SB 7 - AS AMENDED BY THE SENATE

03/26/2015 0989s

2015 SESSION

15-0947
01/06

SENATE BILL **7**

AN ACT adding duties to the joint health care reform oversight committee.

SPONSORS: Sen. Bradley, Dist 3

COMMITTEE: Health and Human Services

ANALYSIS

This bill requires the joint health care reform oversight committee to provide oversight, policy direction, and recommendations for legislation regarding implementation of managed care and the New Hampshire health protection plan.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

SB 7 - AS AMENDED BY THE SENATE

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fifteen

AN ACT adding duties to the joint health care reform oversight committee.

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

1 Health Care Reform; Chapter Heading. Amend the chapter heading of RSA 420-N to read as follows:

[~~FEDERAL~~] HEALTH CARE REFORM [~~2010~~]

2 Health Care Reform. Amend RSA 420-N:1 to read as follows:

420-N:1 Purpose and Scope.

I. The intent of this chapter is to preserve the state's status as the primary regulator of the business of insurance within New Hampshire and the constitutional integrity and sovereignty of the state of New Hampshire under the Tenth Amendment to the United States Constitution and part I, article 7 of the New Hampshire constitution and to create a legislative oversight committee to supervise the insurance commissioner's administration of the insurance reforms required under the Patient Protection and Affordable Care Act of 2009, Public Law 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Public Law 111-152, including any federal regulations, interpretations, standards, or guidance issued thereunder [~~(hereinafter "the Act")~~].

II. The intent of this chapter is also to provide oversight, policy direction, and recommendations for legislation regarding the implementation of the managed care program and the New Hampshire health protection program.

3 Health Care Reform; Definitions. Amend RSA 420-N:2, I to read as follows:

I. [~~"Act" means~~] ***"Acts" mean*** the Patient Protection and Affordable Care Act of 2009, Public Law 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Public Law 111-152, including any federal regulations, interpretations, standards, or guidance issued thereunder. ***"Acts" shall also include the New Hampshire managed care program and the New Hampshire health protection program.***

4 Joint Health Care Reform Oversight Committee; Duties Added. Amend RSA 420-N:3, III to read as follows:

III. The committee shall provide legislative oversight, policy direction, and recommendations for legislation with respect to the [~~Act~~] ***Acts*** as it determines appropriate. The committee shall also [~~review~~] ***approve*** existing rules, bulletins, or policies adopted pursuant to [~~2010, 243~~] ***the Acts*** and may require the repeal of such rules, bulletins, or policies.

5 Health Care Reform; Implementation; Authority of Commissioners. Amend RSA 420-N:4 and RSA 420-N:5 to read as follows:

420-N:4 Implementation of the [~~Act~~] ***Acts***.

I. The oversight committee established under RSA 420-N:3 shall determine ***and approve*** all policies within the state of New Hampshire regarding implementation of the [~~Act~~] ***Acts***, as directed by this chapter and by any future law enacted by the general court with respect to implementation of the [~~Act~~] ***Acts***.

II. Before establishing any standard for enforcing or implementing the [~~Act~~] ***Acts***, and before initiating any rulemaking proceeding relating to the [~~Act~~] ***Acts***, the commissioner ***and the commissioner of health and human services*** shall obtain approval for the standard or rule from the oversight committee.

III. The commissioner ***and the commissioner of health and human services*** shall make periodic reports as requested by the oversight committee on the provisions of the [~~Act~~] ***Acts*** that have taken legal effect in New Hampshire and on the status of the commissioner's implementation and enforcement efforts under the [~~Act~~] ***Acts***.

IV. The commissioner shall not implement or enforce any provision of the ***Patient Protection and Affordable Care*** Act that has been ruled unconstitutional or invalid by the United States Supreme Court.

420-N:5 Authority of [~~the Commissioner~~] ***Commissioners***. Only with such prior approvals from the oversight committee as are required under RSA 420-N:4, the commissioner ***and the commissioner of health and human services*** shall have authority to:

I. Make, adopt, and amend rules***, bulletins,*** and regulations pursuant to RSA 541-A for, or as an aid to, the administration of any provision of the [~~Act~~] ***Acts*** relating to insurance;

II. Apply for any public or private grant funds available under the [~~Act~~] ***Acts***;

III. Apply for any waiver available under any specific provision of the [~~Act~~] ***Acts***;

IV. Adopt and apply standards consistent with the Act for form and rate review of insurance products and any other regulatory oversight functions performed by the [~~department~~] ***departments***; and

V. Enforce the consumer protections and market reforms set forth in the [~~Act~~] ***Acts*** that relate to insurance. This shall not include the medical assistance program under RSA 167.

6 Health Care Reform; Exchange. Amend RSA 420-N:7, I to read as follows:

I. No New Hampshire state agency, department, or political subdivision shall plan, create, participate in or enable a state-based exchange for health insurance under the [~~Act~~], ***Patient Protection and Affordable Care Act of 2009, Public Law 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Public Law 111-152*** or contract with any private entity to do so.

7 Health Care Reform; Exchange. Amend RSA 420-N:7, IV(a) to read as follows:

(a) Promoting preservation of the private, commercial delivery of health coverage through carriers and producers to the greatest degree possible under the [~~Act~~] ***Patient Protection***

and Affordable Care Act of 2009, Public Law 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Public Law 111-152 and minimizing interference with the operation of commercial markets.

8 Health Care Reform; Federally-Facilitated Exchange. Amend RSA 420-N:8, II-IV to read as follows:

II. Any person who sells, solicits, or negotiates insurance within the meaning of RSA 402-J:3 through a federally-facilitated exchange shall be licensed as a producer under RSA 402-J; provided, that nothing in this subdivision shall prohibit the sale of health coverage by an exchange or health carrier directly to the consumer without the use of a producer. This paragraph shall not be interpreted to require that all navigators as defined under the [~~Act~~] ***Patient Protection and Affordable Care Act of 2009, Public Law 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Public Law 111-152*** be licensed as producers, but rather that any individual who in fact performs a producer function be licensed, whether or not that person is employed by a navigator.

III. The commissioner may establish standards and training requirements for navigators on a federally-facilitated exchange consistent with section 1311(i) of the [~~Act~~] ***Patient Protection and Affordable Care Act of 2009, Public Law 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Public Law 111-152*** and regulations implemented under the [~~Act~~] ***Patient Protection and Affordable Care Act of 2009, Public Law 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Public Law 111-152***, including provisions to ensure that any private or public entity that is selected as a navigator avoids conflicts of interest and is appropriately qualified to engage in navigator activities.

IV. The commissioner shall, consistent with the requirements of the [~~Act~~] ***Patient Protection and Affordable Care Act of 2009, Public Law 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Public Law 111-152***, allow producers to enroll individuals, employers, or employees in qualified health plans offered through a federally-facilitated exchange in this state, including enrollment using Internet websites.

9 Health Care Reform; Federally-Facilitated Exchange. Amend RSA 420-N:9, II to read as follows:

II. The commissioner of health and human services may establish navigator guidelines for New Hampshire consistent with section 1311(i) of the [~~Act~~] ***Patient Protection and Affordable Care Act of 2009, Public Law 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Public Law 111-152***, and regulations implemented under the Act, to ensure that navigators are qualified to reach and assist the Medicaid-eligible and other populations served by a federally-facilitated exchange in New Hampshire.

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