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New Hampshire Insurance Laws and Regulations

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Tab A

Outline of Current Rate Review Process

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Related Form Review Provisions</p>	<p>RSA 415:18 RSA 415-A RSA 417-E RSA 420-G:4 RSA 420-G:7 RSA 420-G:12 RSA 420-J Ins 401 Ins 1900: 1901.06(a)(8), (b), (c), (d), (f), (g); 1904; 1906; 1907</p>	<p>RSA 415:18 RSA 415-A RSA 417-E RSA 420-G:4 RSA 420-G:5 RSA 420-G:12 RSA 420-G:13 RSA 420-J Ins 401 Ins 1900: 1901.06(a)(8), (b), (c), (d), (f), (g); 1904; 1906; 1907</p>	<p>RSA 415:18 RSA 415-A RSA 417-E RSA 420-J Ins 401 Ins 1900: 1901; 1904 (for limited products)</p>	<p>RSA 415:6 – 6-q RSA 415:19 RSA 415-A RSA 420-J Ins 401 Ins 1901</p>	<p>RSA 415:18 RSA 415-A RSA 417-E RSA 420-J Ins 401 Ins 1900: 1901.06(a)(8), (b), (c), (d), (f), (g); 1904; 1906; 1907</p>	<p>Ins 401</p>	<p>RSA 415-D:5 through 10 RSA 420-J Ins 3600</p>	<p>RSA 415-F:3, 5, 6 and 7 RSA 420-J Ins 1903 Ins 1905</p>
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MEWA Provisions

MEWAs are not subject to rate review to the same extent as other insurers. Certain licensed MEWAs (e.g., those not qualified under RSA 415-E:2, II) are subject to rate review as to any small group members per RSA 420-G:3 and RSA 420-G:13. In addition, MEWAs subject to licensure (i.e., those not qualified under RSA 415-E:2, II) must: (1) file an application that, among other things, must provide evidence that the MEWA will be operated in accordance with sound actuarial principles (RSA 415-E:4, VII); (2) submit forms for approval (RSA 415-E:8); (3) annually report on its financial condition to the Commissioner (RSA 415-E:11, I); and (4) triennially provide an actuarial report to the Commissioner. However, none of the foregoing requirements (including licensure) apply to a MEWA that meets certain basic eligibility requirements and (i) is administered primarily from a principal place of business in NH, (ii) has provided employee health benefits for a continuous period of 10 or more years, (iii) maintains a termination liability fund where the fund balance and liabilities of the MEWA are not less than 40% of aggregate billed premium during the prior 6 months and (iv) files an annual report with the Commissioner regarding the termination fund that is certified by a NH CPA. It thus appears that a qualified MEWA is not subject to rate review at all (i.e., that it is not sufficiently regulated to be subject to RSA 420-G:13).

Preferred Provider Agreements

Chapter 420-C governs agreements between health care insurers and preferred providers. Chapter 420-C does not have any rate review implications, and preferred provider agreements are neither a license category nor a market segment/product. Nonetheless, a reference to it is included here because it relates to, and in large part duplicates, other existing provisions (e.g., RSA 415 and RSA 420-J).

Statutory provisions:

- RSA 415:6 through 6-q** – A&H individual form provisions (see also RSA 420-A for health service corps. and RSA 420-B for HMOs)
- RSA 415:18** – A&H group form provisions (see also RSA 420-A for health service corps. and RSA 420-B for HMOs)
- RSA 415:19** – franchise provisions
- RSA 415-A** – Standards for A&H insurance
- RSA 415-D** – Long-term care insurance act
- RSA 415-E** – MEWAs
- RSA 415-F** – Medicare supplemental insurance
- RSA 417-E** – Coverage for certain biologically-based mental illnesses
- RSA 420-G** – Portability, availability and renewability of health coverage
- RSA 420-J** – Managed care

Regulatory provisions:

- Ins 410** – General rate and form review standards
- Ins 1900** – Standards for A&H insurance
 - 1901 – Minimum standards for A&H insurance
 - 1903 – Medicare supplement insurance
 - 1904 – Group coordination of benefits
 - 1905 – Minimum standards for Medicare supplement insurance
 - 1906 – Discontinuance and replacement of group A&H
 - 1907 – Nondiscrimination in group market
 - 1908 – Coverage for individuals under age 19
- Ins 3100** – Electronic rate filing requirements
- Ins 3600** – Stop loss insurance
- Ins 4101** – Rate filing requirements for all products
- Ins 4102** – Rate filing requirements for individual insurance
- Ins 4103** – Rate filing requirements for small group insurance
- Ins 4104** – Rate filing requirements for large group insurance
- Ins 4105** – Rate filing requirements for stop loss insurance
- Ins 4106** – Rate filing requirements for “limited benefit” insurance

All license types/markets:

INS 07-063-AB (2007) – Mandatory use of SERFF and EFT for all filings

All comprehensive/major medical:

INS 10-042-AB (2010) – Compliance with PPACA changes effective September 23, 2010

INS 09-038-AB (2009) – Preexisting condition exclusion standards

INS 08-067-AB (2008) – Categories of coverage bulletin

INS 08-033-AB (2008) – Filing policy forms and endorsements under RSA 415:1

Group:

INS 10-008-AB (2010) – Clarification/further guidance regarding PEOs

INS 08-079-AB (2009) – Guidance regarding PEOs

INS 09-017-AB (2009) – Effect of Federal Stimulus Act on NH continuation coverage requirements

INS 07-064-AB (2007) – Implementation of extended coverage for divorced spouses

INS 02-004-AB (2002) – Small group underwriting requirements

Individual:

INS 10-041-AB (2010) – Guaranteed issue in individual market for children under 19

INS 07-068-AB (2007) – Medical underwriting in the individual market

Medicare Supplement:

INS 10-005-AB (2010) – Impact of MIPPA on Med Supp rates and filings

INS 06-039-AB (2006) – Med Supp rate standards

INS 05-048-AB (2007) – Med Supp rate/issue standards

“Limited Benefit”:

INS 09-067-AB (2010) – Guidelines for accident only coverage

INS 08-081-AB (2009) – Guidelines for hospital and limited indemnity insurance

INS 08-024-AB (2008) – Limited benefit policies

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Tab B

Summary of Impact of Significant ACA Provisions

**Patient Protection and Affordable Care Act (“ACA”)
Significant Coverage/Rate Provisions Affecting New Hampshire Insurance Law**

Summary of Provision	Effective Date	Codification	Impact on NH Law
Prohibition on lifetime limits and restriction on annual limits for essential health benefits (becomes prohibition effective January 1, 2014)	Currently effective	42 U.S.C. § 300gg-11	Preempts state law where inconsistent (no expressly inconsistent provisions)
Prohibition on rescissions except for fraud or misrepresentation	Currently effective	42 U.S.C. § 300gg-12	Preempts state law where inconsistent (no expressly inconsistent provisions)
Requirement to provide certain preventive health services without cost sharing	Currently effective	42 U.S.C. § 300gg-13	Preempts state law where inconsistent (no expressly inconsistent provisions); NH could impose more stringent provisions
Extension of dependent coverage until age 26	Currently effective	42 U.S.C. § 300gg-14 (and implementing regulations)	Requires NH insurers to cover dependents until age 26 without condition (NH law amended to conform; See RSA 415:5(3)(a); 420-A:10-a, I; 420-B:8-aa, I; 420-C:4-a, I; 420-J:-d, I)

Summary of Provision	Effective Date	Codification	Impact on NH Law
Requires plans to report on quality improvement and to provide rebates to members if medical loss ratio is (a) less than 85% in the large group market or (b) less than 80% in the small group or individual markets	Currently effective	42 U.S.C. § 300gg-17, 18 (and implementing regulations)	Preempts state law where inconsistent; states can impose more stringent requirements/NHID amended Ins 4100 to incorporate federal definitions of MLR/Ins 4100 remains distinct in some respects (i.e., prospective nature); NH obtained adjustment of 72% in 2011 and 75% in 2012 for individual market, with 80% statutory level to apply in 2013
Permits the offering of student insurance, defines it as a type of individual insurance and exempts it from certain requirements of the Public Health Service Act	Currently effective	42 U.S.C. § 18118 (and implementing regulations)	Preempts state law where inconsistent (NH law currently treats student insurance as group coverage, see RSA 415:19-a)

