

Senate Health and Human Services Committee

Cameron Lapine 271-2104

HB 613-FN, relative to regulation of the individual health insurance market under RSA 404-G.

Hearing Date: April 5, 2023

Time Opened: 9:36 a.m.

Time Closed: 9:50 a.m.

Members of the Committee Present: Senators Birdsell, Avard, Bradley, Whitley and Prentiss

Members of the Committee Absent: None

Bill Analysis: This bill makes various changes to RSA 404-G, relative to the individual health insurance market.

The bill is a request of the insurance department.

Sponsors:

Rep. Hunt

Sen. Bradley

Who supports the bill: Senator Jeb Bradley (Senate District 3), Heather Silverstein (NHID), Alex Feldvebel (NHID), and Michael Degnan (NHHP).

Who opposes the bill: None.

Who is neutral on the bill: None.

Summary of testimony presented in support:

Senate President Jeb Bradley

Senate District 3

- Senator Bradley introduced HB 613-FN on behalf of the prime sponsor Representative Hunt.
- Sen. Bradley said HB 613-FN was a request of the New Hampshire Insurance Department (NHID).
- Sen. Bradley said HB 613-FN was by passed the House on the Consent Calendar after a 19-0 vote in the House Commerce and Consumer Affairs Committee.
- Sen. Bradley said that the individual insurance market had created a not-for-profit entity with the authority to assess health care carriers in order to promote access to the market.
- Sen. Bradley said the individual insurance market is governed by RSA 404-G. He said RSA 404-G has been amended several times and now has provisions for a risk study mechanism, a high-risk pool, a federally supported high-risk pool, and a reinsurance mechanism.
- Sen. Bradley said NHID had requested HB 613-FN to update RSA 404-G.

- Sen. Bradley said the New Hampshire Health Plan (NHHP) was created to fulfill a matching requirement for the State to receive Medicaid funding.
- Sen. Bradley said NHID had asked him to introduce Amendment 1279s, which would make the language in HB 613-FN consistent with SB 263-FN.

Alex Feldvebel and Heather Silverstein

Former Deputy Commissioner; General Counsel, NHID

- Ms. Silverstein said that heavily amended statutes with outdated language, like RSA 404-G, can be difficult for courts to interpret.
- Ms. Silverstein said RSA 404-G needs to be revised to fix typographical errors, update its terminology, and make it consistent with other statutes.
- Ms. Silverstein said NHID worked with NHHP on HB 613-FN.
- Mr. Feldvebel said the individual insurance market is inherently less stable than the group market. He said this is because there tends to be more high-risk people in the individual market, as people enter the individual market specifically for health insurance. In contrast, people enter the group market through their employer, meaning they are not joining the group market solely because of a desire for health insurance.
- Mr. Feldvebel said RSA 404-G was passed in the 1990s and established NHHP. He said NHHP has the ability to assess all insurance coverage in order to support the individual market. He said that the NHHP has used different mechanisms since its creation. He said HB 613-FN would revise RSA 404-G to clarify that the current mechanism in use is the reinsurance pool and that NHHP provides part of the State's share for the Granite Advantage program.
- Mr. Feldvebel said that SB 263-FN would amend the provision of RSA 404-G that determines how much of an assessment goes to fund Medicaid reauthorization. He said HB 613-FN would eliminate that provision altogether so it is important to pass Amendment 1279s, which would harmonize HB 613-FN with SB 263-FN.
- Senator Bradley noted that policies such as moving Medicaid to a managed care option and the risk assessment programs have stabilized the individual insurance market. He said that, according to the Urban Institute, for an average 40-year-old non-smoker, New Hampshire has the lowest health insurance rate in the nation.
- Senator Birdsell said she was concerned about putting the cart before the horse by harmonizing language in bills. She asked if the language in SB 263-FN and HB 613-FN matched language in an existing RSA.
 - Mr. Feldvebel said that the language in RSA 404-G is slightly different from the language in HB 613-FN and SB 263-FN. He said RSA 404-G currently refers to funding from the New Hampshire Liquor Commission in a way that SB 263-FN no longer does.

Michael Degnan

Executive Director, NHHP

- Mr. Degnan said he has directed NHHP since 2007. He said he has run the high-risk pool, the federal high-risk pool, the Patient Protection and Affordable Health Care Act outreach program, and currently manages assessment collection for the Granite Advantage program.
- Mr. Degnan said NHHP worked with NHID on the updates to RSA 404-G in HB 613-FN. He said NHHP supports HB 613-FN.
- Mr. Degnan said NHHP has a detailed list of operations posted on its website.

Summary of testimony presented in opposition: None.
Neutral Information Presented: None.

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Date Hearing Report completed: April 6, 2023