



State of New Hampshire Insurance Department

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FOR IMMEDIATE RELEASE

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New Hampshire Insurance Department Issues Bulletin Clarifying That Medicare Supplement Advertising and Lead Generating Devices Require Prior Approval

CONCORD, NH (January 27, 2022) – Today, New Hampshire Insurance Department (NHID) Commissioner Christopher Nicolopoulos issued a bulletin that clarifies the state statutes and administrative rules relating to the advertising of Medicare Supplement Insurance and the use of Lead Generating Devices.

The Department is aware that some Medicare Supplement Insurance (“MedSupp”) advertising materials are being disseminated to the public without first being approved by the 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 to require insurers to file MedSupp advertising with the NHID, prior to use.

Additionally, the Commissioner is concerned that producers, agents and brokers are committing the prohibited practice of *cold lead advertising* through the use of unapproved “lead generating devices” that do not meet the requirements of Ins 2603. These items are advertisements and must be approved by NHID before they are disseminated. The Commissioner is also concerned that when producers contact consumers identified through a lead generating device they are not disclosing that fact, as required. Per Ins 2603, lead generating devices are advertisements subject to NH RSA 415-F:7 that must first be approved before they are disseminated to the public.

“To the extent it has been unclear, the NHID requires such filings of all MedSupp advertising to protect the public and effectively regulate this advertising,” said New Hampshire Insurance Commissioner Christopher Nicolopoulos. “Furthermore, the prohibited practice of cold lead



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advertising, or the use of noncompliant lead generating devices, is expressly prohibited and must cease immediately.”

“The NHID has worked to develop a checklist to help carriers comply with Medicare Supplemental advertising regulations,” said Jason Dexter, Administrator of Life and Health Form Compliance at the NHID. “The Review Requirements Checklist for Medicare Supplement Insurance can be found at https://www.nh.gov/insurance/lah/documents/med_supp_cklst.pdf. The NHID requires carriers to submit the checklist with its filings to ensure that they understand the regulations and are designing advertising materials that are clear, truthful and fair to consumers.”

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. The NHID will not immediately assess penalties against licensees currently not in compliance, however, insurers and producers must be in compliance within 30 days of the publication of the bulletin.

The complete bulletin, Docket Number INS 22-003-AB, is located at <https://www.nh.gov/insurance/media/bulletins/2022/documents/ins-22-003-ab.pdf>.

An online availability with Jason Dexter, Administrator of Life and Health Form Compliance, will take place on Friday, February 4th, 2022 at 10:30am. To learn more about how this bulletin will be enforced, representatives of regulated entities can join the availability by using the following link: <https://bit.ly/3G8r20j>.

The New Hampshire Insurance Department Can Help

The New Hampshire Insurance Department’s mission is to promote and protect the public good by ensuring the existence of a safe and competitive insurance marketplace through the development and enforcement of the insurance laws of the State of New Hampshire. Contact us with any questions or concerns you may have regarding your insurance coverage at 1-800- 852-3416 or (603) 271-2261, or by email at consumerservices@ins.nh.gov. For more information, visit <https://www.nh.gov/insurance>.

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