

Readopt with amendment Ins 4401.04 and Ins 4401.05, effective 9-2-16 (Document #11149), to read as follows:

Ins 4401.04 Certification by Actuary: Policies Issued or Renewed Between January 1, 2017 and January 1, 2021. For the purposes of actuarial certification, the actuary shall perform the following duties for policies issued or renewed on or after January 1, 2017 and until January 1, 2021:

- (a) Certify that the insurer has not issued or renewed any stop loss policy with an annual attachment point for claims incurred per individual that is less than \$27,500;
- (b) Certify that the insurer has not issued or renewed any stop loss policy to any employer group having 50 or fewer covered employee members with an aggregate attachment point that is less than the greater of the following:
 - (1) Fifty-five hundred dollars times the number of covered lives;
 - (2) One hundred twenty percent of expected claims; or
 - (3) Twenty-seven thousand and five hundred dollars;
- (c) Certify that the insurer has not issued or renewed any stop loss policy to any employer group having 51 or more covered employee members with an aggregate attachment point that is less than 110 percent of expected claims;
- (d) Certify that the actuary's examination included a review of the appropriate records and the actuarial assumptions and methods used by the insurer in establishing attachment points and other applicable determinations in conjunction with the provision of stop loss insurance coverage;
- (e) Certify that the methods used to calculate the number of covered employee members and the number of covered members is consistent across the insurer's business in this state and no changes have been made in these methods in the past 5 years;
- (f) File an actuarial certification with the board of directors of the insurer and with the commissioner;
- (g) Promptly notify the commissioner and the board of directors of the insurer of any error in a previous certification; and
- (h) Promptly notify the commissioner and the board of directors of the insurer when the actuary cannot provide the actuarial certifications as required.

Ins 4401.05 Certification by Actuary: Policies Issued or Renewed On or After January 1, 2021. For the purposes of actuarial certification, the actuary shall perform the following duties for policies issued or renewed on or after January 1, 2021:

- (a) Certify that the insurer has not issued or renewed any stop loss policy with an annual attachment point for claims incurred per individual that is less than \$31,000;
- (b) Certify that the insurer has not issued or renewed any stop loss policy to any employer group having 50 or fewer covered employee members with an aggregate attachment point that is less than the greater of the following:
 - (1) Sixty-two hundred dollars times the number of covered lives;
 - (2) One hundred twenty percent of expected claims; or

(3) Thirty-one thousand dollars;

(c) Certify that the insurer has not issued or renewed any stop loss policy to any employer group having 51 or more covered employee members with an aggregate attachment point that is less than 110 percent of expected claims;

(d) Certify that the actuary's examination included a review of the appropriate records and the actuarial assumptions and methods used by the insurer in establishing attachment points and other applicable determinations in conjunction with the provision of stop loss insurance coverage;

(e) Certify that the methods used to calculate the number of covered employee members and the number of covered members is consistent across the insurer's business in this state and no changes have been made in these methods in the past 5 years;

(f) File an actuarial certification with the board of directors of the insurer and with the commissioner;

(g) Promptly notify the commissioner and the board of directors of the insurer of any error in a previous certification; and

(h) Promptly notify the commissioner and the board of directors of the insurer when the actuary cannot provide the actuarial certifications as required.

Appendix

Rule	Specific State Statute the Rule Implements
Ins 4401.04	RSA 400-A:15, I; RSA 415-H:2; RSA 415-H:4
Ins 4401.05	RSA 400-A:15, I; RSA 415-H:2; RSA 415-H:4