



The State of New Hampshire Insurance Department

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Roger A. Sevigny
Commissioner

Alexander K. Feldvebel
Deputy Commissioner

BULLETIN

Docket No.: Ins 06-038-AB

Date: November 16, 2006

To: All Licensed Writers of Individual Health Insurance

From: Roger A. Sevigny

A handwritten signature in black ink, appearing to read "RAS", written over the printed name of Roger A. Sevigny.

RE: Exclusionary Riders

This bulletin is intended to clarify that the use of exclusionary riders and endorsements in the individual health insurance market is prohibited.

Exclusionary provisions, typically in the form of a rider or endorsement attached to an individual health insurance policy, exclude coverage for certain conditions that existed prior to the effective date of coverage.

New Hampshire law permitted coverage to be issued with exclusionary provisions until the passage of Senate Bill 711 effective on January 1, 1994. Senate Bill 711 prohibited the use of these provisions until the passage of Senate Bill 21 effective on August 29, 2003. However, Senate Bill 110, effective January 1, 2004, repealed the statutory provisions that allowed carriers to write coverage with exclusionary provisions.

Therefore, effective January 1, 2004, carriers have been barred from writing coverage containing exclusions for certain conditions that existed prior to the effective date of coverage.

It has come to the Department's attention that some carriers may have issued or may still be marketing individual health insurance policies or may have issued policies on or after January 1, 2004, with exclusionary riders or endorsements.

Further, it is the Department's understanding that some carriers have relied on a statutory provision that provides any New Hampshire resident who is offered coverage with an exclusionary rider or endorsement the option to purchase high risk pool coverage pursuant to RSA 404-G:5-e I (f). This provision refers to exclusionary riders permitted pursuant to RSA 420-G:5 II. However, since the implementation of Senate Bill 110, RSA 420-G:5 II no longer contains language authorizing the use of exclusionary riders or endorsements. In addition, RSA 420-G:5, IV prohibits the use of riders or endorsements to exclude certain illnesses or health conditions in order to avoid the purpose of Chapter 420-G.

Consistent with the Department's bulletin dated December 28, 1994 regarding Chapter 294, Laws of 1994 (SB 711), any individual policy that was issued on or after August 29, 2003 and before January 1, 2004 with an exclusionary rider may be renewed as issued.