



The State of New Hampshire
Insurance Department
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Roger A. Sevigny
Commissioner

Alexander K. Feldvebel
Deputy Commissioner

BULLETIN

Docket No.: INS No. 07-076-AB

TO: All New Hampshire Licensed Health Insurance Companies, Health Maintenance Organizations, Fraternal Benefit Societies and Third Party Administrators

FROM: Roger A. Sevigny

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

DATE: October 31, 2007

RE: 2007 Legislation Affecting Coverage

This bulletin is intended to notify carriers of new legislation that may affect their policies or form filings. Carriers will be expected to issue endorsements for renewal policies that contain the changes required by recently enacted legislation. The bills that may affect policy form filings are as follows:

- 1. Early Intervention Therapy Services for Children (SB 93)** This bill requires insurance coverage for the costs of early intervention services for children with a developmental disability or delay from birth to 36 months of age. Coverage must be provided for expenses of licensed and credentialed occupational therapists, physical therapists, speech-language pathologists, and clinical social workers if referred by a primary physician. The benefits may be subject to deductibles, co-payments, coinsurance, or other terms and conditions of the policy, and may have a cap of \$3,200 per child per year not to exceed \$9,600 by the child's third birthday. The bill became effective on September 14, 2007.
- 2. Continuation of Group Health Insurance in the Event of Divorce or Legal Separation (SB 197)** This bill expands continuation of group health insurance in the event of divorce or legal separation by amending RSA 415:18 to allow a dependent to stay on the ex-spouse's group policy for a period of 3 years and then obtain continuation coverage at the end of the three year period. The law applies to any group policy that covers a resident of New Hampshire regardless of where the policy is issued or delivered. The law becomes effective on January 1, 2008. The department has issued a bulletin that provides further guidance on the application of this law.
- 3. 90-day Supply of Prescription Drugs (HB 158)** This bill requires carriers to allow their members to purchase up to a 90-day supply of covered prescription drugs on their health plan formulary, subject to certain conditions. This law became effective on August 10, 2007.
- 4. Civil Unions (HB 437)** The New Hampshire Civil Union law becomes effective January 1,

2008. The law provides that “civil union couples” shall have the same benefit protections and responsibilities under the law as are granted to spouses in a marriage (RSA 457). Beginning January 1, 2008, all plans that include dependent coverage should be amended or administered to provide coverage to civil union couples.

5. **Dependent Coverage for Health Insurance (HB 790)** This bill expands the definition of dependent children to include children who reside in New Hampshire and are younger than 26 years of age. It also allows children who live outside of New Hampshire to obtain coverage as a dependent if they are enrolled either on a full-time or part-time basis in an institution of higher education. The dependent expansion applies only to policies issued or delivered in New Hampshire. This law became effective on September 15, 2007. The department has issued a bulletin that provides further guidance on the application of this law.

6. **Technical Bill (HB921)** This is a technical bill which makes changes to the insurance laws. This bill should be reviewed carefully because it makes a number of changes to the law that may impact policy form filings. Some of the changes are as follows:

- RSA 415:18, I (u) In the event that a person is covered by more than one plan, the precertification may be obtained by just one carrier. If the services meet the criteria of the second plan, the services will be covered and additional pre-certification will be unnecessary. If the services do not meet the criteria of the second plan, the second plan may apply its certification criteria, but may not refuse to pay for the services based on the failure to obtain pre-certification.
- RSA 415:18 VII (c) Conversion is eliminated, and members will be automatically eligible for the New Hampshire High Risk Pool under RSA 404-G if they would have been eligible for a conversion policy.
- RSA 415:18 VII (d) This section eliminates the requirement for group carriers to offer insureds an individual conversion policy. The insured will now have the option of obtaining coverage from the New Hampshire High Risk Pool after termination of the group contract or policy, or during the election of the 39-week extension period. Written notice of the option must be given within 30 days after the date of termination.
- RSA 415:18 XVI (f) Carriers must provide notice of the requirements and procedures to members and subscribers of their continuation rights under a separate notice. The COBRA notification process may be used, but the notice must contain the information required to inform the member of his or her state continuation rights.
- RSA 415:18 XVI (h)(4) Notice must be provided when coverage ends due to nonpayment of premium. The notice may not be issued retroactively.
- This bill is effective January 1, 2008. Reinsurance sections are effective September 1, 2007.

The web link can be found at <http://www.gencourt.state.nh.us/ie/billstatus/quickbill.html>

Questions should be directed to Maureen Hartsmith at Maureen.Hartsmith@ins.nh.gov.