

# Bill as Introduced

SB 162-FN - AS INTRODUCED

2011 SESSION

11-1005  
01/09

SENATE BILL        **162-FN**

AN ACT            relative to federal health care reform 2010.

SPONSORS:        Sen. White, Dist 9; Sen. Barnes, Jr., Dist 17; Sen. Boutin, Dist 16; Sen. Bradley, Dist 3; Sen. Bragdon, Dist 11; Sen. Carson, Dist 14; Sen. Forrester, Dist 2; Sen. Gallus, Dist 1; Sen. Groen, Dist 6; Sen. Morse, Dist 22; Sen. Rausch, Dist 19; Sen. Sanborn, Dist 7; Sen. Stiles, Dist 24; Rep. Hunt, Ches 7; Rep. Avard, Hills 20; Rep. D. McGuire, Merr 8; Rep. Accornero, Belk 4

COMMITTEE:      Commerce

---

ANALYSIS

This bill clarifies the intent of the RSA chapter regarding the implementation of federal insurance reform and removes the repeal of the law authorizing the insurance commissioner to implement insurance reforms required under federal law.

This bill also requires the insurance commissioner to obtain approval from the legislature and all other state agencies before implementing any federal health care reform changes.

-----

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                     Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Eleven*

AN ACT relative to federal health care reform 2010.

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

1 1 Purpose and Scope. Amend RSA 420-L:1, II to read as follows:

2 II. *Further, it is the intent of this chapter to prevent the state of New Hampshire*  
3 *from defaulting into federal oversight regarding the Act by not meeting certain federally-*  
4 *mandated time frames measuring the progress being made of state-implemented*  
5 *requirements under the Act. It is not the intent of this chapter to commit the state of New*  
6 *Hampshire to the full implementation of the Act, but rather to preserve the state’s options*  
7 *regarding the implementation as each requirement arises.*

8 III. The provisions of this chapter shall ensure that New Hampshire residents obtain the  
9 [full] protections and benefits provided by the Act [~~prior to any legislative action in the 2011~~  
10 ~~legislative session that may be necessary~~], *notwithstanding the affirmative choice of the*  
11 *general court of the state of New Hampshire not to participate in some or all of the Act’s*  
12 *provisions.*

13 2 Federal Health Care Reform 2010; Authority of Commissioner. Amend the introductory  
14 paragraph of RSA 420-L:3 to read as follows:

15 The commissioner shall enforce the consumer protections and market reforms as set forth in the  
16 Act that relate to insurance; *provided that he or she shall first obtain approval from the*  
17 *oversight committee, established in RSA 420-L:6, the general court, and all other state*  
18 *agencies. Except as provided in RSA 420-L:7, the approvals required pursuant to this*  
19 *section shall also apply to the creation of insurance exchanges.* This section shall not  
20 include the medical assistance program under RSA 167. The commissioner shall have full power and  
21 authority in accordance with the time frames set forth in the Act to:

22 3 Health Insurance Oversight Committee; Duties. Amend RSA 420-L:6 to read as follows:

23 420-L:6 Health Insurance Reform Oversight Committee. There is established a health  
24 insurance reform oversight committee consisting of 2 members of the senate, appointed by the  
25 president of the senate, one of whom shall be from the senate commerce[~~,-labor-and-consumer~~  
26 ~~protection~~] committee, and 3 members of the house of representatives, appointed by the speaker of  
27 the house, 2 of whom shall be from the house commerce and consumer affairs committee. *The*  
28 *committee shall elect from its membership a chairman.* The committee shall meet at the  
29 request of the commissioner[~~,-but no more frequently than monthly~~] *or the chairman.* The  
30 commissioner shall make such periodic reports to the oversight committee relative to the  
31 department’s federal insurance reform implementation plans and initiatives as may be required by

1 the oversight committee. The oversight committee shall make [~~a summary~~] *an annual* report on  
2 federal insurance reform implementation, together with any recommendations for legislation, to the  
3 house commerce and consumer affairs committee and the senate commerce[~~, labor and consumer~~  
4 ~~protection~~] committee [~~by the first day of the 2011 legislative session~~] *on or before November 1,*  
5 *2011 and thereafter on or before November 1 of each year. The department shall not*  
6 *enforce or implement any federal reforms including, but not limited to, adopting rule*  
7 *changes, submitting grant proposals or requests, or any other implementation of the*  
8 *federal health care law without explicit approval from the general court and all other*  
9 *state agencies.*

10 *420-L:7 Applicability; Exchanges. This chapter shall not be construed to preclude the*  
11 *establishment of separate, privately run insurance exchanges, the ability to purchase*  
12 *health insurance outside of an exchange, or the purchase of health insurance by consumers*  
13 *without an exchange.*

14 4 Repeal. The following are repealed:

15 I. 2010, 243:15, relative to the repeal of RSA 420-L regarding federal health care reform.

16 II. 2010, 243:16, relative to the expiration of rules adopted pursuant to RSA 420-L.

17 5 Effective Date. This act shall take effect upon its passage.