Summary of Provision	Effective Date	Codification	Impact on NH Law
Requires establishment of Medicare shared savings program utilizing “accountable care organizations,” and establishing accountable care organization eligibility	Currently effective	42 U.S.C. 1395jjj (and implementing regulations)	Permits providers to join together to provide coordinated care; raises questions about regulatory role of NHID
Plans that cover emergency services must provide such coverage without prior authorization, regardless of participating status of provider, and at in-network cost-sharing level	Currently effective	42 U.S.C. 300gg-19a(b)	Preempts state law where inconsistent (no expressly inconsistent provision; Bulletin 08-029 addresses emergency services but only regarding charges for emergency services not provided at facilities not licensed as hospital emergency facilities; RSA 420-B:8-n currently provides that POS plans must cover out-of-network emergency services as if they were provided in-network)

Summary of Provision	Effective Date	Codification	Impact on NH Law
Requires that if the designation of a PCP for a child is required, the person be permitted to designate a physician who specializes in pediatrics as the PCP if provider is in-network	Currently effective	42 U.S.C. 300gg-19a(c)	Preempts state law where inconsistent (no expressly inconsistent provision)
Prohibits authorization or referral requirements for OB/GYN care provided by in-network providers who specialize in obstetrics or gynecology	Currently effective	42 U.S.C. 300gg-19a(d)	Preempts state law where inconsistent (no expressly inconsistent provision)
Plans must provide uniform explanation of coverage documents and standardized definitions to members and applicants	Effective 9/23/12	42 U.S.C. § 300gg-15 (and implementing regulations)	Preempts state law to the extent federal law is stricter; states may impose more stringent requirements
Prohibits the imposition of preexisting condition limitations	Effective 1/1/14	42 U.S.C. § 300gg-3	Would preempt inconsistent NH law (e.g., RSA 420-G:7; RSA 415-A:5, Ins 1907, etc.)

Summary of Provision	Effective Date	Codification	Impact on NH Law
Limits rating factors for small group and individual coverage to (i) whether coverage is for individual or family, (ii) rating area, (iii) age (by no more than 3 to 1) and (iv) tobacco use (by no more than 1.5 to 1); standards apply to large group if permitted to be offered through exchange	Effective 1/1/14	42 U.S.C. § 300gg	Will preempt inconsistent NH law (e.g., permissive use of health status as rating factor for individual coverage, permissive use of industry classification as rating factor for small group, age rate factors of 4 to 1 and 3.5 to 1, See RSA 420-G:4)
Coverage offered in individual and group markets must be guaranteed issue and guaranteed renewable	Effective 1/1/14	42 U.S.C. § 300gg-1, gg-2	Will preempt inconsistent NH law (e.g., any inconsistent provisions in RSA 420-G:6, V)
Prohibits the establishment by plans in the individual or group markets of rules for eligibility based on health status factors (except for permitted wellness plans)	Effective 1/1/14	42 U.S.C. § 300gg-4	Will preempt inconsistent NH law (e.g., medical underwriting for individual coverage in RSA 420-G:5)

Summary of Provision	Effective Date	Codification	Impact on NH Law
Coverage in individual and small group markets must include essential health benefits	Effective 1/1/14	42 U.S.C. § 300gg-6	HHS has not issued rules on essential health benefit standards; HHS has indicated its approach will be to use a benchmark plan (chosen by state or, if no choice, defaults to small group plan with largest enrollment); states will be required to defray costs associated with state mandates for exchange-based coverage beginning in 2016
Group plans cannot impose a waiting period longer than 90 days	Effective 1/1/14	42 U.S.C. § 300gg-7	Will preempt inconsistent NH law (e.g., possibly RSA 420-G:2, XVII, which does not include a limit)
Group and individual policies must provide coverage for participation in, and costs of, certain clinical trials	Effective 1/1/14	42 U.S.C. § 300gg-8	Will preempt inconsistent NH law

Summary of Provision	Effective Date	Codification	Impact on NH Law
Defines “qualified health plan” and “essential health benefits” (e.g., for purposes of coverage offered through exchanges)	Effective 1/1/14	42 U.S.C. § 18021; 18022 (and implementing regulations or guidance)	Will determine what coverage can be offered through exchanges (see discussion of exchanges below); will determine minimum coverage that must be offered for all policies (see discussion of essential health benefits above)
Establishes requirements for creation of exchanges and participation in exchanges	Effective 1/1/14	42 U.S.C. § 13031; 18032; 18033; 18041 (as well as provisions regarding eligibility determinations, premium tax credits and mandates and related implementing regulations)	NH has elected not to establish an exclusively state-based exchange; the impact on NH depends upon whether there will be an exclusive federal exchange or a federal/state partnership exchange pursuant to HB 1297

Tab C

Comparison of Applicable New Hampshire Statutes/Regulations by License/Authority Type

Tables

Table I – Provisions applicable to accident and health insurers generally

Table II – Provisions applicable to health service corporations

Table III – Provisions applicable to HMOs

Table IV – Provisions applicable to Qualified Association Trusts

Table V – Provisions applicable to Qualified Purchasing Alliances

Table VI – Provisions applicable to MEWAs

Table VII – Applicability of regulatory rate review provisions

Color Key for Tables

Common provision

Similar provision

No corresponding provision

Ambiguity

Table I – Comparison of provisions of other chapters corresponding to RSA 415/A&H Insurers Generally					
RSA 415: Provisions governing A&H insurers generally http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XXXVII-415.htm	RSA 420-A: (HSC) Applicability of A&H provision/corresponding provision http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XXXVII-420-A.htm	RSA 420-B: (HMO) Applicability of A&H provision/corresponding provision http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XXXVII-420-B.htm	RSA 420-G:10: Qualified Association Trust http://www.gencourt.state.nh.us/rsa/html/XXXVII/420-G/420-G-10.htm	RSA 420-M: Qualified Purchasing Alliance http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XXXVII-420-M.htm	RSA 415-E: MEWAs http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XXXVII-415-E.htm
400-A:32 – Premium tax http://www.gencourt.state.nh.us/rsa/html/XXXVII/400-A/400-A-32.htm	Applies (except as limited by 420-A:27)	Applies (except as limited by 420-B:17)	Does not apply?	Does not apply	Applies?
400-A:36 – Annual statement http://www.gencourt.state.nh.us/rsa/html/XXXVII/400-A/400-A-36.htm	See 420-A:20	See 420-B:9	Does not apply?	Does not apply	See 415-E:11

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400-A:37 – Examinations http://www.gencourt.state.nh.us/rsa/html/XXXVII/400-A/400-A-37.htm	See 420-A:20	See 420-B:10	Does not apply?	Does not apply	See 415-E:11, 12
401 (Incorp. and powers of ins. comp.) http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XXXVII-401.htm	Does not apply (but see certain related provisions in Table B)	Does not apply (but see certain related provisions in Table B)	Does not apply?	Does not apply	Applies?
401-B – Holding companies http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XXXVII-401-B.htm	Applies	Applies	Does not apply	Does not apply	Does not apply
402 – Ins. comp. and agents http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XXXVII-402.htm	Does not apply	Does not apply	Does not apply?	Does not apply	Applies?
402-C – Rehab and Liquidation http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XXXVII-402-C.htm	Applies	Applies	Does not apply?	Does not apply	Applies (per 415-E:15)

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402-J http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XXXVII-402-J.htm	Applies	Applies	Applies	Applies (to extent producers are utilized)	Applies
404-F – Risk based capital http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XXXVII-404-F.htm	Applies	Applies	Does not apply?	Does not apply	Applies?
404-G – Individual high risk pool http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XXXVII-404-G.htm	Applies	Applies	Does not apply?	Does not apply	Does not apply?
408-B – L&H GA http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XXXVII-408-B.htm	Does not apply?	Does not apply	Does not apply?	Does not apply	Does not apply?
415 http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XXXVII-415.htm					
415:1 – Filing policies and rates	420-A:8	420-B:8	420-G:10	420-G:10	415-E:8 (as to forms only); 420-G (as to small group rates only)

