



**The State of New Hampshire  
Insurance Department**

21 South Fruit Street, Suite 14  
Concord, NH 03301

Roger A. Seigny  
Commissioner

Alexander K. Feldvebel  
Deputy Commissioner

**BULLETIN  
No.: INS No. 10-042-AB**

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

A handwritten signature in black ink, appearing to read "RAS", positioned above the "FROM:" field.

**FROM:** Roger A. Seigny  
Insurance Commissioner

**DATE:** September 23, 2010

**SUBJECT:** Compliance with the Affordable Care Act Changes  
Effective September 23, 2010

The Patient Protection and Affordable Care Act (PPACA) and the Health Care and Education Reconciliation Act of 2010 require that policies issued or renewed on or after September 23, 2010 contain certain benefit provisions based on whether a plan is "grandfathered" or "non-grandfathered" under the PPACA. The responsibility for enforcing insurer compliance with the benefit provisions rests with the states.

To date, only a few carriers writing comprehensive coverage or major medical policies have submitted revised forms for review and approval pursuant to the requirements of PPACA. To allow carriers that have not obtained form approval to issue policies that are PPACA compliant, the New Hampshire Insurance Department (NHID) has prepared riders for inclusion in non-compliant major medical or comprehensive policies. These riders identify the components necessary to achieve compliance with PPACA. The riders are specific to grandfathered and non-grandfathered individual and group policies.

<u>Rider Reference</u>	<u>Description</u>
NHID 092310 PPACA – IG	Individual Grandfathered
NHID 092310 PPACA – ING	Individual Non-Grandfathered
NHID 092310 PPACA – GG	Group Grandfathered
NHID 092310 PPACA - GNG	Group Non-Grandfathered

A carrier shall issue these riders with each policy issued after September 23, 2010 until such time as the carrier obtains approval for PPACA compliant forms from the NHID.

In the absence of the issuance of either an approved PPACA filing from the NHID or the above referenced riders issued to policyholders and certificate holders, the NHID will deem the above riders as having been issued for the purpose of benefit determination and consumer rights under PPACA.

Questions regarding this bulletin should be directed to Michael Wilkey, Director Life, Accident and Health, New Hampshire Insurance Department, via e-mail at [michael.wilkey@ins.nh.gov](mailto:michael.wilkey@ins.nh.gov).

[Insurance Company Name, Address, and Telephone No.]

This endorsement is deemed by the New Hampshire Insurance Department to comply with the immediate market reform requirements of the Patient Protection and Affordable Care Act (PPACA) and is attached to your policy. These PPACA requirements apply only to policies for health insurance coverage referred to as “major medical” in NH statutes, and referred to as comprehensive health coverage that includes PPO and HMO coverage.

Regardless of language in your policy to the contrary, the following benefits and insuring provisions are effective at the earlier of the date of issue of a policy if issued on or after September 23, 2010, or upon the policy year renewal date following September 23, 2010.

### **IMPORTANT INFORMATION**

**This endorsement reflects the known requirements for compliance under The Affordable Care Act as passed on March 23, 2010. As additional guidance is forthcoming from the US Department of Health and Human Services, and the New Hampshire Insurance Department, those changes will be incorporated into your health insurance policy.**

### **Individual Non-Grandfathered Policies**

Eliminates Pre-existing Condition Exclusions for Enrollees Under Age 19	<i>[Sections 2704 and 1255 of the PHSA/Section 1201 of the PPACA]</i>
Eliminates Annual Dollar Limits on Essential Benefits Except allows for “restricted” annual dollar limits for essential benefits for plan years prior to January 1, 2014.	<i>[Section 2711 of the PHSA/Section 1001 of the PPACA]</i>
Eliminates Lifetime Dollar Limits on Essential Benefits	<i>[Section 2711 of the PHSA/Section 1001 of the PPACA]</i>

NHID 092310 PPACA – ING

Prohibits Rescissions – Except for fraud or intentional misrepresentation of material fact.	<i>[Section 2712 of the PHSA/Section 1001 of PPACA]</i>
Requires coverage for Preventive Services –and prohibits the imposition of cost-sharing for specified preventive services.	<i>[Section 2713 of the PHSA/Section 1001 of the PPACA]</i>
Extends Dependent Coverage for Children Until age 26 – If a policy offers dependent coverage, it must include dependent coverage until age 26.	<i>[Section 2714 of the PHSA/Section 1001 of the PPACA]</i> <i>RSA 415:5 I (3)(a)</i>
Requires Appeals Process – Establishes an internal claims appeal process and external review process.	<i>[Section 2719 of the PHSA/Section 1001 of the PPACA]</i>
Requires Emergency Services –Plans that cover emergency services must provide such coverage without prior authorization, regardless of the participating status of the provider, and at the in-network cost-sharing level.	<i>[Section 2719A of the PHSA/Section 1001 of the PPACA]</i>
Access to Pediatricians – Requires that if the designation of a Primary Care Provider (PCP) for a child is required, the person be permitted to designate a physician who specialized in pediatrics as the child’s PCP if the provider is in-network.	<i>[Section 2719A of the PHSA/Section 1001 of the PPACA]</i>
Access to OB/GYNs – Prohibits authorization or referral requirements for obstetrical or gynecological care provided by in-network providers who specialize in obstetrics or gynecology.	<i>[Section 2719A of the PHSA/Section 1001 of the PPACA]</i>

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**Group Non-Grandfathered Health Benefit Plans (Small and Large)**

Eliminates Pre-existing Condition Exclusions for Enrollees Under Age 19	<i>[Sections 2704 of the PHSA/Section 1201 of the PPACA]</i>
Eliminates Annual Dollar Limits on Essential Benefits Except allows for “restricted” annual dollar limits for essential benefits for plan years prior to January 1, 2014.	<i>[Section 2711 of the PHSA/Section 1001 of the PPACA]</i>
Eliminates Lifetime Dollar Limits on Essential Benefits	<i>[Section 2711 of the PHSA/Section 1001 of the PPACA]</i>
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NHID 092310 PPACA - GNG

<p>Extends Dependent Coverage for Children Until age 26 – If a policy offers dependent coverage, it must include dependent coverage until age 26.</p>	<p><i>[Section 2714 of the PHSA/Section 1001 of the PPACA]</i>  <i>RSA 415:5 I (3) (a).</i></p>
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### **Individual Grandfathered Policies**

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