



# The State of New Hampshire Insurance Department

21 South Fruit Street, Suite 14  
Concord, NH 03301  
(603) 271-2261 Fax (603) 271-1406  
TDD Access: Relay NH 1-800-735-2964

Roger A. Seivigny  
Commissioner

Alexander K. Feldvebel  
Deputy Commissioner

## BULLETIN Docket No.: INS-15-021-AB

**TO:** All New Hampshire Licensed Health Carriers and Producers

A handwritten signature in black ink, appearing to read "RAS", is positioned below the "TO:" line.

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

**DATE:** May 13, 2015

**RE:** Additional Guidance on Standards for Extended Transition of Group Policies and Employee Counting

### I. Introduction

On April 20, 2015, the New Hampshire Insurance Department (NHID) issued [Bulletin INS-15-014-AB](#) regarding the application of the federal government's extended transition guidance to individual and group policies and employee counting in New Hampshire. This bulletin clarifies certain issues addressed in the April bulletin.

### II. Legal Authority

The New Hampshire Insurance Commissioner "is charged with the rights, powers, and duties pertaining to the enforcement and execution of the insurance laws" of New Hampshire. NH RSA 400-A:3. The Commissioner has general rulemaking and enforcement authority with respect to regulation of the business of insurance in New Hampshire.

In its March 5, 2014 Insurance Standards Bulletin, the federal Centers for Medicare and Medicaid Services (CMS) granted authority to states to allow health insurance issuers that have sold a policy that meets certain extended transition standards to renew such policies through October 1, 2016. States were given the option to adopt the transition policy through October 1, 2016 or for a shorter amount of time and were given the following additional options in adopting the extended transition policy:

- Adopt for both the individual and small group markets;
- Adopt for the individual market only; or
- Adopt for the small group market only.
- States were also given the option to adopt the transition relief policy only for large businesses that purchase insurance in the large group currently but will be considered small groups starting on January 1, 2016.

### **III. Definition of Coverage Change**

In [Bulletin INS-15-014-AB](#), the NHID explained that it will look to the following federal legal standards in determining whether a current policy was in effect on October 1, 2013 or, for large group coverage, on December 31, 2015: (1) standards for Grandfathered Plans and (2) Regulatory Parameters for Uniform Modifications of Coverage. With this guidance, the NHID further clarifies that relative increases or decreases permitted within the Grandfathered standards will be measured against the amounts in place on December 31, 2015 for large group coverage purchased by groups that are considered small groups as of January 1, 2016 pursuant to 42 USC 18024(b)(3). For all other transition plans, the relative increases and decreases will be measured against the amounts in place on October 1, 2013.

### **IV. Employee Counting**

In [Bulletin INS-15-014-AB](#), the NHID noted that, in the interest of clarity and uniformity, federal counting rules should be used for the purpose of determining whether a purchaser falls in the individual, small group or large group market, starting with policies that are new or renewed on or after January 1, 2016. With this guidance, the NHID clarifies that the federal counting methodology that will apply is the methodology codified in [45 CFR 155.20](#).

### **V. Contact Information**

Questions related to this bulletin should be directed to Jennifer Patterson, Health Policy Legal Counsel, at (603) 271-2261 ext. 215 or email at [jennifer.patterson@ins.nh.gov](mailto:jennifer.patterson@ins.nh.gov); or Michael Wilkey, Director of Compliance and Consumer Services at the New Hampshire Insurance Department, at [michael.wilkey@ins.nh.gov](mailto:michael.wilkey@ins.nh.gov) or by phone at (603) 271-2261 ext. 330.