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415:2 – Disapproval of forms	420-A:8	420-B:8	420-G:10	420-G:10	415-E:8
415:3 – Subsequent disapproval	None	None	None	None	415-E:8
415:4 – Review of disapproval	420-A:23	420-B:14	None	None	None
415:5 – Form of policy	420-A:10-a (as to para. I(3), (3-a)(a)); 420-A:15-b (as to para. I(3-a)(b))	420-B:8, III-b (as to para. I(3-a)(a)); 420-B:8-q (as to para. I(3-a)(b)); 420-B:8-aa (as to para. I(3))	420-J:8-d (as to para. I(3),(3-a)(a)); 420-J:6-d (as to para. I(3-a)(b))	None	420-J:8-d (as to para. I(3),(3-a)(a)); 420-J:6-d (as to para. I(3-a)(b))
415:6 – Policy provisions	420-A:2 (as to para. II(4) only)	420-B:8, III-c (as to para. II(4) only); 420-B:8-I (as to para. I(2))	None?	None (may apply to coverage obtained)	None?
415:6-a – Welfare recipients	415-A:2-a	415-A:2-a	None (may apply to coverage obtained)?	None (may apply to coverage obtained)	None?
415:6-aa – 90-day supply of drugs	420-J:7-b, VIII	420-J:7-b, VIII	420-J:7-b, VIII?	None (may apply to coverage obtained)	None?
415:6-b – Coverage of psychiatric and psychological servs	None	420-B:8-b, II	None (may apply to coverage obtained)?	None (may apply to coverage obtained)	None?
415:6-c – Coverage of enteral formulas	420-A:17	420-B:8-ff	None	None (may apply to coverage obtained)	None
415:6-d – Maternity rider	420-A:9, III	420-B:8, III-a	None	None (may apply to coverage obtained)	None
415:6-e – Coverage of diabetes servs and supplies	420-A:17-a	420-B:8-k	None	None (may apply to coverage obtained)	None

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415:6-f – Patients’ bill of rights	420-A:16-a	420-B:8-m	None	None (may apply to coverage obtained)	None
415:6-g – Off-label prescription drugs	420-A:2	420-B:20, III	None	None (may apply to coverage obtained)	None
415:6-h – Prompt payment	420-A:17-d	420-J:8-a	None	None (may apply to coverage obtained)	None
415:6-I – Retro denials prohibited	420-A:17-e	420-J:8-b	None	None (may apply to coverage obtained)	None
415:6-j – Coverage of prosthetic devices	None	None	None	None	None
415:6-k – Prescription drug info cards	420-A:2	420-J:7-b, V	None	None (may apply to coverage obtained)	None
415:6-l – Coverage for midwives (individual)	420-A:17-f	420-B:8-p	None	None (may apply to coverage obtained)	None
415:6-m – Coverage for testing for bone marrow donations	420-A:2	420-B:20, III	None	None (may apply to coverage obtained)	None
415:6-n – Coverage of children’s early intervention therapy	420-A:17-g	420-B:8-r	None	None (may apply to coverage obtained)	None
415:6-o – Coverage for obesity and morbid obesity (individual)	420-A:2	420-B:20, III	None	None (may apply to coverage obtained)	None
415:6-p – Coverage for hearing aids	None	None	None	None	None

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415:6-q – Reimbursement for ambulance service providers	415:6-q (by virtue of 420-G:2, IX)	415:6-q (by virtue of 420-G:2, IX)	None	None	None
415:7 – Conforming to statute	None	None	None?	None	None?
415:8 – Exceptions (for policies issued until 1956)	None	None	None?	None	None?
415:9 – Falsity in application	None	None	None?	None	None?
415:10 – Acknowledgement of notice (not acting as waiver of insurer’s rights)	None	None	None?	None	None?
415:11 – Alteration of application (not permitted except with consent of applicant)	None	None	None?	None	None?
415:12 – By insurer (alteration by officer deemed alteration by insurer)	None	None	None?	None	None?

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415:13 – Age limit (coverage continues for premium period, except only refund required upon misstatement of age)	None	None	None	None	None
415:14 – Non-app to certain policies (workers’ comp, reinsurance, group/blanket and life ins./annuities)	None equivalent (but 420-A:30 provides that fraternal and life companies are excepted and 420-A:32 provides that workers’ comp laws are not affected by chapter)	None	None?	None	None?
415:15 – Discrimination	417, VIII	417, VIII	417, VIII?	None	417, VIII?
415:16 – Approval by Commissioner (of policies supplemental to life/annuities providing certain A&H benefits)	None	None	None?	None	None?
415:17 – Fraternal (non-applicability of chapter)	420-A:30	None	None?	None	None?
415:18 – Group/blanket provisions					

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Para. I – general provisions	420-A:10 (as to para. I(q))	420-B:12, IV (as to para. I(q)); 420-B:8-i (as to para. I(r)); 420-B:8, III-a (as to para. I(s))	None (may apply to coverage obtained)?	None	None (may apply to coverage obtained)?
Para. I-a – blanket ins.	None	None	None	None	None
Para. I-b – non-assignment of blanket benefits	None	None	None	None	None
Para. II – disclosure of reductions and exceptions to coverage	420-A:9, II	420-B:8, III(b)	None (may apply to coverage obtained)?	None (may apply to coverage obtained)	None (may apply to coverage obtained)?
Para. III – Approval of form with modified provisions	None	None	None (may apply to coverage obtained)?	None	None (may apply to coverage obtained)?
Para. IV – Coverage for dependents; direct payment to provider	See 420-A:10-a; 420-A:9, XIII	See 420-B:8-aa	None (may apply to coverage obtained)?	None (may apply to coverage obtained)	None (may apply to coverage obtained)?
Para. V – Dependent mentally or physically incapable of earning living	420-A:2; 420-A:10-a, I-a	420-B:8, III-b	420-J:6-d 420-J:8-d?	None (may apply to coverage obtained)	420-J:6-d 420-J:8-d?
Para. VI – Coverage for services provided by doctor of osteopathy, chiropractic, etc.	None	None	None (may apply to coverage obtained)?	None (may apply to coverage obtained)	None (may apply to coverage obtained)?

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Para. VII – Option to elect coverage through high risk pool or continuation coverage upon term. of group cov.	420-A:2 (as to subpara. (g) only)	420-B:20, III (as to subpara. (g) only)	None (may apply to coverage obtained)?	None (may apply to coverage obtained)	None (may apply to coverage obtained)?
Para. VII-a – Coverage in event of strike, lockout or other labor dispute	420-A:2	420-B:20, III	None (may apply to coverage obtained)?	None (may apply to coverage obtained)	None (may apply to coverage obtained)?
Para. VII-b – coverage for divorced spouses	None	None	None (may apply to coverage obtained)?	None	None (may apply to coverage obtained)?
Para. VIII – Definition of physician or doctor to include dentist	None	None	None (may apply to coverage obtained)?	None	None (may apply to coverage obtained)?
Para. XII – No denial of coverage based on health risk or condition except permitted pre-ex condition exclusions	420-A:9, IX	420-B:12, VI	420-G:10(b); 420-G:7	420-G:10(b); 420-G:7	420-G:10(b); 420-G:7
Para. XIII – Allocation of costs of maternity and childbirth	420-A:9, X	420-B:12, VII	None (may apply to coverage obtained)?	None (may apply to coverage obtained)	None (may apply to coverage obtained)?
Para. XIV – Patients bill of rights	420-A:16-a	420-B:8-m	None (may apply to coverage obtained)?	None (may apply to coverage obtained)	None (may apply to coverage obtained)?

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Para. XV – Definitions for continuation coverage	Implied by 420-A:2	Implied by 420-B:20, III	None (may apply to coverage obtained)?	None (may apply to coverage obtained)	None (may apply to coverage obtained)?
Para. XVI – Continuation coverage	420-A:2	420-B:20, III	None (may apply to coverage obtained)?	None (may apply to coverage obtained)	None (may apply to coverage obtained)?
Para. XVII – Term. of coverage	420-A:2	420-B:20, III	None (may apply to coverage obtained)?	None (may apply to coverage obtained)	None (may apply to coverage obtained)?
415:18-a – Coverage for mental/nervous conditions	420-A:2	420-B:8-b	None (may apply to coverage obtained)?	None (may apply to coverage obtained)	None (may apply to coverage obtained)?
415:18-b – Cancellation/non-renewal	420-A:11	420-B:8-c	None (may apply to coverage obtained)?	None (may apply to coverage obtained)	None (may apply to coverage obtained)?
415:18-d – Coverage for scalp hair prostheses	420-A:14	420-B:8-f	None (may apply to coverage obtained)?	None (may apply to coverage obtained)	None (may apply to coverage obtained)?
415:18-e – Coverage for enteral formulas	420-A:17	420-B:8-ff	None (may apply to coverage obtained)?	None (may apply to coverage obtained)	None (may apply to coverage obtained)?
415:18-f – Coverage for diabetes servs/supplies	420-A:17-a	420-B:8-k	None (may apply to coverage obtained)?	None (may apply to coverage obtained)	None (may apply to coverage obtained)?
415:18-g – Coverage for dental (medical/hospital)	420-A:17-b	420-B:8-ee	None (may apply to coverage obtained)?	None (may apply to coverage obtained)	None (may apply to coverage obtained)?