LBAO  
11-1005  
01/24/11

**SB 162-FN - FISCAL NOTE**

AN ACT           relative to federal health care reform 2010.

**FISCAL IMPACT:**

The Insurance Department states this bill will have an indeterminable fiscal impact on state expenditures and revenue in FY 2011 and each year thereafter. There is no fiscal impact on county and local expenditures or revenue.

**METHODOLOGY:**

The Insurance Department states this bill requires specific Legislative approval prior to any action by the Department to enforce any of the consumer protections under federal health care reform. The Department is not clear how this would be implemented, therefore cannot determine the fiscal impact of this bill. The Department also states this bill addresses health insurance exchanges for which there is no known fiscal impact.

SB 162-FN - AS AMENDED BY THE SENATE

03/16/11 0704s  
03/16/11 0853s

2011 SESSION

11-1005  
01/09

SENATE BILL **162-FN**

AN ACT relative to federal health care reform 2010.

SPONSORS: Sen. White, Dist 9; Sen. Barnes, Jr., Dist 17; Sen. Boutin, Dist 16; Sen. Bradley, Dist 3; Sen. Bragdon, Dist 11; Sen. Carson, Dist 14; Sen. Forrester, Dist 2; Sen. Gallus, Dist 1; Sen. Groen, Dist 6; Sen. Morse, Dist 22; Sen. Rausch, Dist 19; Sen. Sanborn, Dist 7; Sen. Stiles, Dist 24; Rep. Hunt, Ches 7; Rep. Avard, Hills 20; Rep. D. McGuire, Merr 8; Rep. Accornero, Belk 4

COMMITTEE: Commerce

---

AMENDED ANALYSIS

This bill establishes an oversight committee to implement Public Law 111-152, should it be determined that the state of New Hampshire is required to implement such law.

-----

Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears [~~in brackets and struck through~~].  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

SB 162-FN – AS AMENDED BY THE SENATE

03/16/11 0704s  
03/16/11 0853s

11-1005  
01/09

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Eleven*

AN ACT relative to federal health care reform 2010.

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

1 1 New Subdivision; Federal Health Care Reform. Amend RSA 400-A by inserting after section  
2 66 the following new subdivision:

3 Federal Health Care Reform

4 400-A:67 Implementation of Public Law 111-152. The general court shall determine any policy  
5 regarding implementation of Public Law 111-152 if it is determined that the state of New Hampshire  
6 is required to implement such law. The insurance commissioner, or designee, shall develop  
7 recommendations in conjunction with the insurance reform oversight committee, established in  
8 RSA 400-A:68, prior to the enforcement of Public Law 111-152. In addition, any state official or  
9 agency that seeks to enforce the insurance provisions of Public Law 111-152 shall develop  
10 recommendations in conjunction with the oversight committee.

11 400-A:68 Joint Health Insurance Reform Oversight Committee Established.

12 I. There is established an oversight committee on health insurance reform consisting of  
13 5 members as follows:

14 (a) Two members of the senate, appointed by the senate president.

15 (b) Three members of the house of representatives, appointed by the speaker of the  
16 house of representatives.

17 II. The terms of the members shall be for the biennium and shall be coterminous with their  
18 membership in the general court. The committee shall elect a chairman from its membership. The  
19 committee shall meet at the call of the chairman who may call a meeting as often as necessary.

20 III. The committee shall provide legislative oversight, policy direction, and recommendations  
21 for legislation to implement Public Law 111-152 as it determines appropriate.

22 IV. The committee shall make a report, together with any recommendations for legislation,  
23 to the president of the senate, the speaker of the house of representatives, the chairpersons of the  
24 house and senate committees having jurisdiction over commerce issues and the house and senate  
25 committees having jurisdiction over health and human services issues by October 1, 2011 and  
26 annually thereafter.

27 2 Effective Date. This act shall take effect July 1, 2011.

LBAO  
11-1005  
01/24/11

**SB 162-FN - FISCAL NOTE**

AN ACT           relative to federal health care reform 2010.

**FISCAL IMPACT:**

The Insurance Department states this bill will have an indeterminable fiscal impact on state expenditures and revenue in FY 2011 and each year thereafter. There is no fiscal impact on county and local expenditures or revenue.

**METHODOLOGY:**

The Insurance Department states this bill requires specific Legislative approval prior to any action by the Department to enforce any of the consumer protections under federal health care reform. The Department is not clear how this would be implemented, therefore cannot determine the fiscal impact of this bill. The Department also states this bill addresses health insurance exchanges for which there is no known fiscal impact.



SB 162-FN - AS AMENDED BY THE HOUSE

03/16/11 0704s  
03/16/11 0853s  
25May2011... 1967h

2011 SESSION

11-1005  
01/09

SENATE BILL **162-FN**

AN ACT relative to New Hampshire opting-out of federal health care reform.

