

SB 219-FN – AS AMENDED BY THE HOUSE

15May2012... 2178h

2012 SESSION

12-2843
01/05

SENATE BILL **219-FN**

AN ACT relative to guaranteed issue for health insurance and relative to federal health care reform and health care exchanges.

SPONSORS: Sen. White, Dist 9; Sen. Houde, Dist 5; Rep. Hunt, Ches 7; Rep. Flanders, Belk 4; Rep. Headd, Rock 3

COMMITTEE: Commerce

AMENDED ANALYSIS

This bill:

I. Declares that health carriers shall issue and renew health insurance coverage to individuals under 19 years of age and shall not impose a preexisting condition exclusion period for such individuals if the policy meets the grandfathered requirements of the federal Patient Protection and Affordable Care Act of 2009, as amended.

II. Clarifies the implementation of certain provisions of the Patient Protection and Affordable care Act.

III. Prohibits the state of New Hampshire from planning, creating, or participating in a state health care exchange.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twelve

AN ACT relative to guaranteed issue for health insurance and relative to federal health care reform and health care exchanges.

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

1 1 Medical Underwriting. Amend RSA 420-G:5, II to read as follows:

2 II. Health carriers providing health coverage for individuals may refuse to write or issue
3 coverage to an individual because of his or her ***claims experience, medical history or*** health
4 status, ***except in the case of a non-grandfathered policy providing coverage for an***
5 ***individual under 19 years of age. For the purposes of this paragraph, a policy shall be***
6 ***considered grandfathered if it meets applicable requirements for grandfathered policies***
7 ***under the Patient Protection and Affordable Care Act of 2009, Public Law 111-148, as***
8 ***amended by the Health Care and Education Reconciliation Act of 2010, Public Law 111-***
9 ***152, including any federal regulations, interpretations, standards, or guidance issued***
10 ***thereunder.*** Regardless of ~~[claim]~~ ***claims*** experience, health status, or medical history, health
11 carriers providing health coverage for small employers shall not refuse to write or issue any of their
12 available coverages or health benefit plans to any small employer group that elects to be covered
13 under that plan and agrees to make premium payments and meet the other requirements of the
14 plan.

15 2 New Paragraph; Preexisting Conditions. Amend RSA 420-G:7 by inserting after paragraph II
16 the following new paragraph:

17 II-a. No health carrier shall impose a preexisting condition exclusion period under any non-
18 grandfathered policy providing health coverage issued to a person under 19 years of age. For the
19 purposes of this paragraph, a policy shall be considered grandfathered if it meets applicable
20 requirements for grandfathered policies under the Patient Protection and Affordable Care Act of
21 2009, Public Law 111-148, as amended by the Health Care and Education Reconciliation Act of 2010,
22 Public Law 111-152, including any federal regulations, interpretations, standards, or guidance
23 issued thereunder.

24 3 Federal Health Care Reform; Purpose and Scope. Amend RSA 420-N:1 to read as follows:

25 420-N:1 Purpose and Scope.

26 ~~[L]~~ The intent of this chapter is to preserve the constitutional integrity and sovereignty of
27 the state of New Hampshire under the Tenth Amendment to the United States Constitution and
28 part I, article 7 of the New Hampshire constitution by creating a legislative oversight committee to
29 supervise the insurance commissioner's ~~[implementation]~~ ***administration*** of the insurance reforms

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1 required under the Patient Protection and Affordable Care Act of 2009, Public Law 111-148, as
2 amended by the Health Care and Education Reconciliation Act of 2010, Public Law 111-152,
3 including any federal regulations, interpretations, standards, or guidance issued thereunder
4 (hereinafter “the Act”).

5 ~~[H. Further, it is the intent of this chapter to prevent the state of New Hampshire from~~
6 ~~defaulting into federal oversight regarding the Act by not meeting certain federally mandated time~~
7 ~~frames for state implementation of the Act. It is the intent of this chapter to preserve the state’s~~
8 ~~flexibility by allowing consideration of each state implementation requirement as it arises.]~~

9 4 Federal Health Care Reform; Consistency. Amend RSA 420-N:6 to read as follows:

10 420-N:6 Consistency. In order to ~~[prevent a default to federal regulation and to preserve the~~
11 ~~state’s status as the sole regulator of]~~ **protect the state’s rights and responsibilities to regulate**
12 the business of insurance within the state, the oversight committee shall have the authority to find,
13 with respect to any specific provision within Title XXXVII, that the provision is inconsistent with
14 and prevents the application of the Act. Upon such a finding, the ~~[commissioner may, on a~~
15 ~~provisional basis, implement this provision of the Act]~~ **oversight committee shall make a**
16 **recommendation to the legislature.** The ~~[commissioner’s]~~ **commissioner and any other state**
17 **official in any agency, department and subdivision and any government in New Hampshire**
18 **shall not have** authority to implement this provision ~~[shall extend only]~~ until such time as the
19 general court can take legislative action to amend Title XXXVII as it deems appropriate.

20 5 New Section; Prohibition. Amend RSA 420-N by inserting after section 6 the following new
21 section:

22 420-N:7 Prohibition. The state of New Hampshire and all of its agencies, departments, and
23 subdivisions and any government in New Hampshire shall not plan, create, participate in or enable
24 a state exchange for health insurance including, but not limited to, the exchange requirements of the
25 Act. In addition, the state of New Hampshire and all of its agencies, departments, and subdivisions
26 and any government in New Hampshire shall not contract with any private entity to plan, create, or
27 enable a state exchange for health insurance including, but not limited to, the exchange
28 requirements of the Act.

29 6 Effective Date.

30 I. Sections 1 and 2 of this act shall take effect July 1, 2012.

31 II. The remainder of this act shall take effect upon its passage.

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LBAO
12-2843
Revised 12/21/11

SB 219 FISCAL NOTE

AN ACT relative to guaranteed issue for health insurance and relative to federal health care reform and health care exchanges.

FISCAL IMPACT:

The Insurance Department states this bill will have no fiscal impact on state, county and local expenditures and revenue.

METHODOLOGY:

The Insurance Department states this bill declares that health carriers shall issue and renew health insurance coverage to individuals under 19 years of age and shall not impose a preexisting condition exclusion period for such individuals. The Department states this bill will have no fiscal impact on state, county and local expenditures and revenue.