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415:18-i – Coverage for contraceptives	420-A:17-c	420-B:8-gg	None (may apply to coverage obtained)?	None (may apply to coverage obtained)	None (may apply to coverage obtained)?
415:18-j – Off-label prescription drugs	420-A:2	420-B:20, III	None (may apply to coverage obtained)?	None (may apply to coverage obtained)	None (may apply to coverage obtained)?
415:18-k – Prompt payment	420-A:17-d	420-J:8-a	None (may apply to coverage obtained)?	None (may apply to coverage obtained)	None (may apply to coverage obtained)?
415:18-l – Coverage for clinical trials	415:18-l	415:18-l	None (may apply to coverage obtained)?	None (may apply to coverage obtained)	None (may apply to coverage obtained)?
415:18-m – Retro denials prohibited	420-A:17-e	420-J:8-b	None (may apply to coverage obtained)?	None (may apply to coverage obtained)	None (may apply to coverage obtained)?
415:18-n – Coverage for prosthetic devices	415:18-n	415:18-n	None (may apply to coverage obtained)?	None (may apply to coverage obtained)	None (may apply to coverage obtained)?
415:18-o – Prescription drug info. Cards	420-A:2	420-J:7-b, V	None (may apply to coverage obtained)?	None (may apply to coverage obtained)	None (may apply to coverage obtained)?
415:18-p – Coverage of court-ordered servs	420-A:15-a	420-B:8-o	None (may apply to coverage obtained)?	None (may apply to coverage obtained)	None (may apply to coverage obtained)?
415:18-q – Coverage for midwives	420-A:17-f	420-B:8-p	None (may apply to coverage obtained)?	None (may apply to coverage obtained)	None (may apply to coverage obtained)?
415:18-r – Coverage for testing for bone marrow donations	420-A:2	420-B:20, III	None (may apply to coverage obtained)?	None (may apply to coverage obtained)	None (may apply to coverage obtained)?

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415:18-s – Coverage for children’s early intervention servs	420-A:17-g	420-B:8-r	None (may apply to coverage obtained)?	None (may apply to coverage obtained)	None (may apply to coverage obtained)?
415:18-t – Coverage for obesity/morbid obesity	420-A:2	420-B:20, III	None (may apply to coverage obtained)?	None (may apply to coverage obtained)	None (may apply to coverage obtained)?
415:18-u – Coverage for hearing aids	420-A:2	420-B:20, III	None (may apply to coverage obtained)?	None (may apply to coverage obtained)	None (may apply to coverage obtained)?
415:18-v – Reimbursement of ambulance serv providers	420-A:2	420-B:20, III	None (may apply to coverage obtained)?	None (may apply to coverage obtained)	None (may apply to coverage obtained)?
415:19 – Franchise plan	None	None	None	None	None
415:19-a – Student insurance	None	None	None	None	None
415:20 – Penalty	Multiple (see 417; 420-J:14; 420-G:16)	420-B:13	None	420-M:3	415-E:14
415:21 – Ins. through joint action	None	None	None	None	None
415:22 – Newborn children	420-A:2	420-B:8-j	None (may apply to coverage obtained)?	None (may apply to coverage obtained)	None (may apply to coverage obtained)?
415:22-a – Coverage during adoption proceeding	420-A:15	420-B:8-g	None (may apply to coverage obtained)?	None (may apply to coverage obtained)	None (may apply to coverage obtained)?
415:22-b – Notice of allowable benefit	420-A:16	420-B:8-h	None (may apply to coverage obtained)?	None (may apply to coverage obtained)	None (may apply to coverage obtained)?

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415:23 – Jurisdiction over health insurers	None	None	None	None	None
415:24 – Rate modifications	None	None	None	None	None
415-A – Standards for A&H Ins. http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XXXVII-415-A.htm	Applies	Applies	Applies?	Does not apply	Applies
415-D – Long Term Care Insurance http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XXXVII-415-D.htm	Applies	Applies	Applies?	Does not apply	Applies?
415-F – Med. Supp. Ins. http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XXXVII-415-F.htm	Applies	Applies	Applies?	Does not apply	Does not apply?
417 – Unfair ins. trade practices http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XXXVII-417.htm	Applies	Applies	Applies?	Does not apply	Applies?

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<p>417-E – Coverage for certain mental illness http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XXXVII-417-E.htm</p>	<p>Applies</p>	<p>Applies</p>	<p>Does not apply directly (may apply to coverage obtained)?</p>	<p>Does not apply directly (may apply to coverage obtained)</p>	<p>Applies?</p>
<p>417-F – Coverage for emergency services http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XXXVII-417-F.htm</p>	<p>Applies</p>	<p>Applies</p>	<p>Applies?</p>	<p>Does not apply directly (may apply to coverage obtained)</p>	<p>Applies?</p>
<p>420-C – Preferred provider agts. http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XXXVII-420-C.htm</p>	<p>Applies</p>	<p>Applies?</p>	<p>Does not apply?</p>	<p>Does not apply</p>	<p>Does not apply?</p>
<p>420-G – Portability, availability, renewability http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XXXVII-420-G.htm</p>	<p>Applies</p>	<p>Applies</p>	<p>Applies (to the extent provided in 420-G:10)</p>	<p>Applies (to the extent provided in 420-G:10)</p>	<p>Applies (to the extent provided in 420-G:3)</p>

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<p>420-H – EOB http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XXXVII-420-H.htm</p>	<p>Applies</p>	<p>Applies</p>	<p>Does not apply directly (may apply to coverage obtained)?</p>	<p>Does not apply directly (may apply to coverage obtained)</p>	<p>Does not apply directly (may apply to coverage obtained)?</p>
<p>420-I – Prohibition on exclusive managed care arrangements http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XXXVII-420-I.htm</p>	<p>Applies</p>	<p>Applies</p>	<p>Applies?</p>	<p>Does not apply directly (may apply to coverage obtained)</p>	<p>Applies?</p>
<p>420-J – Managed care law http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XXXVII-420-J.htm</p>	<p>Applies</p>	<p>Applies</p>	<p>Applies?</p>	<p>Does not apply directly (may apply to coverage obtained)</p>	<p>Applies?</p>

Table II – Comparison of provisions of other chapters corresponding to 420-A					
<u>RSA 420-A: (HSC)</u> http://www.gencourt.state.nh.us/rsa/html/NH-TOC/NHTOC-XXXVII-420-A.htm	<u>RSA 415:</u> Provisions governing A&H insurers generally http://www.gencourt.state.nh.us/rsa/html/NH-TOC/NHTOC-XXXVII-415.htm	<u>RSA 420-B: (HMO)</u> http://www.gencourt.state.nh.us/rsa/html/NH-TOC/NHTOC-XXXVII-420-B.htm	<u>RSA 420-G:10:</u> Qualified Association Trust http://www.gencourt.state.nh.us/rsa/html/XXXVII/420-G/420-G-10.htm	<u>RSA 420-M:</u> Qualified Purchasing Alliance http://www.gencourt.state.nh.us/rsa/html/NH-TOC/NHTOC-XXXVII-420-M.htm	<u>RSA 415-E:</u> MEWAs http://www.gencourt.state.nh.us/rsa/html/NH-TOC/NHTOC-XXXVII-415-E.htm
420-A:1 – Definitions	No generally applicable definitions provision (but relevant terms are defined elsewhere)	420-B:1	420-G:2, XV (as to “qualified association trust” only)	420-M:2	415-E:1
420-A:2 – Applicable Statutes	See Table A for provisions incorp. by 420-A:2	420-B:20	None	No directly applicable provision (but see 420-M:3 regarding jurisdiction generally)	None
420-A:3 – Incorporation	401	No directly applicable provision (but see 420-B:2 and 293-A generally)	None	No directly applicable provision (but see 293-A regarding incorp. generally)	No directly applicable provision (but see other incorp. provisions generally)
420-A:4 – License	402:12	420-B:2	None	420-M:4	415-E:4
420-A:5 – Directors (limitations)	None	None	None	None	None
420-A:6 – Liability of Directors	401:10 (293-A:8.50 through 293-A:8.58)	293-A:8.50 through 293-A:8.58	None	No directly applicable provision (but see 293-A:8.50 through 293-A:8.58 generally)	No directly applicable provision (but see 293-A:8.50 through 293-A:8.58 generally)
420-A:7 – License to Agent	402-J	420-B:18	None?	No directly applicable provision (but 402-J would apply to extent producers utilized)	No directly applicable provision (but 402-J would apply to extent producers utilized)

