

ANNUAL REPORT

Joint Health Care Reform Oversight Committee

**HB 601, Chapter 264, Laws of 2011
RSA 420-N**

December 1, 2017

MEMBERS

Rep. John B. Hunt, Chairman
Rep. Frank Kotowski
Rep. Edward Butler

Sen. Jeb Bradley
Sen. Kevin Avarad
Sen. Martha Fuller Clark

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 law, 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 A sunset clause included in the 2010 law repealed the oversight committee on July 1, 2011.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. The Oversight Committee has filed annual reports every year since 2011.

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 twice since filing its 2016 annual report.

MEETING

July 26 – Plan to Stabilize the Individual Health Insurance Market

Insurance Department Presentation

Commissioner Sevigny and Deputy Commissioner Feldvebel addressed the Committee and presented a plan for a reinsurance program designed to stabilize the individual health insurance market. The plan would be funded in part through an assessment on all health insurance carriers in the state and in part through funding from a waiver through section 1332 of the Affordable Care Act. The department that the committee vote as soon as possible because the insurance carriers needed to submit their rates for the upcoming year by August 16, 2017. They also needed to decide whether they would participate in the individual market by September 27, 2017.

The Insurance Department requested two votes from the committee:

1. Authorize the department to present the reinsurance plan to the NH Health Plan Board
2. Authorize the department to apply for a Section 1332 waiver

Department of Health and Human Services Presentation

Commissioner Meyers discussed the possibility of drafting a proposal for a Section 1115 waiver from the Center for Medicare and Medicaid Services. The proposal would amend the waiver already received by the state for Medicaid expansion, by adding a provision to apply for funding for the proposed reinsurance plan.

Health Insurance Carriers

Representatives from Anthem Blue Cross/Blue Shield, Harvard Pilgrim Health Plan and Ambetter addressed the Committee describing the challenges they are facing due to the uncertainties in the individual health insurance market and the deadlines associated with the ACA. The carriers expressed general support of the reinsurance plan proposal, though they also cautioned members that the amount of funding under discussion, might not be enough to make a significant impact on their decisions about rate setting and participation in the individual market.

Discussion

Committee members discussed whether to authorize the Insurance Department to present the reinsurance plan to the Health Plan Board without endorsing the plan itself. Ultimately, members decided to defer action until a meeting in the following week.

August 1 -

The Committee discussed a letter submitted to them by Governor Sununu encouraging them to authorize the Insurance Department to explore all options to stabilize the market through a federal waiver without imposing an assessment on carriers in the state that would in turn increase the cost of health care for the citizens of the state. The Governor also asked the health insurance carriers to immediately disclose whether they plan to participate in the individual market next year.

The Joint Health Care Reform Oversight Committee voted to authorize the Insurance Department to pursue federal waivers in support of a market stabilization plan without relying on an assessment of health insurance carriers. Adopted on a vote of 4-2.

Action taken in 2017

- authorized the Insurance Department to pursue federal waivers in support of a market stabilization plan without relying on an assessment of health insurance carriers.

Respectfully submitted,

Rep. John B. Hunt, Chairman