



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