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420-A:8 – Filing and approval of contracts/rates	415:1, 415:2	420-B:8	420-G:10 (as to rates)	None	420-G:13 (as to small group)
420-A:9 – Contracts with subscribers	See 415:6-d, 415:18 para. II, XII, XIII	420-B:8	None?	None	415:18?
420-A:10 – Part-time employees	415:18, I(q)	420-B:12, IV	None (may apply to coverage obtained)?	None (may apply to coverage obtained)	415:18, I(q)?
420-A:10-a – Dependent coverage	415:5, I(3), 415:18, IV, V	420-B:8, III-b, 420-B:8-aa	420-J:8-d?	None (may apply to coverage obtained)	415:18, IV, V?
420-A:11 – Cancellation/nonrenewal of group insurance	415:18-b	420-B:8-c	None (may apply to coverage obtained)?	None (may apply to coverage obtained)	415:18-b?
420-A:12 – Cancellation/nonrenewal of individual insurance	415:6, II(8)	420-B:8-d	None	None (may apply to coverage obtained)	None
420-A:14 – Coverage for scalp hair prostheses	415:18-d	420-B:8-f	None (may apply to coverage obtained)?	None (may apply to coverage obtained)	415:18-d?
420-A:15 – Coverage during adoption proceedings	415:22-a	420-B:8-g	None (may apply to coverage obtained)?	None (may apply to coverage obtained)	415:22-a?
420-A:15-a – Covered, court-ordered services	415:18-p	420-B:8-o	420-J:6-c?	None (may apply to coverage obtained)	415:18-p?
420-A:15-b – Coverage for dependents	415:5, I(3-a)(b)	420-B:8-q	420-J:6-d?	None (may apply to coverage obtained)	420-J:6-d?
420-A:16 – Notification of allowable benefit	415:22-b	420-B:8-h	None (may apply to coverage obtained)?	None (may apply to coverage obtained)	415:22-b?
420-A:16-a – Patients’ bill of rights	415:6-f, 415:18, XIV	420-B:8-m	None (may apply to coverage obtained)?	None (may apply to coverage obtained)	415:18, XIV?
420-A:17 – Coverage for enteral formulas	415:6-c, 415:18-e	420-B:8-ff	None (may apply to coverage obtained)?	None (may apply to coverage obtained)	415:18-e?

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420-A:17-a – Coverage for diabetes servs. and supplies	415:6-e, 415:18-f	420-B:8-k	None (may apply to coverage obtained)?	None (may apply to coverage obtained)	415:18-f?
420-A:17-b – Coverage for dental procedures	415:18-g	420-B:8-ee	None (may apply to coverage obtained)?	None (may apply to coverage obtained)	415:18-g?
420-A:17-c – Coverage for contraceptives	415:18-i	420-B:8-gg	None (may apply to coverage obtained)?	None (may apply to coverage obtained)	415:18-i?
420-A:17-d – Prompt payment	415:6-h, 415:18-k	420-J:8-a	420-J:8-a?	None (may apply to coverage obtained)	415:18-k?
420-A:17-e – Retro. denials prohibited	415:6-i, 415:18-m	420-J:8-b	420-J:8-b?	None (may apply to coverage obtained)	415:18-m?
420-A:17-f – Coverage for midwives	415:6-l, 415:18-q	420-B:8-p	None (may apply to coverage obtained)?	None (may apply to coverage obtained)	415:18-q?
420-A:17-g – Coverage for early intervention servs.	415:6-n, 415:18-s	420-B:8-r	None (may apply to coverage obtained)?	None (may apply to coverage obtained)	415:18-s?
420-A:18 – Investments (governed by 411-A)	402:28	420-B:15	None?	None	402:28?
420-A:19 – Proh. limitations on liability	420-J:8, IV, V (for purposes of managed care contracts)	420-J:8, IV, V	420-J:8, IV, V?	None (may apply to coverage obtained)	420-J:8, IV, V
420-A:20 – Reports and Exams	400-A:36, 400-A:36-a, 400-A:37	420-B:9, 420-B:10	None?	420-M:5	415-E:11; 415-E:12
420-A:21 – Reserves	No corresponding provision (but see 401:4 for capital requirements generally)	No corresponding provision (but see 420-B:25 for capital requirements generally)	None	None	No corresponding provision (but see 415-E:5, 6 and 7)
420-A:22 – Annual Review (of rates)	None	None	None	None	None
420-A:23 – Appeals	RSA 541	420-B:14	RSA 541	RSA 541	RSA 541

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420-A:24 – Agreements with providers	None	None	None	None	None
420-A:25 – Admin services	No directly applicable provision (but see 402-H re TPAs)	No directly applicable provision (but see 402-H re TPAs)	No directly applicable provision (but see 402-H re TPAs)	No directly applicable provision (but see 402-H re TPAs)	No directly applicable provision (but see 402-H re TPAs)
420-A:26 – Nonliability of corp.	None	None	None	None	None
420-A:27 – Taxation (premium tax)	400-A:32 (as to premium tax applicability)	420-B:17	None?	None	400-A:32 (as to premium tax applicability)?
420-A:28 – Relationship of provider/patient	No directly applicable provision (but see 420-J)	No directly applicable provision (but see 420-J)	No directly applicable provision (but see 420-J)	None	No directly applicable provision (but see 420-J)
420-A:29 – Foreign corp.; reciprocity	405 – Foreign ins. companies	420-B:2, I, 420-B:4	No directly applicable provision (but see 293-A generally)	No directly applicable provision (but see 293-A generally)	No directly applicable provision (but see 293-A generally)
420-A:30 – Exceptions (to application of chapter)	415:14	None	None	None	None
420-A:31 – Rules	400-A:15	420-B:21	400-A:15	420-M:3; 400-A:15	415-E:16
420-A:32 – Workers' comp law not affected	415:14	None	None	None	None

Table III – Comparison of provisions of other chapters corresponding to 420-B					
RSA 420-B: (HMO) http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XXXVII-420-B.htm	RSA 415: Provisions governing A&H insurers generally http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XXXVII-415.htm	RSA 420-A: (HSC) http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XXXVII-420-A.htm	RSA 420-G:10: Qualified Association Trust http://www.gencourt.state.nh.us/rsa/html/XXXVII/420-G/420-G-10.htm	RSA 420-M: Qualified Purchasing Alliance http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XXXVII-420-M.htm	RSA 415-E: MEWAs http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XXXVII-415-E.htm
420-B:1 – Definitions	No generally applicable definitions provision (but relevant terms are defined elsewhere)	420-A:1	420-G:2, XV (as to “qualified association trust” only)	420-M:2	415-E:1
420-B:2 – Certificate of Authority	402:12	420-A:4	None	420-M:4	415-E:4
420-B:3 – Application for COA	402:11	420-A:4	None	420-M:4	415-E:4
420-B:4 – Jurisdictional POA	405:10	None	None	None	None
420-B:5 – Issuance of COA	402:12	420-A:4	None	420-M:4	415-E:4
420-B:5-a – Renewal of COA	402:12	420-A:4	None	420-M:4	415-E:4
420-B:5-b – New license for changed conditions	402:14-a	None	None	None	None

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420-B:6 – Pre-certificate activities	None	None	None	None	None
420-B:7 – Powers of HMOs	401; 293-A	See 420-A generally	None	420-M:7	See 415-E generally
420-B:8 – Forms of evidence of coverage	415:1; 415:2; 415:5, I(3-a)(a) and (b); 415:6, II(4); 415:6-d; 415:18, II, V	420-A:9	420-G:10 (as to approval of rates)	None	415-E:8?
420-B:8-aa – Dependent coverage	415:5, I(3), 415:18, IV	420-A:10-a	420-J:8-d?	None (may apply to coverage obtained)	415:5, I(3), 415:18, IV?
420-B:8-b – Coverage for mental and nervous conditions	415:6-b; 415:18-a	415:18-a; 417-E	None (may apply to coverage obtained)?	None (may apply to coverage obtained)	415:6-b; 415:18-a?
420-B:8-c – Cancellation/nonrenewal of individual coverage	415:6, II(8)	420-A:12	None	None (may apply to coverage obtained)	None
420-B:8-d – Cancellation/nonrenewal of group coverage	415:18-b	420-A:11	None (may apply to coverage obtained)?	None (may apply to coverage obtained)	415:18-b?
420-B:8-ee – Coverage for dental procedures	415:18-g	420-A:17-b	None (may apply to coverage obtained)?	None (may apply to coverage obtained)	415:18-g?
420-B:8-f – Coverage for scalp hair prostheses	415:18-d	420-A:14	None (may apply to coverage obtained)?	None (may apply to coverage obtained)	415:18-d?
420-B:8-ff – Coverage for enteral formulas	415:6-c, 415:18-e	420-A:17	None (may apply to coverage obtained)?	None (may apply to coverage obtained)	415:6-c, 415:18-e?

