

STATE OF NEW HAMPSHIRE
INSURANCE DEPARTMENT

Docket No.: INS. No. 13-035-AR

In Re: The New Hampshire Individual Health Plan Benefit Association
And The New Hampshire High Risk Pool

ORDER

The Commissioner of the New Hampshire Insurance Department (“the Commissioner”), pursuant to his authority under RSA 404-G:12, makes this order regarding the high risk pool authorized under RSA 404-G:5-b (“NH Health Plan”) and operated by the New Hampshire Individual Health Plan Benefit Association (the “Association”).

RSA 404-G:12, as amended by the General Court via Chapter 200 of the 2013 Legislative Session, requires the Commissioner to determine whether high risk pool enrollees have access to guaranteed issue coverage in the commercial marketplace for effective dates beginning January 1, 2014.

NH Health Plan enrollees and producers have had difficulty securing coverage through the Health Insurance Marketplace established for New Hampshire and operated by the federal government. To procure coverage through the Marketplace one may utilize web-based applications, paper applications or phone applications. NH Health Plan enrollees and producers report numerous difficulties enrolling through all of these avenues. Although Marketplace coverage is not the only guaranteed issue coverage that will be available in New Hampshire in 2014, enrolling through the Marketplace is the only way for individuals to secure federal financial assistance to help them afford coverage.

Given the problems with Marketplace enrollment, as a practical matter, NH Health Plan enrollees have access to guaranteed issue coverage only if they enroll in non-Marketplace coverage that is likely to be more expensive than Marketplace coverage for most if not all of them. In light of these facts, I have determined that high risk pool enrollees do not have sufficient access to guaranteed issue coverage within the meaning of RSA 404-G:12.

Therefore, I order the Association as follows:

- (1) There shall be no cessation of coverage under NH Health Plan on December 31, 2013 as provided in RSA 404-G:11,III,(a) and the Plan of Termination, II, A. 1, and such high risk pool coverage shall continue until so ordered pursuant to RSA 404-G:12, II.
- (2) Notwithstanding RSA 404-G:11, III, (c), the Association shall continue to accept new enrollees into NH Health Plan through December 31, 2013. December 31, 2013 shall be the last day on which the Association can make coverage effective for new enrollees.
- (3) Pursuant to a letter to Insurance Commissioners from Gary Cohen, CCIIO Director, the Association shall continue to renew NH Health Plan coverage for all enrollees until ordered otherwise pursuant to RSA 404-G:12, II. Notwithstanding RSA 404-G:5-d, NH Health Plan coverage may be renewed at existing premium rates unless the Association, in its discretion, proposes new premium rate and schedules for submission to the Commissioner for approval pursuant to RSA 404-G:5-d, IV.
- (4) If grant funding is sufficient, the Association shall maintain its Low-Income Premium Subsidy (LIPS) program for qualifying applicants for new or renewed coverage under NH Health Plan.
- (5) The deadline for the submission of claims established under Section II, A. 3 of the Plan of Termination, as well as all other provisions of the Plan of Termination and RSA 404-

G:11 which are inconsistent with this Order, are hereby suspended until further order of the Commissioner pursuant to RSA 404-G:12, II. Upon the request of the Association, the Commissioner may provide additional guidance as to which provisions of RSA 404-G remain applicable to the NH Health Plan coverage remaining in effect on and after January 1, 2014.

- (6) The Association, through its Plan Administrator, will develop a plan for notifying NH Health Plan enrollees that any notice of coverage cessation is rescinded and that coverage will continue until so noticed. Such subsequent termination notices shall indicate that Health Plan enrollees will receive at least 60 days' prior notice of any coverage cessation date.
- (7) As set forth in RSA 404-G:11, VI, the Association shall retain all of its powers and duties, including, but not limited to, its power to establish and collect regular and special assessments under RSA 404-G:5 and RSA 404-G:5-a, and the immunity provided by RSA 404-G:9 and the bylaws of the Association.

Pursuant to RSA 404-G:12 II, this order shall remain in effect until I determine that high risk pool enrollees have access to guaranteed issue coverage, or I execute an order pursuant to RSA 404-C addressing this matter.

So Ordered,

New Hampshire Insurance Department

Dated: 11-22-13



Roger A. Sevigny, Commissioner