SPONSORS: Sen. White, Dist 9; Sen. Barnes, Jr., Dist 17; Sen. Boutin, Dist 16; Sen. Bradley, Dist 3; Sen. Bragdon, Dist 11; Sen. Carson, Dist 14; Sen. Forrester, Dist 2; Sen. Gallus, Dist 1; Sen. Groen, Dist 6; Sen. Morse, Dist 22; Sen. Rausch, Dist 19; Sen. Sanborn, Dist 7; Sen. Stiles, Dist 24; Rep. Hunt, Ches 7; Rep. Avard, Hills 20; Rep. D. McGuire, Merr 8; Rep. Accornero, Belk 4

COMMITTEE: Commerce

---

AMENDED ANALYSIS

This bill removes the repeal of RSA 420-L, regarding federal health care reform. Under this bill, the general court is to determine all policies within the state of New Hampshire regarding implementation of 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). The bill establishes an oversight committee to prevent implementation of such Act as it determines appropriate. This bill also eliminates the health reform coordinator position in the department of insurance.

-----

Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears [~~in brackets and struck through.~~]  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

SB 162-FN – AS AMENDED BY THE HOUSE

03/16/11 0704s  
03/16/11 0853s  
25May2011... 1967h

11-1005  
01/09

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Eleven*

AN ACT relative to New Hampshire opting-out of federal health care reform.

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

1 1 Federal Health Care Reform 2010. RSA 420-L:1-RSA 420-L:6 are repealed and reenacted to  
2 read as follows:

3 420-L:1 Purpose and Scope.

4 I. The intent of this chapter is to preserve the constitutional integrity and sovereignty of the  
5 State of New Hampshire under the Tenth Amendment to the United States Constitution and Part I,  
6 Article 7 of the New Hampshire Constitution by limiting the extent to which the commissioner shall  
7 or shall not enforce the insurance reforms under the Patient Protection and Affordable Care Act of  
8 2009, as amended by the Health Care and Education Reconciliation Act of 2010, (hereinafter "Act").

9 II. Further, it is the intent of this chapter to prevent the state of New Hampshire from  
10 defaulting into federal oversight regarding the Act by not meeting certain federally mandated time  
11 frames measuring the progress being made of state-implemented requirements under the Act. It is  
12 not the intent of this chapter to commit the state of New Hampshire to implementation of the Act,  
13 but rather to prevent the implementation of the Act and to preserve the state's options regarding  
14 implementation of any constitutional portions as the general court directs.

15 420-L:2 Definitions. In this chapter:

16 I. "Act" means the Patient Protection and Affordable Care Act of 2009 (Public Law 111-148)  
17 as amended by the Health Care and Education Reconciliation Act of 2010 (Public Law 111-152).

18 II. "Commissioner" means the insurance commissioner.

19 III. "Department" means the insurance department.

20 IV. "Health Care and Education Reconciliation Act of 2010" means the law enacted by the  
21 111th United States Congress, HR 4872, (Public Law 111-152) signed into law on March 30, 2010.

22 V. "Oversight committee" means the joint health insurance reform oversight committee  
23 established in RSA 420-L:5.

24 VI. "Patient Protection and Affordable Care Act of 2009" means the law enacted by the  
25 111th United States Congress, HR 3590, (Public Law 111-148) signed into law on March 30, 2010.

26 420-L:3 Authority of the Commissioner.

27 I. Only with the prior approval of the majority of the oversight committee established in  
28 RSA 420-L:5, the commissioner shall have the authority to do the following with regard to the Act:

1 (a) Enforce the consumer protections and market reforms as set forth in the Act that  
2 relate to insurance;

3 (b) Take any action or permit the taking of any action by any state employee, state  
4 agent, or anyone to implement the Act;

5 (c) Establish any standards for enforcing the provisions of the Act;

6 (d) Make, adopt, or amend rules and regulations pursuant to RSA 541-A for, or as an aid  
7 to, the administration of any provision of the Act relating to insurance;

8 (e) Apply for any grant funds available under the Act;

9 (f) Adopt or apply standards consistent with the Act for form and rate review of  
10 insurance products and any other regulatory oversight functions performed by the department; or

11 (g) Expend any money, whether received by the federal government, the state  
12 government, any other governmental agency, a private organization, a nonprofit organization, or  
13 otherwise, on the implementation or advancement of the Act.

14 II. Any state official or agency outside the department, that seeks to enforce, implement,  
15 establish standards for enforcing, or otherwise take action under a provision of the Act, shall first  
16 obtain approval for the action from the majority of the oversight committee established in RSA 420-  
17 L:5.

18 420-L:4 Implementation of the Act.

19 I. The general court shall determine all policies within the state of New Hampshire  
20 regarding implementation of the Act if it is determined that the state of New Hampshire is required  
21 to implement the Act. The insurance commissioner, the department, or any other state official,  
22 agency or designee, working in conjunction with the oversight committee, shall act on the  
23 presumption that enforcement of any provision of the Act shall first be authorized by the general  
24 court.