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420-B:8-g – Coverage during adoption proceedings	415:22-a	420-A:15	None (may apply to coverage obtained)?	None (may apply to coverage obtained)	415:22-a?
420-B:8-gg – Coverage for contraceptives	415:18-i	420-A:17-c	None (may apply to coverage obtained)?	None (may apply to coverage obtained)	415:18-i?
420-B:8-h – Notification of allowable benefit	415:22-b	420-A:16	None (may apply to coverage obtained)?	None (may apply to coverage obtained)	415:22-b?
420-B:8-i – Incontestable provision	415:6, I(2); 415:18, I(r)	None	None (may apply to coverage obtained)?	None (may apply to coverage obtained)	415:6, I(2); 415:18, I(r)?
420-B:8-j – Newborn children	415:22	415:22 (by 420-A:2)	None (may apply to coverage obtained)?	None (may apply to coverage obtained)	415:22?
420-B:8-k – Coverage for diabetes servs. and supplies	415:6-e, 415:18-f	420-A:17-a	None (may apply to coverage obtained)?	None (may apply to coverage obtained)	415:6-e, 415:18-f?
420-B:8-l – Medicare risk contracts	None	None	None	None	None
420-B:8-m – Patients’ bill of rights	415:6-f, 415:18, XIV	420-A:16-a	None (may apply to coverage obtained)?	None (may apply to coverage obtained)	415:6-f, 415:18, XIV?
420-B:8-n – Point of service plans	None	None	None	None	None
420-B:8-o – Coverage of covered, court-ordered servs.	415:18-p	420-A:15-a	420-J:6-c?	None (may apply to coverage obtained)	415:18-p?

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420-B:8-p – Coverage of midwives	415:6-l, 415:18-q	420-A:17-f	None (may apply to coverage obtained)?	None (may apply to coverage obtained)	415:6-l, 415:18-q?
420-B:8-q – Coverage of dependents	415:5, I(3-a)(b); 415:18, V	420-A:15-b	420-J:6-d?	None (may apply to coverage obtained)	415:5, I(3-a)(b); 415:18, V?
420-B:8-r – Coverage of early intervention services	415:6-n, 415:18-s	420-A:17-g	None (may apply to coverage obtained)?	None (may apply to coverage obtained)	415:6-n, 415:18-s?
420-B:9 – Reports to Commissioner	400-A:36, 400-A:36-a	420-A:20	None?	420-M:5	415-E:11
420-B:10 – Examination	400-A:37	420-A:20	None?	420-M:5	415-E:11; 415-E:12
420-B:11 – Complaint system	420-J:5 (as to managed care)	420-J:5	None?	None	420-J:5 (as to managed care)
420-B:12 – Prohibited practices	417	417	None?	420-M:7	417?
420-B:12, V – Any willing pharmacy provider	None	None	None	None	None
420-B:13 – Sanctions	Multiple (see, e.g., 415:20, 400-A:14, 400-A:15)	Multiple (see 417; 420-J:14; 420-G:16)	None?	420-M:3	415-E:14
420-B:14 – Procedures and Appeals	RSA 541	420-A:23	RSA 541	RSA 541	RSA 541
420-B:15 – Investments (subject to standards governing life insurers)	402:28	420-A:18	None?	None	No directly applicable provisions (but see 415-E:5, 6 and 7)
420-B:16 – Fees	400-A:29	400-A:29	None?	None	400-A:29?
420-B:17 – Taxation	400-A:32	400-A:27	None?	None	400-A:32?

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420-B:18 – Regulation of agents	402-J	402-J	None?	No directly applicable provision (but 402-J would apply to extent producers utilized)	402-J?
420-B:19 – Powers of Insurers and hosp. and med. Service corps.	None	None	None	None	None
420-B:20 – Stat. construction and relationship to other laws	See Table A for provisions incorp. by 420-B:20	420-A:2	None	No directly applicable provision (but see 420-M:3 regarding jurisdiction generally)	None
420-B:21 – Regulations	400-A:15	420-A:31	400-A:15	400-A:15	400-A:15
420-B:22 – Federal legis.	None	None	None	None	None
420-B:23 – Systems failing to meet reqs. of chapter (operating and license of system similar to HMO)	None	None	None	None	None
420-B:24 Notification of option to enroll in HMO	None	None	None	None	None
420-B:25 – Capital reqs.	See 401:4, 404-F	420-A:21	None?	None	415-E:5, 6 and 7

Table IV – Comparison of provisions of other chapters corresponding to Qualified Association Trusts					
RSA 420-G:10: Qualified Association Trust http://www.gencourt.state.nh.us/rsa/html/XXXVII/420-G/420-G-10.htm	RSA 415: Provisions governing A&H insurers generally http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XXXVII-415.htm	RSA 420-A: (HSC) http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XXXVII-420-A.htm	RSA 420-B: (HMO) http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XXXVII-420-B.htm	RSA 420-M: Qualified Purchasing Alliance http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XXXVII-420-M.htm	RSA 415-E: MEWAs http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XXXVII-415-E.htm
420-G:2, XV – Definition of qualified association trust	No generally applicable definitions provision (but relevant terms are defined elsewhere)	420-A:1	420-B:1	420-M:2	415-E:1
420-G:10 – Rating requirements	415:1, 415:2; 420-G	420-A:8; 420-G	420-B:8; 420-G	None	420-G:13 (as to small group)

Table V – Comparison of provisions of other chapters corresponding to 420-M					
RSA 420-M: Qualified Purchasing Alliance http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XXXVII-420-M.htm	RSA 415: Provisions governing A&H insurers generally http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XXXVII-415.htm	RSA 420-A: (HSC) http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XXXVII-420-A.htm	RSA 420-B: (HMO) http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XXXVII-420-B.htm	RSA 420-G:10: Qualified Association Trust http://www.gencourt.state.nh.us/rsa/html/XXXVII/420-G/420-G-10.htm	RSA 415-E: MEWAs http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XXXVII-415-E.htm
420-M:1 – Purpose	401:1	None	None	None	None
420-M:2 – Definitions	No generally applicable definitions provision (but relevant terms are defined elsewhere)	420-A:1	420-B:1	420-G:2, XV (as to “qualified association trust” only)	415-E:1
420-M:3 – Jur. of comm.; penalties	Multiple (see 415:1, 415:2, 415:23 as to jurisdiction; see, e.g., 415:20, 400-A:14, 400-A:15 as to penalties)	Multiple (see 420-A:2, 420-A:4 as to jurisdiction; see, e.g., 417; 420-J:14; 420-G:16 as to penalties)	420-B:2 (as to jurisdiction); 420-B:13 (as to penalties)	420-G:10 (as to jurisdiction)	415-E:2 (as to jurisdiction); 415-E:14 (as to penalties)
420-M:4 – Application and licensing	402:11; 402:12	420-A:4	420-B:2; 420-B:3; 420-B:5	None	415-E:4

