

ANNUAL REPORT

Joint Health Care Reform Oversight Committee

HB 601, Chapter 264, Laws of 2011

RSA 420-N

December 1, 2014

MEMBERS

Rep. Edward A. Butler, Co-Chairman
Rep. John B. Hunt, Co-Chairman
Rep. Cindy Rosenwald, Clerk

Sen. Jeb Bradley
Sen. Andy Sanborn
Sen. Peggy Gilmour

BACKGROUND AND CHARGE

The 2010 Health Insurance Reform Oversight Committee was established with the adoption of SB 455 (Chapter 243, Laws of 2010; RSA 420-L). Pursuant to this chapter, the Insurance Commissioner was required to make periodic reports to the initial Oversight Committee relative to the department's federal insurance reform implementation plans and initiatives. This committee met in September and in October of 2010, but did not issue a report. A sunset clause included in the 2010 law repealed the oversight committee on July 1, 2011.

A new Joint Health Care Reform Oversight Committee ("the Oversight Committee") was established in 2011, effective July 1, 2011, with the adoption of HB 601 (Chapter 264, Laws of 2011; RSA 420-N). Pursuant to RSA 420-N:3, III, the Oversight Committee is responsible for providing legislative oversight, policy direction, and recommendations for legislation with respect to the Patient Protection and Affordable Care Act of 2009 (the ACA), as it determines appropriate. The Oversight Committee is also required to review existing rules, bulletins, or policies adopted pursuant to Chapter 243, Laws of 2010 and may require the repeal of such rules, bulletins, or policies. Annual reports were filed in 2011 and 2012 describing the activities of the committee.

The Oversight Committee has continued to meet with representatives from the state Departments of Insurance and Health and Human Services to receive reports on ongoing developments on both the state and federal levels with regard to the ACA. This report summarizes the discussions and actions taken by the Oversight Committee this year.

The Oversight Committee has met five times since filing its 2013 annual report.

MEETINGS

December 10, 2013 - Preparations for January 1 Initial Enrollment Period for the ACA

Jennifer Patterson and Alex Feldvebel from the New Hampshire Insurance Department, followed by Paula Rogers representing Anthem, addressed the committee on issues relating to the initial enrollment for the ACA scheduled for January 1, 2014. Members discussed the issuance of discontinuation notices to insureds throughout the state and the option they had to renew their policies early before the end of 2013. They also discussed the Insurance Commissioner's order to keep the high risk pool open until further notice and problems with deductibles resetting when insureds shift to new health plans.

Mike Degnan, New Hampshire Health Plan (NHHP), provided information on the current membership in the high risk pool. He described NHHP's consumer education efforts including marketplace assisters working with enrollees and the development of consumer information materials.

Kristine Stoddard, Bi-State Primary Care Association described their consumer outreach efforts.

March 4, 2014 - Plan Management Grant

Commissioner Sevigny and other staff from the Insurance Department discussed Phase II of the Plan Management grant. They plan on using the grant to assist with reviewing applications for participation in the exchange in 2015, developing tools for working with evolving standards and hiring consultants to work with managed care organizations. They plan on using the funds to develop tools to facilitate continuity of coverage for consumers transitioning to or from the New Hampshire marketplace.

Motion made by Rep. Butler, seconded by Rep. Rosenwald (with amendments by Sen. Bradley) to recommend that the Fiscal Committee accept the Plan Management grant with specific conditions (see 'Action Taken in 2014' for detail).

Motion adopted, 4-2 vote; Rep. Butler, Rep. Rosenwald, Sen. Gilmour and Sen. Bradley in favor; Rep. Hunt and Sen. Sanborn, opposed

April 3, 2014 - NHHPP and Bridges Program rules; process initiated; DOI Bulletin on Qualified Health Plan Certification

Staff from the DHHS described the administrative rules necessary to implement the NH Health Protection Program (SB 413, 2014, Ch. 3) and the Bridge Program. The committee was asked to authorize the initiation of the rulemaking process on these rules.

Motion made by Sen. Bradley, seconded by Rep. Rosenwald: authorize the initiation of the rulemaking process for the implementation of the NH Health Protection Program and the Bridge Program. Motion adopted, 5-1 vote. Sen. Sanborn opposed.

DOI staff presented Insurance Department Bulletin INS-14-010-AB which describes the process for the certification of non-grandfathered individual and small group plans as QHPs for 2015. The bulletin lays out procedural timelines and summarizes and integrates applicable standards.

Motion made by Sen. Gilmour, seconded by Rep. Rosenwald to approve the bulletin. Vote 5-0. Sen. Sanborn was not present for the vote; members agreed that he could register his opinion later.

June 3, 2014 - NHHPP and Bridges Program rules; initial proposal complete; 2015 Marketplace

DHHS staff presented and explained the initial proposed rules for the implementation of the NHHPP and Bridges Program and identified the areas covered by the rules.

Insurance Department staff reported that five carriers had applied to participate in the New Hampshire Marketplace in 2015. They also reported on the status of their review of network adequacy standards, guidance on employee choice in the Small Business Health Options Program (SHOP) and guidance for navigators and assisters. The Department recommended implementing SHOP in 2016.

September 15, 2014 - Waiver to implement the Premium Assistance Program

Staff from DHHS and the Insurance Department presented an overview of the waiver to be developed to implement the Premium Assistance Program of the NH Health Protection Program and requested preliminary approval for its development.

Motion by Sen. Bradley, seconded by Rep. Rosenwald to approve the development of the waiver by DHHS & DOI, this will ultimately require the approval of the Fiscal Committee.

Motion adopted 4-1 vote – Rep. Sanborn voted no.

Action taken in 2014

1. Recommended that the Fiscal Committee accept the Plan Management grant with the following conditions:
 - the Insurance Department provide a written explanation of how the grant money will be spent, with spending limited exclusively to plan management.
 - the Insurance Department provide quarterly reports to the Health Reform Oversight Committee and the Fiscal Committee describing specifically how the money was spent,
 - the LBA will be required to verify that no money was spent on consumer assistance.

2. Authorized the initiation of the rulemaking process for the implementation of the NH Health Protection Program and the Bridge Program.

3. Approved DOI Bulletin on Qualified Health Plan Certification, INS-14-010-AB.

4. Approved the development of a waiver to implement the Premium Assistance Program of the NH HPP; this will ultimately require the approval of the Fiscal Committee.

Respectfully submitted,

Rep. Ed Butler, Co-Chairman

Rep. John B. Hunt, Co-Chairman