



**THE STATE OF NEW HAMPSHIRE  
INSURANCE DEPARTMENT**

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Roger A. Sevigny  
Commissioner

Alexander K. Feldvebel  
Deputy Commissioner

**BULLETIN  
Docket No.: INS-15-065-AB**

**TO:** All New Hampshire Licensed Health Carriers  
**FROM:** Roger A. Sevigny  
Insurance Commissioner   
**DATE:** October 27, 2015  
**RE:** Large and Small Group Coverage for 2016

Under New Hampshire law, the small group market is defined to include groups with 1-50 employees. RSA 420-G:2, XVI. Section 1304(b) of the federal Affordable Care Act (ACA), as enacted in 2010, provided that as of January 1, 2016, the small group health insurance market would include groups of 1-100 in all states, preempting the New Hampshire state definition. However, the PACE Act, which was signed by the President on October 7, 2015, amended the ACA to keep the definition of small employer at groups of 1-50. 42 USC 18024(b)(3), as amended.

With the federal law mandating the change to include groups of 51-100 as small employers no longer coming into effect in January 2016, the maximum small group size will remain at 50 in New Hampshire.

Given that there will be no change in the group size definition in New Hampshire for 2016, carriers should offer and write small group coverage only to groups of 1-50. Any group of 51 or more may be offered and written only as large group coverage.

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.