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420-M:5 – Business plan and other req. documents	402:11 (regarding application info.)	420-A:4 (regarding application info.)	42-B:3 (regarding application info.)	None	415-E:4 (regarding application info.)
420-M:6 – Revocation of license and insolvency	See, e.g., 415:20, 400-A:14, 400-A:15 as to revocation; 402-C as to insolvency	See, e.g., 415:20, 400-A:14, 400-A:15 as to revocation; 402-C as to insolvency	420-B:13 (as to revocation); 402-C as to insolvency	None	415-E:13 (as to revocation); 402-C as to insolvency
420-M:7 – Powers and duties; restrictions	401:1, 293-A (as to powers); 417 (as to prohibited practices)	420-A generally (as to powers); 417 (as to prohibited practices)	420-B:7 (as to powers); 420-B:12 (as to prohibited practices)	None?	415-E generally (as to powers); 417 (as to prohibited practices)
420-M:8 – Contracts with participating carriers	None	None	None	None	None
420-M:9 – Reqs. for participating carriers	None	None	None	None	None
420-M:10 – Marketing health benefit plans	No corresponding provision (but see 417 regarding advertising generally)	No corresponding provision (but see 417 regarding advertising generally)	No corresponding provision (but see 420-B:12 regarding advertising generally)	No corresponding provision (but see 417 regarding advertising generally)?	No corresponding provision (but see 417 regarding advertising generally)?
420-M:11 – Conflict of interest	None	None	None	None	None
420-M:12 – Distinguished from MEWA	None	None	None	None	None (compare to 415-E generally)
420-M:13 – Qualified purchasing alliance	None	None	None	420-G:2, XV (regarding qualifying criteria)	415-E:3 (regarding qualifying criteria)

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Table VI – Comparison of provisions of other chapters corresponding to 415-E					
RSA 415-E: MEWAs http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XXXVII-415-E.htm	RSA 415: Provisions governing A&H insurers generally http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XXXVII-415.htm	RSA 420-A: (HSC) http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XXXVII-420-A.htm	RSA 420-B: (HMO) http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XXXVII-420-B.htm	RSA 420-G:10: Qualified Association Trust http://www.gencourt.state.nh.us/rsa/html/XXXVII/420-G/420-G-10.htm	RSA 420-M: Qualified Purchasing Alliance http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XXXVII-420-M.htm
415-E:1 – Definitions	No generally applicable definitions provision (but relevant terms are defined elsewhere)	420-A:1	420-B:1	420-G:2, XV (as to “qualified association trust” only)	420-M:2
415-E:2 – Applicability (certain MEWAs exempt)	None	None	None	None	None
415-E:3 – General Eligibility	None	None	None	420-G:2, XV	420-M:13
415-E:4 – Filing of Application	402:11	420-A:4	420-B:3	None	420-M:4
415-E:5 – Fund Balance	See 401:4, 404-F	420-A:21	420-B:25	None?	No corresponding provision (but see 420-M:5, regarding sound financial operation/controls)

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415-E:6 – Financial Condition, etc.	404-F	404-F	404-F	None?	No corresponding provision (but see 420-M:5, regarding sound financial operation/controls)
415-E:7 – Insolvency protection (deposit)	402:73	Deposit required	Deposit required	None?	None
415-E:8 – Policy forms	415:1; 415:2; 415:3	420-A:8	420-B:8	None?	None
415-E:9 – Employer participants’ liability	None	None	None	None	None
415-E:10 – Term. of arrangement	None	None	None	None	None
415-E:11 – Annual/triennial reports	400-A:36, 400-A:36-a	420-A:20	420-B:9	None?	420-M:5
415-E:12 – Place of business; maintenance of records	400-A:37, III(b) (as to availability of records only)	420-A:20 (as to availability of records only)	420-B:10, II (as to availability of records only)	None?	420-M:5 (as to availability of records only)
415-E:13 – Susp., revoc. \of approval	Multiple (see, e.g., 415:20, 400-A:14, 400-A:15)	Multiple (see 417; 420-J:14; 420-G:16)	420-B:13	None	420-M:6
415-E:14 – Penalties	Multiple (see, e.g., 415:20, 400-A:14, 400-A:15)	Multiple (see 417; 420-J:14; 420-G:16)	420-B:13	None?	420-M:3
415-E:15 – Rehab/diss	402-C	402-C	402-C	None?	420-M:6
415-E:16 - Rulemaking	400-A:15	420-A:31	420-B:21	400-A:15	400-A:15

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Table VII – Applicability of regulatory provisions regarding rate review					
<u>A&H Generally</u>	<u>HSC</u>	<u>HMO</u>	<u>Qual. Assoc. Trust</u>	<u>Qual. Purch. Alliance</u>	<u>MEWA</u>
A. Ins 401 (general form/rate review standards) http://www.gencourt.state.nh.us/rules/state_agencies/ins400.html					
Yes	Yes	Yes	Yes?	No (but would apply as to coverage purchased)	Yes
B. Ins 3100 (electronic rate submission requirements) http://www.gencourt.state.nh.us/rules/state_agencies/ins3100.html					
Yes	Yes	Yes	Yes?	No (but would apply as to coverage purchased)	Yes (as to small group)?
C. Ins 4100 (specific rate review standards for individual, small group, large group, stop loss and “limited benefit”) http://www.gencourt.state.nh.us/rules/state_agencies/ins4100.html					
Yes	Yes	Yes	Yes?	No (but would apply as to coverage purchased)	Yes (as to small group)?
D. Ins 1900 (standards governing A&H coverage) http://www.gencourt.state.nh.us/rules/state_agencies/ins1900.html					
Yes	Yes	Yes	Yes?	No	Yes

Tab D

Comparison of Rate Review Regulations by Market
Segment

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Comparison of Rate Review Provisions by Market Segment

Regulatory Provision	Market Segment							
	Large Group	Small Group	Group Supp.	Indiv./ Franch.	Blanket	Stop Loss	Long-Term Care	Medicare Supp
1. Ins 401 – Filings for LAH Insurance								
401.01 – Purpose and Scope	X	X	X	X	X	X	X	X
401.02 – Definitions	X	X	X	X	X	X	X	X
401.03 – Rules applicable to all forms	X	X	X	X	X	X	X	X
401.04 – Individual life and annuity contracts	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
401.05 – Individual accident and health	N/A	N/A	N/A	X	N/A	N/A	X	X
401.06 – Group life policies	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
401.07 – Group and blanket accident and health	X	X	X	N/A	X	N/A	X	X
401.08 – Group annuity contracts	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
401.09 – Variable contracts	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
401.10 – Computation of cash values for variable annuities	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
401.11 – Applications	X	X	X	X	X	X	X	X
401.12 – Forms filing, review and inventory procedures	X	X	X	X	X	X	X	X
401.13 – Penalty; generally	X	X	X	X	X	X	X	X

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Regulatory Provision	Market Segment							
	Large Group	Small Group	Group Supp.	Indiv./ Franch.	Blanket	Stop Loss	Long-Term Care	Medicare Supp
2. Ins 3100 – Electronic Filing Standards								
3101.01 – Purpose	X	X	X	X	X	X	X	X
3101.02 – Applicability and Scope	X	X	X	X	X	X	X	X
3101.03 – Definitions	X	X	X	X	X	X	X	X
3101.04 – Procedural requirements	X	X	X	X	X	X	X	X
3. Ins 4101 – Requirements governing all A&H rate submissions	X	X	X (except for group disability income insurance)	X	X	X	N/A	N/A
4. Ins 4102 to 4106 – Specific rate submission requirements	4104	4103	4106	4102	4106	4105	4106	4106
Purpose	X	X	X	X	X	X	X	X
Applicability	X	X	X	X	X	X	X	X
Definitions –								
Actuarial certification	X	X	X	X	X	X	X	X
Actuarial memo	X	X	X	X	X	X	X	X
Anticipated durational loss ratio	N/A	X	N/A	N/A	N/A	N/A	N/A	N/A
Anticipated loss ratio	X	X	X	X	X	X	X	X
Blanket A&H insurance	N/A	N/A	X	N/A	X	N/A	X	X

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Regulatory Provision	Market Segment							
	Large Group	Small Group	Group Supp.	Indiv./ Franch.	Blanket	Stop Loss	Long-Term Care	Medicare Supp
Case characteristics	X	X	N/A	N/A	N/A	X	N/A	N/A
Carrier	X	X	N/A	N/A	N/A	X	N/A	N/A
Consumer Price Index – Urban	N/A	N/A	N/A	X	N/A	N/A	N/A	N/A
Covered Person	X	X	N/A	N/A	N/A	N/A	N/A	N/A
Durational medical loss ratio	X	X	X	X	X	X	X	X
Earned premium	X (defined by ref. to CFR)	X (defined by ref. to CFR)	X (not defined by reference to CFR)	X (defined by ref. to CFR)	X (not defined by reference to CFR)	X (not defined by ref. to CFR)	X (not defined by reference to CFR)	X (not defined by reference to CFR)
Eligible employee	X	X	N/A	N/A	N/A	X	N/A	N/A
Employee	X	X	N/A	N/A	N/A	X	N/A	N/A
Enrolled employee	X	X	N/A	N/A	N/A	X	N/A	N/A
Expense based health coverage	N/A	N/A	N/A	X	N/A	N/A	N/A	N/A
Group supplemental health insurance	N/A	N/A	X	N/A	X	N/A	X	X
Health coverage	X	X	N/A	N/A	N/A	X	N/A	N/A
High average premium forms	N/A	N/A	N/A	X	N/A	N/A	N/A	N/A
Incurred claims	X (defined by ref. to CFR)	N/A	X (not defined by reference to CFR)	X (defined by ref. to CFR)	X (not defined by reference to CFR)	X (not defined by ref. to CFR)	X (not defined by reference to CFR)	X (not defined by reference to CFR)
Inflation index	N/A	N/A	N/A	X	N/A	N/A	N/A	N/A
List bill	N/A	X	N/A	N/A	N/A	N/A	N/A	N/A