25 II. The commissioner, the department, or any other state official, agency or designee, shall  
26 develop recommendations in conjunction with the oversight committee established in RSA 420-L:5,  
27 prior to any enforcement of the Act. In addition, any state official or agency that seeks to enforce the  
28 provisions of the Act shall first develop recommendations in conjunction with the oversight  
29 committee.

30 420-L:5 Joint Health Insurance Reform Oversight Committee.

31 I. There is established a joint health insurance reform oversight committee consisting of  
32 5 members as follows:

33 (a) Two members of the senate, appointed by the senate president, one of whom shall be  
34 from the senate commerce committee.

35 (b) Three members of the house of representatives, appointed by the speaker of the  
36 house of representatives, 2 of whom shall be from the house commerce and consumer affairs  
37 committee.

1 II. The terms of the members of the oversight committee shall be for the biennium and shall  
2 be coterminous with their membership in the general court. The oversight committee shall elect a  
3 chairman from its membership. The oversight committee shall meet at the call of the chairman who  
4 may call a meeting as often as necessary. The oversight committee shall require 3 members for a  
5 quorum.

6 III. The commissioner, upon direction of the oversight committee, shall make such periodic  
7 reports to the oversight committee relative to the department's interaction with federal officials  
8 enforcing the Act, and relative to federal deadlines and requirements for the Act.

9 IV. The oversight committee shall provide legislative oversight, policy direction, and  
10 recommendations for further legislation to prevent implementation of the Act in the state of New  
11 Hampshire as it determines appropriate. The oversight committee shall also review existing rules  
12 adopted pursuant to the version of RSA 420-L enacted under 2010, 243 and may require that rules it  
13 deems unnecessary be withdrawn.

14 V. The oversight committee shall submit an annual report, together with any  
15 recommendations for legislation, to the president of the senate, the speaker of the house of  
16 representatives, the house commerce and consumer affairs committee, and the senate commerce  
17 committee on or before November 1, 2011, and thereafter on or before November 1 of each year.

18 2 Health Reform Coordinator Position. Amend RSA 400-A:6, VII to read as follows:

19 VII. The commissioner shall appoint, as the commissioner's assistants, a health care policy  
20 analyst, a health care statistician, a general counsel, an insurance fraud attorney, a senior insurance  
21 fraud investigator, an assistant property and casualty actuary, **and** a compliance and enforcement  
22 counsel, [~~and a health reform coordinator,~~] each of whom shall serve at the pleasure of the  
23 commissioner during good behavior. The health care policy analyst, health care statistician, general  
24 counsel, insurance fraud attorney, senior insurance fraud investigator, assistant property and  
25 casualty actuary, **and** compliance and enforcement counsel, [~~and health reform coordinator,~~] shall  
26 perform such duties and exercise such powers as the commissioner may authorize.

27 3 Repeal. The following are repealed:

28 I. 2010, 243:15, relative to the repeal of RSA 420-L, regarding federal health care reform.

29 II. 2010, 243:16, relative to relative to rules adopted pursuant to RSA 420-L.

30 4 Effective Date. This act shall take effect June 30, 2011.

LBAO  
11-1005  
Amended 06/02/11

**SB 162 FISCAL NOTE**

AN ACT           relative to New Hampshire opting-out of federal health care reform.

**FISCAL IMPACT:**

The Insurance Department states this bill, as amended by the House (Amendment #2011-1967h), will have no fiscal impact on state, county and local expenditures and revenue.

**METHODOLOGY:**

The Insurance Department states this bill addresses the implementation of federal health care reform and establishes a committee to provide oversight, policy direction, and recommendations for legislation to prevent the implementation of the federal health care reform act as determined appropriate. The Department states the legislation has no fiscal impact because the requirements of imposed by the bill can be satisfied with existing staffing levels at the Department.

# Amendments

Sen. White, Dist. 9  
March 2, 2011  
2011-0609s  
01/09



Amendment to SB 162-FN

1 Amend the bill by replacing all after the enacting clause with the following:

2

3 1 New Subdivision; Federal Health Care Reform. Amend RSA 400-A by inserting after section  
4 66 the following new subdivision:

5

Federal Health Care Reform

6 400-A:67 Implementation of Public Law 111-152. The general court shall determine any policy  
7 regarding implementation of Public Law 111-152 if it is determined that the state of New Hampshire  
8 is required to implement such law. The insurance commissioner, or designee, shall develop  
9 recommendations in conjunction with the insurance reform oversight committee, established in  
10 RSA 400-A:68, prior to the enforcement of Public Law 111-152. In addition, any state official or  
11 agency that seeks to enforce the insurance provisions of Public Law 111-152 shall develop  
12 recommendations in conjunction with the oversight committee.

13 400-A:68 Joint Health Insurance Reform Oversight Committee Established.

14 I. There is established an oversight committee on health insurance reform consisting of  
15 5 members as follows:

16 (a) Two members of the senate, appointed by the senate president.

