




**THE STATE OF NEW HAMPSHIRE
INSURANCE DEPARTMENT**

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Roger A. Seigny
Commissioner

Alexander K. Feldvebel
Deputy Commissioner

**BULLETIN
Docket No.: INS-18-018-AB**

TO: All New Hampshire Licensed Health Carriers
FROM: Roger A. Seigny
Insurance Commissioner 
DATE: April 16, 2018
RE: Guidance on Application of Extended Transition to Individual and Small Group Policies for 2019

I. Introduction

On November 14, 2013, March 5, 2014, February 29, 2016, and February 23, 2017, the federal Centers for Medicare and Medicaid Services (“CMS”) issued guidance providing for the extension of the transition period for non-grandfathered coverage in the individual and small group insurance markets, and giving states the opportunity to choose whether to allow such transitional coverage, which does not conform with all requirements under the Affordable Care Act (“ACA”) to be renewed in the individual and/or small group markets.

The New Hampshire Insurance Department (“NHID”) adopted the CMS transitional guidance via NHID Bulletins INS 13-037-AB, INS 14-009-AB, and INS 16-015-AB. In 2017, the NHID issued Bulletin IN-17-014-AB, which permitted renewals in New Hampshire markets for policy years extending into 2018, provided the 2018 coverage was renewed on or before January 1, 2018.

On April 9, 2018, CMS issued an Insurance Standards Bulletin providing states the opportunity to further extend renewal of individual and small group policies to policy years beginning on or before October 1, 2019, provided that all policies end by December 31, 2019. As with the CMS guidance issued in 2017, the most recent CMS Bulletin contemplates that transitional policies may be renewed until October 1, 2019, but also stipulates that no such policy may extend past December 31, 2019. The CMS Bulletin states that this could be achieved by “allowing policy years that are shorter than 12 months,” but also prohibits the extension of a policy period beyond 12 months.

II. Guidance

As discussed in NHID Bulletins INS 16-015-AB and INS 17-014-AB, allowing renewal for less than a 12-month period is inconsistent with state law. Specifically, a guarantee period or policy year of less than 12 months violates RSA 420-G:4, I (a), which provides as follows:

I. Health carriers providing health coverage to individuals and small employers under this chapter shall be subject to the following:

(a) All premium rates charged shall be guaranteed for a rating period of at least 12 months, and shall not be changed for any reason, including but not limited to a change in the group's case characteristics.

Therefore, as in 2017, the New Hampshire Insurance Department will not fully adopt the extended transition to Affordable Care Act – Compliant Policies as contemplated by CMS. Rather, the transition period will be extended only to policies that are renewed on or before January 1, 2019. Policies renewing after January 1, 2019 are required to be ACA compliant.

III. Contact Information

Questions relating to this Bulletin should be directed to Jennifer Patterson, Director of Health Policy and LAH Market Conduct, at 603-271-2145, or jennifer.patterson@ins.nh.gov or to Michael Wilkey, Director Life, Accident and Health at 603-271-3218 or michael.wilkey@ins.nh.gov.