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Regulatory Provision	Market Segment							
	Large Group	Small Group	Group Supp.	Indiv./ Franch.	Blanket	Stop Loss	Long-Term Care	Medicare Supp
Low average premium form	N/A	N/A	N/A	X	N/A	N/A	N/A	N/A
Medical loss ratio	X (defined by reference to CFR)	X (defined by reference to CFR)	X (not defined by reference to CFR)	X (defined by reference to CFR)	X (not defined by reference to CFR)			
Premium	N/A	X	N/A	N/A	N/A	X	N/A	N/A
Rate	N/A	X	N/A	N/A	N/A	X	N/A	N/A
Small/large employer	X	X	N/A	N/A	N/A	X	N/A	N/A
Small/large/stop loss employer carrier	X	X	N/A	N/A	N/A	X	N/A	N/A
Small employer health insurance plan	N/A	X	N/A	N/A	N/A	N/A	N/A	N/A
Tier or tier membership	X	X	X	X	X	X	X	X
Submission Requirements	N/A	N/A	X	X	X	N/A	X	X
(a) Actuarial memorandum for (1) new policy forms and (2) rate revision requests			X	X	X		X	X
(b) Records of earned premiums, incurred claims and reserves			X	X	X		X	X
(c) Credibility of experience			X	X	X		X	X

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Regulatory Provision	Market Segment							
	Large Group	Small Group	Group Supp.	Indiv./ Franch.	Blanket	Stop Loss	Long-Term Care	Medicare Supp
(d) Consideration of adjustments to anticipated loss ratio			X	X	X		X	X
(e) Reconciliation of data for adjustments and anticipated loss ratio			X	X	X		X	X
(f) Limit on rate variation			X	X	X		X	X
(g) Disclosure of alternative policies with lower expenses			X	X	X		X	X
(h) Guaranteed issue of alternative policies in (g) on renewal basis			X	X	X		X	X
(i) No exclusion or variation of benefits based on allowable rating factor			N/A	X	N/A		N/A	N/A
(j) Requirement to provide notice of availability of coverage in high risk pool			N/A	X	N/A		N/A	N/A
(k) Content of high risk pool notices			N/A	X	N/A		N/A	N/A
Underwriting and Issue Requirements								
<i>Small group</i>	N/A	X	N/A	N/A	N/A	N/A	N/A	N/A

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Regulatory Provision	Market Segment							
	Large Group	Small Group	Group Supp.	Indiv./ Franch.	Blanket	Stop Loss	Long-Term Care	Medicare Supp
(a) Small employer carrier (1) shall make all plans available for purchase, (2) shall not offer discontinued coverage, (3) may limit groups of 1 to specified time periods and (4) may refuse to issue or renew coverage based on failure to meet minimum participation reqs.								
(b) Minimum participation standards								
(c) Minimum participation not to include as eligible employees those declining coverage and included on dependent's plan								
(d) Allowable case characteristics (1) age, (2) number of employees and (3) industry								

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Regulatory Provision	Market Segment							
	Large Group	Small Group	Group Supp.	Indiv./ Franch.	Blanket	Stop Loss	Long-Term Care	Medicare Supp
(e) Approximation of allowable case characteristics								
(f) Rates not to be changed during policy year								
<i>Large group</i>	X	N/A	N/A	N/A	N/A	N/A	N/A	N/A
(a) Report to Department of declinations and increases larger than change in plan rate plus 10%								
(b) Report to include (1) policyholder ID number, (2) number of employees and covered lives for current and preceding years and (3) reason for declination or rate increase								
(c) Carriers must specify case characteristics used to vary rates								
(d) Detail regarding each case characteristic								
<i>Stop loss</i>	N/A	N/A	N/A	N/A	N/A	X	N/A	N/A

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Regulatory Provision	Market Segment							
	Large Group	Small Group	Group Supp.	Indiv./ Franch.	Blanket	Stop Loss	Long-Term Care	Medicare Supp
(a) Report to Department of declinations and increases larger than 20%								
(b) Report to include (1) policyholder ID number, (2) number of employees and covered lives for current and preceding years and (3) reason for declination or rate increase								
(c) Carriers only to use allowable case characteristics								
(d) Case characteristics limited to (1) age, (2) number of employees and (3) industry								
(e) Approximation of allowable case characteristics								
(f) Acceptable approximation methods								

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Regulatory Provision	Market Segment							
	Large Group	Small Group	Group Supp.	Indiv./ Franch.	Blanket	Stop Loss	Long-Term Care	Medicare Supp
Loss Ratio Standards for Policy Forms	X (85%)	X (80%)	X (45% to 60% depending on renewability)	X (70% for standard forms; % of standard ratio for low and high average prem. forms)	X (45% to 60% depending on renewability)	N/A	X (45% to 60% depending on renewability)	X (45% to 60% depending on renewability)

Regulatory Provision	Market Segment							
	Large Group	Small Group	Group Supp.	Indiv./ Franch.	Blanket	Stop Loss	Long-Term Care	Medicare Supp
Loss Ratio Standards for Rate Revisions <ul style="list-style-type: none"> Revised rate for open block forms permitted if certain criteria met Loss ratios to be adjusted for closed block so that no additional revenue for administration is allowed unless support is provided demonstrating increased administration costs Failure to file rate revisions annually limits carrier to increase of one year of experience deviations; no rate increases to recoup revisions disallowed previously Not permitted to use rate revisions to recoup prior year's losses 	N/A	N/A	X	X	X	N/A	X	X

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Regulatory Provision	Market Segment							
	Large Group	Small Group	Group Supp.	Indiv./ Franch.	Blanket	Stop Loss	Long-Term Care	Medicare Supp
Requirements for rates for franchise insurance	N/A	N/A	N/A	X	N/A	N/A	N/A	N/A
Additional requirements for individual coverage subject to 420-G	N/A	N/A	N/A	X	N/A	N/A	N/A	N/A
Rate filing standards (filings to include:)	X	X	N/A	N/A	N/A	X	N/A	N/A
<u>Large/small group</u> <ul style="list-style-type: none"> • Calculation of market rate • Calculation of plan rate • Application of allowable case characteristics • Supporting documentation • Annual filing required • Interim filing permitted for rate adjustments 								

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Regulatory Provision	Market Segment							
	Large Group	Small Group	Group Supp.	Indiv./ Franch.	Blanket	Stop Loss	Long-Term Care	Medicare Supp
<u>Stop loss</u> <ul style="list-style-type: none"> • Formulas/assumptions used to calculate premiums • Expected claims costs • Use of morbidity and mortality tables • Commission rates for producers • Expected loss ratio by duration • Anticipated loss ratio shorter of lifetime of block or 20 years • Methods used for making projections • Actual rates or formulas sufficient to calculate rates • Annual filing required • Interim filing permitted for rate adjustments 								
Renewal requirements <ul style="list-style-type: none"> • Guaranteed renewal 	X	X	N/A	N/A	N/A	N/A	N/A	N/A

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Regulatory Provision	Market Segment							
	Large Group	Small Group	Group Supp.	Indiv./ Franch.	Blanket	Stop Loss	Long-Term Care	Medicare Supp
Disclosure <ul style="list-style-type: none"> Rate disclosure form to be provided with each premium rate quote that includes health coverage plan rate for coverage elected and any adjustments for allowable case characteristics 	N/A	X	N/A	N/A	N/A	N/A	N/A	N/A
Notice Requirements <ul style="list-style-type: none"> Notice of eligibility for coverage with high risk pool (using approved notice) Copy of notice to high risk pool 	X	X	N/A	N/A	N/A	N/A	N/A	N/A