17 (b) Three members of the house of representatives, appointed by the speaker of the  
18 house of representatives.

19 II. The terms of the members shall be for the biennium and shall be coterminous with their  
20 membership in the general court. The committee shall elect a chairman from its membership.

21 III. The committee shall provide legislative oversight, policy direction, and recommendations  
22 for legislation to implement Public Law 111-152 as it determines appropriate.

23 2 Effective Date. This act shall take effect July 1, 2011.



2011-0609s

AMENDED ANALYSIS

This bill establishes an oversight committee to implement Public Law 111-152, should it be determined that the state of New Hampshire is required to implement such law.



Commerce  
March 8, 2011  
2011-0704s  
01/09

Amendment to SB 162-FN

1 Amend the bill by replacing all after the enacting clause with the following:

2

3 1 New Subdivision; Federal Health Care Reform. Amend RSA 400-A by inserting after section  
4 66 the following new subdivision:

5

Federal Health Care Reform

6

400-A:67 Implementation of Public Law 111-152. The general court shall determine any policy  
7 regarding implementation of Public Law 111-152 if it is determined that the state of New Hampshire  
8 is required to implement such law. The insurance commissioner, or designee, shall develop  
9 recommendations in conjunction with the insurance reform oversight committee, established in  
10 RSA 400-A:68, prior to the enforcement of Public Law 111-152. In addition, any state official or  
11 agency that seeks to enforce the insurance provisions of Public Law 111-152 shall develop  
12 recommendations in conjunction with the oversight committee.

13

400-A:68 Joint Health Insurance Reform Oversight Committee Established.

14

I. There is established an oversight committee on health insurance reform consisting of  
15 5 members as follows:

16

(a) Two members of the senate, appointed by the senate president.

17

(b) Three members of the house of representatives, appointed by the speaker of the  
18 house of representatives.

19

II. The terms of the members shall be for the biennium and shall be coterminous with their  
20 membership in the general court. The committee shall elect a chairman from its membership.

21

III. The committee shall provide legislative oversight, policy direction, and recommendations  
22 for legislation to implement Public Law 111-152 as it determines appropriate.

23

2 Effective Date. This act shall take effect July 1, 2011.

2011-0704s

AMENDED ANALYSIS

This bill establishes an oversight committee to implement Public Law 111-152, should it be determined that the state of New Hampshire is required to implement such law.

# Committee Minutes

**AMENDED**  
**SENATE CALENDAR NOTICE**  
**COMMERCE**

Printed: 02/09/2011 at 4:04 pm

Senator Russell Prescott Chairman  
Senator Raymond White V Chairman  
Senator Tom De Blois  
Senator Matthew Houde  
Senator Andy Sanborn

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/>	Bill Status
<input type="checkbox"/>	Docket
<input type="checkbox"/>	Calendar
Proof: <input type="checkbox"/>	Calendar <input type="checkbox"/>
	Bill Status

**Date: February 9, 2011**

**HEARINGS**

**Tuesday**

**2/22/2011**

COMMERCE

SH 100

9:00 AM

(Name of Committee)

(Place)

(Time)

**EXECUTIVE SESSION MAY FOLLOW**

**Comments:** Please note the room change to SH 100. The following bill hearings previously scheduled for February 22nd have been canceled: SB 50, SB 110, SB 111, SB 86 and SB 120.

9:00 AM	SB74-FN	relative to the life settlements act.
9:20 AM	SB148-FN	relative to health insurance coverage and directing the attorney general to join the lawsuit challenging the Patient Protection and Affordable Care Act.
9:40 AM	SB150-FN	authorizing individuals and certain businesses to purchase health insurance from out-of-state insurance companies.
10:00 AM	SB162-FN	relative to federal health care reform 2010.
10:20 AM	SB163-FN	relative to the New Hampshire health benefit exchange.

**Sponsors:**

Patrick Murphy 271-3067

Sen. Russell Prescott

Chairman

**AMENDED**  
**SENATE CALENDAR NOTICE**  
**COMMERCE**

Printed: 02/09/2011 at 4:04 pm

Senator Russell Prescott Chairman  
Senator Raymond White V Chairman  
Senator Tom De Blois  
Senator Matthew Houde  
Senator Andy Sanborn

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/>	Bill Status
<input type="checkbox"/>	Docket
<input type="checkbox"/>	Calendar
Proof: <input type="checkbox"/>	Calendar <input type="checkbox"/>
	Bill Status

**Date: February 9, 2011**

**HEARINGS**

**Tuesday**

**2/22/2011**

**COMMERCE**

**SH 100**

**9:00 AM**

(Name of Committee)

(Place)

(Time)

**EXECUTIVE SESSION MAY FOLLOW**

**Comments:** Please note the room change to SH 100. The following bill hearings previously scheduled for February 22nd have been canceled: SB 50, SB 110, SB 111, SB 86 and SB 120.

