



**The State of New Hampshire
Insurance Department
21 South Fruit Street, Suite 14
Concord, NH 03301**

Roger A. Sevigny
Commissioner

Alexander K. Feldvebel
Deputy Commissioner

**BULLETIN
Docket No.: INS No. 09-013-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", positioned above the printed name "Roger A. Sevigny".

DATE: March 11, 2009

RE: Health Insurance Jurisdiction – Clarification of March 4, 2008 Bulletin

This bulletin is intended to clarify the scope of certain provisions of the bulletin issued on March 4, 2008, which described the department's interpretation of its jurisdiction over certain group health policies.

On March 4, 2008, the department issued a bulletin providing guidance on when a carrier is required to file and obtain approval for a certificate or policy of group insurance that provides coverage for a New Hampshire resident. That bulletin concluded that the department's jurisdiction applies, and a carrier is required to file and obtain approval for out-of-state employer group coverage, when coverage is provided to an out-of-state employer group that has a New Hampshire branch office where that is the principal work location of New Hampshire residents. A carrier is not required to seek the department's approval, however, if it offers coverage to an out-of-state employer group that includes New Hampshire residents whose principal work location is in another state. The bulletin further provides that employer group policies and certificates subject to the department's jurisdiction must be submitted to the department for approval and must conform to New Hampshire law and contain all New Hampshire mandates.

Several carriers have asked for clarification regarding whether rate filings must be made for out-of-state employer group coverage that is subject to the department's jurisdiction.

If coverage issued to an out-of-state employer group is subject to the department's jurisdiction by virtue of the fact that it includes New Hampshire residents with a principal work site location in New Hampshire, the department will not require the carrier to file rates for approval. Certificates issued to New Hampshire subscribers with a principal work location in New Hampshire must in all instances be submitted for form approval.