

HB 414-FN - AS INTRODUCED

2023 SESSION

23-0581

05/08

HOUSE BILL ***414-FN***

AN ACT relative to health insurance coverage for preventative PFAS care.

SPONSORS: Rep. W. Thomas, Hills. 12; Rep. N. Murphy, Hills. 12

COMMITTEE: Commerce and Consumer Affairs

ANALYSIS

This bill requires insurance coverage for preventative PFAS care.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to health insurance coverage for preventative PFAS care.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Section; Accident and Health Insurance; Coverage for Preventative PFAS Care;
2 Individual Coverage. Amend RSA 415 by inserting after section 6-a1 the following new section:

3 415:6-bb Coverage for Preventative PFAS Care. Each insurer that issues or renews any
4 individual policy, plan or contract of accident or health insurance providing benefits for medical or
5 hospital expenses shall provide to persons covered by such insurance, who are residents of this state,
6 coverage for preventative per and polyfluoroalkyl substances (PFAS) care. For purposes of this
7 section, "preventative PFAS care" means medical treatment provided in accordance with the Center
8 for Disease Control and Prevention/The Agency for Toxic Substances and Disease Registry
9 guidelines for care of an individual with elevated levels of PFAS chemicals in their blood. Benefits
10 provided under this section shall not be subject to any greater co-payment, deductible, or
11 coinsurance than any other similar benefits provided by the insurer.

12 2 New Section; Accident and Health Insurance; Coverage for Preventative PFAS Care; Group.
13 Amend RSA 415 by inserting after section 18-ee the following new section:

14 415:18-ff Coverage for Preventative PFAS Care. Each insurer that issues or renews a policy of
15 group or blanket accident or health insurance providing benefits for medical or hospital expenses
16 shall provide to persons covered by such insurance, who are residents of this state, coverage for
17 preventative perfluoroalkyls (PFAS) care. For purposes of this section, "preventative PFAS care"
18 means medical treatment provided in accordance with the Center for Disease Control and
19 Prevention/The Agency for Toxic Substances and Disease Registry guidelines for care of an
20 individual with elevated levels of PFAS chemicals in their blood. Benefits provided under this
21 section shall not be subject to any greater co-payment, deductible, or coinsurance than any other
22 similar benefits provided by the insurer.

23 3 Health Services Corporations; Applicable Statutes. Amend RSA 420-A:2 to read as follows:

24 420-A:2 Applicable Statutes. Every health service corporation shall be governed by this chapter
25 and the relevant provisions of RSA 161-H, and shall be exempt from this title except for the
26 provisions of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415-A, RSA 415-F, RSA 415:6,
27 II(4), RSA 415:6-g, RSA 415:6-k, RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-t, RSA 415:6-u,
28 RSA 415:6-v, RSA 415:6-w, RSA 415:6-x, RSA 415:6-y, RSA 415:6-z, RSA 415:6-a1, **RSA 415:6-bb**,
29 RSA 415:18, V, RSA 415:18, XVI and XVII, RSA 415:18, VII-a, RSA 415:18-a, RSA 415:18-i, RSA
30 415:18-j, RSA 415:18-o, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:18-w,
31 RSA 415:18-y, RSA 415:18-z, RSA 415:18-aa, RSA 415:18-bb, RSA 415:18-cc, RSA 415:18-dd, RSA

HB 414-FN - AS INTRODUCED

- Page 2 -

1 415:18-ee, **RSA 415:18-ff**, RSA 415:22, RSA 417, RSA 417-E, RSA 420-J, and all applicable
2 provisions of title XXXVII wherein such corporations are specifically included. Every health service
3 corporation and its agents shall be subject to the fees prescribed for health service corporations
4 under RSA 400-A:29, VII.

5 4 Health Maintenance Organizations; Statutory Construction. Amend RSA 420-B:20, III to read
6 as follows:

7 III. The requirements of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415:6-g,
8 RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-t, RSA 415:6-u, RSA 415:6-v, RSA 415:6-w, RSA
9 415:6-x, RSA 415:6-y, RSA 415:6-z, RSA 415:6-a1, **RSA 415:6-bb**, RSA 415:18, VII-a, RSA 415:18,
10 XVI and XVII, RSA 415:18-i, RSA 415:18-j, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-
11 v, RSA 415:18-w, RSA 415:18-y, RSA 415:18-z, RSA 415:18-aa, RSA 415:18-bb, RSA 415:18-cc, RSA
12 415:18-dd, RSA 415:18-ee, **RSA 415:18-ff**, RSA 415-A, RSA 415-F, RSA 420-G, and RSA 420-J shall
13 apply to health maintenance organizations.

14 5 Effective Date. This act shall take effect 60 days after its passage.

HB 414-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to health insurance coverage for preventative PFAS care.

FISCAL IMPACT: ☒ **State** ☒ **County** ☒ **Local** ☐ **None**

STATE:	Estimated Increase / (Decrease)			
	FY 2023	FY 2024	FY 2025	FY 2026
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	Indeterminable	Indeterminable	Indeterminable
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable
Funding Source:	<input checked="" type="checkbox"/> General Government Funds <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Various			

COUNTY:

Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable

LOCAL:

Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable

METHODOLOGY:

This bill requires insurance coverage for preventative PFAS care. The Insurance Department states this bill would apply to individual and group or blanket health insurance coverage offered by health insurance companies, health services corporations, and health maintenance organizations in the State of New Hampshire. The Department assumes the coverage required is likely to be something that would already be covered under the health plans affected. The coverage is likely to already exist under more general categories of coverage such as coverage for wellness visits and laboratory tests. If the bill does represent an expansion of coverage, then there could be inflationary pressure on claim costs that may impact premium rates and benefit designs. This may also impact premium tax revenue.

The Department assumes the bill would qualify for a review pursuant to RSA 400-A:39-b, which provides: "Whenever a legislative measure containing a mandated benefit is proposed, the standing committee of either the house or the senate having jurisdiction over the proposal may refer the proposal to the insurance department for review and evaluation."

The Department notes, under federal regulation at CFR Section 155.170, passage of this bill could possibly be considered a state action to add a health benefit which is above or in addition to the Essential Health Benefits offered in the Exchange Marketplace. This could be the case even though the specific coverage required is already subsumed under existing categories of coverage. Under this regulation, the state must make payments to defray the cost of the additional required benefits to Qualified Health Plan (QHP) enrollees or to QHP issuers. This would be a general fund expense which is indeterminable at this time. However, under RSA 400-A:39-b, the legislative committee having jurisdiction over this bill may refer the proposed mandated coverage to the Insurance Department which is authorized to retain an external actuarial review of the costs and benefits of the proposed mandate. In this manner, a qualified opinion of the cost could be obtained. In addition, the Centers for Medicare and Medicaid Services (CMS) encourages states to reach out to CMS concerning any state defrayal questions in advance of passing and implementing benefit mandates and to provide QHP issuers in the state ample time to quantify the cost attributable to each additional required benefit and report these calculations to the state.

It is assumed that any fiscal impact would occur after FY 2023.

AGENCIES CONTACTED:

Insurance Department