**SB74-FN**

Sen. Peter Bragdon

**SB148-FN**

Sen. Tom De Blois

Sen. Peter Bragdon

Sen. John Gallus

Sen. Bob Odell

Sen. Raymond White

**SB150-FN**

Sen. Jeb Bradley

Sen. Tom De Blois

Sen. Gary Lambert

Sen. Russell Prescott

**SB162-FN**

Sen. Raymond White

Sen. Peter Bragdon

Sen. Fenton Groen

Sen. Nancy Stiles

Rep. Harry Accornero

**SB163-FN**

Sen. Raymond White

Sen. Fenton Groen

Rep. Harry Accornero

Sen. Jeb Bradley

Sen. Sharon Carson

Sen. Fenton Groen

Sen. Jim Rausch

Sen. John Barnes, Jr.

Sen. James Forsythe

Sen. Jim Luther

Sen. Jim Rausch

Sen. John Barnes, Jr.

Sen. Sharon Carson

Sen. Chuck Morse

Rep. John Hunt

Sen. John Barnes, Jr.

Sen. Andy Sanborn

Sen. John Barnes, Jr.

Sen. Jeanie Forrester

Sen. Gary Lambert

Sen. Andy Sanborn

Sen. David Boutin

Sen. John Gallus

Sen. Chuck Morse

Sen. Andy Sanborn

Sen. David Boutin

Sen. Jeanie Forrester

Sen. Jim Rausch

Rep. Kevin Avard

Sen. Jeb Bradley

Rep. John Hunt

Sen. David Boutin

Sen. James Forsythe

Sen. Chuck Morse

Sen. Nancy Stiles

Sen. Sharon Carson

Sen. Fenton Groen

Sen. Bob Odell

Sen. Raymond White

Sen. Jeb Bradley

Sen. John Gallus

Sen. Andy Sanborn

Rep. Dan McGuire

Sen. Peter Bragdon

Rep. Kevin Avard

Patrick Murphy 271-3067

Sen. Russell Prescott

Chairman

# Commerce Committee Hearing Report

**To:** Member of the Senate

**From:** Patrick Murphy, *Legislative Aide*

**Re:** Hearing Report on SENATE BILL 162-FN relative to federal health care reform 2010.

**Hearing Date:** February 22, 2011

**Members of the Committee Present:**

Senator Prescott, Senator White, Senator De Blois, Senator Sanborn, Senator Houde

**Members of the Committee Absent:**

None

---

**Sponsor(s):**

Sen. White, Dist 9; Sen. Barnes, Jr., Dist 17; Sen. Boutin, Dist 16; Sen. Bradley, Dist 3; Sen. Bragdon, Dist 11; Sen. Carson, Dist 14; Sen. Forrester, Dist 2; Sen. Gallus, Dist 1; Sen. Groen, Dist 6; Sen. Morse, Dist 22; Sen. Rausch, Dist 19; Sen. Sanborn, Dist 7; Sen. Stiles, Dist 24; Rep. Hunt, Ches 7; Rep. Avard, Hills 20; Rep. D. McGuire, Merr 8; Rep. Accornero, Belk 4

**What the bill does:**

This bill clarifies the intent of the RSA chapter regarding the implementation of federal insurance reform and removes the repeal of the law authorizing the insurance commissioner to implement insurance reforms required under federal law.

This bill also requires the insurance commissioner to obtain approval from the legislature and all other state agencies before implementing any federal health care reform changes.

**Supporters of the bill:**

Sen. Stiles, Dist 24; Sen. Barnes, Jr., Dist 17; Sen. Gallus, Dist 1; Sen. Bragdon, Dist 11; Sen. Groen, Dist 6; Sen. Forrester, Dist 2; Sen. Rausch, Dist 19; Sen. Boutin, Dist 16; Sen. Carson, Dist 14; Sen. Morse, Dist 22; Ellen Kolb, Cornerstone Action; Lisa Kaplan Howe, NH Voices for Health; Bruce Berke, NFIB; Jeff Dickinson, GSIL; Doug McNutt, AARP; Jess Clark, NH AFL; Edward Dupont, Harvard Pilgrim Health Care; Mike Rollo, American Cancer Society; Paula Rogers, Anthem BC/BS; Nancy Pederzini, American Heart Association; Michael Cohen, National Alliance on Mental Illness; Greg Goldberg; Mark Barker; Jaime Contois, WFW

**Those in opposition to the bill:**

None

**Speaking to the bill (Neutral):**

None

**Summary of testimony received:**

Sen. White, Dist 9

- This bill is intended to beef up the Oversight Committee that was created in RSA 420-L last year and bring some technical corrections into statute. There are various technical corrections that need to be made to this bill. Intends to bring in an amendment that would substantially alter this bill.
- The idea is that NH needs to take parallel tracks to address what is being done at the federal level with the Affordable Care Act. While moving forward through the courts to oppose the Affordable Care Act we also need to pursue legislation such as SB 162-FN not knowing what the courts will decide.

