



**THE STATE OF NEW HAMPSHIRE
INSURANCE DEPARTMENT**


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Commissioner

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BULLETIN

Docket No.: INS-17-001-AB

TO: All New Hampshire Licensed Health Carriers and Producers
FROM: Roger A. Sevigny 
DATE: January 3, 2017
RE: Guidance on Newborn Child Coverage

I. Introduction

The purpose of this bulletin is to give carriers guidance on the period of time for which coverage of a newborn child is required without the payment of additional premium.

II. Legal Authority

New Hampshire law requires coverage under certain types of policies or contracts for newborn children, RSA 415:22. Specifically, it provides “that all individual and group health insurance policies providing coverage on a provision of service or an expense incurred basis shall also provide that the health insurance benefits applicable for children are payable ... from the moment of birth.” RSA 415:22, I. Additionally, the law requires notification of birth of a newborn child within 31 days only “[i]f payment of a specific premium or subscription fee is required ... in order to have the coverage continue beyond such 31-day period.” RSA 415:22, III.

On its face, RSA 415:22 does not allow carriers to charge premiums retroactively for coverage during the 31-day period after the child is born. Because the main operative provision of the law requires that coverage for a newborn child be in effect from the moment of birth, and compliance with the 31-day notice period is required to continue coverage beyond the 31-day period following the moment of birth, the law effectively mandates that there will be coverage for the entire 31-day period, with enrollment and payment of any premium required for coverage continuing after the end of that period.

Moreover, it is contrary to RSA 417:4, VIII (b) with respect to unfair discrimination to charge different amounts based on the date of birth, or based on whether or not coverage after the 31 days was purchased, as newborn children would be “individuals of the same class and of essentially the same hazard.”

III. Required Coverage of Newborn Children

Accordingly, individual and group health insurance policies or contracts providing coverage on a provision of service or an expense incurred basis shall provide coverage of a newborn child for the first 31 days without payment of additional premium or enrollment of the newborn.

However, in order for coverage to be extended beyond 31 days, the company may require the insured member to enroll the newborn within the first 31 days and to pay any required premium for coverage beginning on day 32.

Coverage for the newborn will be considered coverage under the insured without additional cost sharing requirements to the newborn until such time the newborn is enrolled as a dependent child for which premium, if required, is payable.

IV. Contact Information

Questions related to this bulletin should be directed to Jennifer Patterson, Health Policy Legal Counsel, at (603) 271-2105 or email at jennifer.patterson@ins.nh.gov; or to Michael Wilkey, Director Life, Accident and Health at the New Hampshire Insurance Department, at (603) 271-3218 or email at michael.wilkey@ins.nh.gov.