



The State of New Hampshire Insurance Department

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Christopher R. Nicolopoulos
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David J. Bettencourt
Deputy Commissioner

Bulletin

Docket No: INS 22-003-AB

To: All Insurance Health Insurers, Agents, Producers & Brokers

From: Christopher R. Nicolopoulos, Esq., Commissioner *C.R.N.*

Date: January 25, 2022

Re: Medicare Supplement Advertising and Lead Generating
Devices Require Approval

Medicare Supplement Insurance Advertising Approval

The Department is aware that some Medicare Supplement Insurance (“MedSupp”) advertising materials are being disseminated to the public without first being approved by the New Hampshire Insurance Department (“NHID”). NH RSA 415-F:7 states: “Every issuer of Medicare supplement insurance policies or certificates in this state shall provide a copy of any Medicare supplement advertisement intended for use in this state whether through written, radio or television medium to the Commissioner of this state for review or approval by the Commissioner to the extent it may be required under state law.” NH Code of Administrative Rules Ins 2603.17 allows the Commissioner, at his discretion, to require insurers to file MedSupp advertising with the NHID, prior to use. To the extent it has been unclear, the Commissioner requires such filings of all MedSupp advertising to protect the public and effectively regulate this advertising.

Pursuant to Ins 2603.02(b), all advertisements, no matter who produced them, shall be the “responsibility of the insurers benefitting directly or indirectly from their dissemination.” Ins 2603.12(m) requires that “all advertisements used by agents, producers, brokers or solicitors of an insurer shall have prior written approval of the insurer before they may be used.” It is the responsibility of each insurer to monitor and control this issue. See Ins 2603.02(b). As a result, to comply with New Hampshire law, insurers must make sure their agents, producers and brokers are aware of and comply with New Hampshire’s MedSupp advertising requirements, including NHID approval, prior to the dissemination of this advertising.

NH RSA 400-A:15,III provides for penalties up to \$2,500 per violation for insurers or producers in violation of New Hampshire insurance laws. NHID will not immediately assess penalties against licensees currently not in compliance; however,

