, the NHID and the Respondent intend to fully resolve all issues relating to the above-mentioned matters. This Consent Order shall be deemed a complete settlement and full and final resolution and is in lieu of any other action(s) that has and could have been brought by the NHID relating to these matters. Provided however, notwithstanding the foregoing, the NHID may take any and all appropriate actions should the Respondent violate any provision of the State's insurance laws in the future.
- f. This Consent Order shall be fully enforceable in any Superior Court in the State of New Hampshire, and any actions to enforce this Consent Order shall be governed by the laws of the State of New Hampshire.
- g. This Consent Order is considered a public regulatory action and will be reported to the National Association of Insurance Commissioners. The Respondent must, in the future, answer "YES" to any question which asks "have you ever been named or involved as party in an administrative proceeding" or any substantially similar question.

IT IS SO ORDERED.

NEW HAMPSHIRE INSURANCE DEPARTMENT

Date:

3/10/2022



Christopher Nicolopoulos, Commissioner

Date: 3/9/22

Mike Harty - President

Alliance for Shared Health,
Authorized Representative Respondent