Senator White disclosed that he is an insurance agent and will be affected by this legislation and intends to participate in the process.

Jamie Contois, WFW

- Shared a story, relative to the problem many people have had getting quality affordable health care, from a NH resident who could not attend the hearing due to a medical condition. Would like to see that the NH DOI has the authority to implement the federal health care reform.

Lisa Kaplan Howe, NH Voices for Health

- NH Voices for Health supports the goals of SB 162-FN and its efforts to ensure the NH's Insurance Commissioner maintains control over the NH insurance market. The NH DOI plays the leading role in providing consumers with support and enforcement of insurance protections. By ensuring that the insurance commissioner can continue to enforce the consumer protections contained in the new health law, SB 162 ensures that the state can maintain control over our insurance market.
- SB 162-FN will ensure that over 900,000 residents in NH that purchase private health insurance will be able to continue to turn to our state's insurance department if these rights, which are the law of the land, are being abused by their insurer. Having the NH DOI enforce these protections will ensure it is done using the systems that work best for NH.
- Without SB 162-FN, the residents of our state would be left to navigate a complex combination of local and federal officials to have their rights enforced.

Ellen Clement

- Supports parts of the bill. Supports section 1 of the bill but believes forcing the Commissioner of Insurance to go through the General Court, the Oversight Committee and all other departments is a bad example of limited government.

Marcus Hansen

- Has some concerns with the legislation but hopes the amendment will address that. Hopes this doesn't take up unnecessary time in implementing health care reforms.

Doug McNutt, AARP

- We support SB 162-FN because we believe that it is important to give the NH Insurance Commissioner the authority to enforce the consumer protections that are in the new health law. This will ensure that NH residents and businesses can turn to the NH DOI for problems that develop with health insurance, as opposed to having to turn to the federal government for help.
- We are concerned that as drafted, SB 162-FN would make it difficult for the Commissioner to carry out the mission under SB 162 when it is necessary to get approval from the full legislature, the oversight committee and all state agencies to implement provision of the health care law.

Edward Dupont, Harvard Pilgrim Health Care

- Harvard Pilgrim agrees with the bill's intent to prevent NH from inadvertently defaulting into federal oversight of the Affordable Care Act (ACA). The ACA sets certain time frames for measuring a state's progress towards implementation of the ACA, especially planning and development of Exchanges that will become operational as of January 2014. If these time frames are not met, the federal government could take over the development and operation of an Exchange in NH, which would be an undesirable loss of State control. We believe it is prudent to continue to meet these time frames even if the ultimate decision is made by 2014 not to proceed with an Exchange or with other aspects of the ACA.
- There is one aspect of this bill that we believe should be clarified. As written, the bill establishes a Health Insurance Oversight Committee. The Insurance Commissioner must obtain approval from this Committee as well as the General Court before enforcing the ACA's consumer protections and market reforms.
- This bill also requires the Insurance Commissioner to obtain approval from "all other state agencies." This requirement could result in agencies that have no involvement or apparent interest in the ACA having veto power over whether the Commissioner could enforce any of its provisions even if the Oversight Committee and the General Court gave their approval. The requirement to obtain approval from all other state agencies can also lead to confusion and untimely delays since the bill does not provide a process or timeline for obtaining other state agencies' approvals.

Paula Rogers, Anthem Blue Cross/Blue Shield

- Supports the intent of the legislation.
- Expressed some concerns about when the DOI has authority to move in a certain direction.
- Interested in looking at the amendment when it is ready.

Greg Goldberg, Henniker

- Personal story about health care story and inability to pay for health insurance.



**Funding:**

**FISCAL IMPACT:**

The Insurance Department states this bill will have an indeterminable fiscal impact on state expenditures and revenue in FY 2011 and each year thereafter. There is no fiscal impact on county and local expenditures or revenue.

**METHODOLOGY:**

The Insurance Department states this bill requires specific Legislative approval prior to any action by the Department to enforce any of the consumer protections under federal health care reform. The Department is not clear how this would be implemented, therefore cannot determine the fiscal impact of this bill. The Department also states this bill addresses health insurance exchanges for which there is no known fiscal impact.

**Action:**

Pending

# Speakers

# Senate Commerce Committee: Sign-In Sheet

Date: February 22, 2011

Time: 10:00 a.m.

Public Hearing on SB 162-FN

SB 162-FN

Relative to federal health care reform 2010.

Name	Representing	Support	Oppose	Speaking?	Yes	No
Ellen Kolb	Cornerstone Action	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
USA Kaplan Howe	NHI Voices for Health	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bruce Berke	NFIB	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sarah Chissov Warner	NACA	<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
David Rubin	self	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Jaime Corbin	WFWI	<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ellen Clement	self	<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MARCUS C. HANSEN	self	<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Goudzwaard	NHCA	<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
JEFF DICKINSON	GSIL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sen. Morse	SP 22	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
Doug McVurt	AARP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jess Clark	NH AFL-CIO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Bruce Berke	NFIB	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Senate Commerce Committee: Sign-In Sheet

Date: February 22, 2011

Time: 10:00 a.m.

