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Christopher Nicolopoulos
Commissioner

Bulletin
Docket No.: INS 20-074-AB

TO: All Health Insurers, as defined under RSA 420-G:2 (VIII), and
Third Party Administrators, as defined by RSA 402-H:1

FROM: Commissioner Christopher R. Nicolopoulos, Esq.

DATE: January 7, 2021

RE: Health Plan Loss Information (RSA 420-G:12-a)

C.R.N.

The purpose of this bulletin is to provide guidance to carriers in complying with RSA 420-G:12-a (Health Plan Loss Information).

RSA 420-G:12-a (I) provides a clear legislative directive:

To ensure maximum competition in the purchase of group health insurance, all large employers shall be entitled to receive their specific health plan loss information upon request and without charge. No contract between any health carrier, third-party administrator, employer group, or pool of employers shall abridge this right in any manner.

Pursuant to RSA 420-G:12-a (II), upon request by a large employer, a regulated entity "shall provide that employer's loss information within 30 calendar days of receipt of the request." In addition, "the loss information shall include all physician, hospital, prescription drug, and other covered medical claims specific to the employer's group plan incurred for the 12-month period paid through the 14 months which end within the 60-day period prior to the date of the request."

The Department interprets the reporting window requirement of RSA 420-G:12-a (II) to mean that loss information provided by a regulated entity (1) shall include health care claims processed with dates of service as recent as two months prior to the request for data and (2) that data shall be provided within thirty (30) calendar days.

While carriers are expected to provide the most recent data available from their systems, they are not expected to guarantee that all claims incurred during the reporting timeframe have been processed and paid. Additionally, the thirty calendar day window permitted for a carrier to respond to a request allows a carrier to consider the timing of database updates and respond to the request within statutory requirements.

Questions relating to this bulletin should be directed to Tyler Brannen, Director of Health Economics, at tyler.j.brannen@ins.nh.gov.