



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

John R. Elias
Commissioner

Alexander K. Feldvebel
Deputy Commissioner

BULLETIN

Docket No.: INS-18-055-AB

A handwritten signature in blue ink, appearing to be "J.R. Elias", is located to the right of the docket number.

To: All Licensed Health and Dental Carriers
From: John R. Elias, Insurance Commissioner
Re: Short Term Limited-Duration Insurance
Date: November 13, 2018

The purpose of this Bulletin is to provide guidance on the provisions of New Hampshire law that apply to fully-insured Short Term Limited-Duration Insurance ("STLDI") in conjunction with the October 2, 2018 effective date of the Department of the Treasury, Internal Revenue Service, Employee Benefits Security Administration and the Department of Health and Human Services jointly promulgated rule ("Final Rule"). The Final Rule does not preempt state laws regulating STLDI coverage.

New Hampshire law has long provided for the existence of STLDI plans that provide for short-term, interim coverage solutions for individuals.

Nonrenewable, individual health insurance policies which provide medical, hospital, or major medical expense benefits for a specified term may be delivered or issued for delivery to any person in this state for purposes of providing short-term, interim coverage only and no such policy shall provide coverage for a specified term in excess of 6 months, nor shall any such policy be issued in this state to a person who was previously covered under short-term medical policies providing in total more than 540 days of coverage within the preceding 24-month period.

RSA 415:5, III. The intent of this provision is to allow New Hampshire residents to fill a gap in coverage as an individual transition between other coverages.

STLDI is considered major medical coverage subject to all pertinent regulatory requirements under RSA chapters 415 and 415-A, including insurance mandates applicable to individual market coverage. To the extent a STLDI product is network-based, it is subject to RSA chapter 420-J, including external review, network adequacy, and balance billing provisions. However, STLDI is expressly excluded from RSA chapter 420-G, and thus is not subject to guaranteed issue, individual market rating rules, or the provisions of the federal Affordable Care Act (“ACA”). See RSA 420-G:2, IX (excluding short-term, individual, nonrenewable medical, hospital, or major medical policies from the definition of “health coverage”).

Health carriers should follow the NH SERFF filing instructions in the submission of new or amended STLDI plans.

Contact Information

Questions related to this Bulletin should be directed to Jennifer Patterson, NHID Director of Health Policy at jennifer.patterson@ins.nh.gov or by phone at (603) 271-2145.