Public Hearing on SB 162-FN

SB 162-FN      Relative to federal health care reform 2010.

Name	Representing	Support	Oppose	Speaking?	Yes	No
SENATOR SHARON CARSON	SD #14	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SENATOR DAVID BOUTIN	SD #16	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Senator Jim Rausch	SD # 19	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Senator Forrester	SD #2	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<del>Senator White</del>	<del>District</del>	<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
Sen Green	District 6	<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
✓ Edward Dupont	Harvard Pilgrim Health Care	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mike Rello	American Cancer Society	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
✓ PAULA ROSELES	Arthur BCES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Bragdon	District 11	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SEN. JOHN GAUSS	SD #1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sen Barnes	District 17	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Nancy Pedersen	American Heart Assoc	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SENATOR SLIES	SD 24	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>





# Testimony

MEMORANDUM

TO: Senate Commerce Committee  
FROM: Edward C. Dupont, for Harvard Pilgrim Health Care  
RE: SB 162 - relative to federal health care reform 2010  
DATE: February 22, 2011

Harvard Pilgrim Health Care wishes to be recorded as supporting SB 162, relative to federal health care reform 2010.

Harvard Pilgrim agrees with the bill's intent to prevent the State of New Hampshire from inadvertently defaulting into federal oversight of the Affordable Care Act (aka ACA). The ACA sets certain time frames for measuring a state's progress towards implementation of the ACA, especially planning and development of Exchanges that will become operational as of January 2014. If these time frames are not met, the federal government could take over the development and operation of an Exchange in New Hampshire, which would be an undesirable loss of State control. We believe it is prudent to continue to meet these time frames even if the ultimate decision is made by 2014 not to proceed with an Exchange or with other aspects of the ACA.

There is one aspect of this bill that we believe should be clarified. As written, the bill establishes a Health Insurance Oversight Committee. The Insurance Commissioner must obtain approval from this Committee as well as the General Court before enforcing the ACA's consumer protections and market reforms.

However, the bill also requires the Insurance Commissioner to obtain approval from "all other state agencies." This last requirement could result in agencies that have no involvement or apparent interest in the ACA having veto power over whether the Commissioner could enforce any of its provisions even if the Oversight Committee and the General Court give their approval. The requirement to obtain approval from all other state agencies can also lead to confusion and untimely delays since the bill does not provide a process or timeline for obtaining other state agencies' approvals.

We'd recommend that either the phrase "from all other state agencies" be deleted from the bill since approval from both the Oversight Committee and the General Court should be sufficient and should also overrule any state agency decision. Or, as an alternative, the bill could be amended to require approval only from specific state agencies with a clear interest or involvement in the implementation of the ACA, for example, the Department of Health and Human Services.

Thank you for this opportunity to provide comments on SB 162.





AARP New Hampshire T 1-866-542-8168  
900 Elm Street, Suite 702 F 603-629-0066  
Manchester, NH 03101 TTY 1-877-434-7598  
[www.aarp.org/nh](http://www.aarp.org/nh)

## Testimony SB 162

My name is Douglas McNutt the Associate State Director for Advocacy for AARP in New Hampshire. We are an organization of over 227,000 members ages 50 and above in New Hampshire.

We support SB 162 because we believe that it is important to give the New Hampshire Insurance Commissioner the authority to enforce the consumer protections that are in the new health law. This will ensure that New Hampshire residents and businesses can turn to the New Hampshire Department of Insurance for problems that develop with health insurance, as opposed to having to turn to the federal government for help.

For instance with regard to the federal high risk pool that is currently operating in New Hampshire that is run by the same organization that runs the New Hampshire High Risk Pool, or the elimination of lifetime policy limits, it is important that consumers can go to the New Hampshire Department of Insurance for help if there are problems. It is also likely that New Hampshire Insurers would prefer to deal with the New Hampshire Department where they have an ongoing relationship.

We are concerned that as drafted SB 162 would make it difficult for the Commissioner to carry out the mission under SB 162 when it is necessary to get approval from the full legislature, the oversight committee and all state agencies to implement provision of the health care law. This could cause an unnecessary delay while the General Court is out of session. It is also important that implementation be controlled locally, which may make it impossible to meet deadlines that must be met in order to retain the maximum amount of New Hampshire control over the implementation of the health care law. We believe that the health care law implementation can be effectively governed by the Health Insurance Reform Oversight Committee.

We encourage the committee to support the passage of SB 162, with an amendment that will allow the Commissioner of Insurance to be able to assist New Hampshire consumers in a timely manner and also to provide for oversight of the New Hampshire Insurance Department's health care law implementation by the health insurance reform oversight committee.



**Senate Commerce Committee  
February 22, 2011  
New Hampshire Voices for Health Testimony**

***RE: SB 162-FN, An Act relative to federal health care reform 2010.***

Chairman Prescott and members of the committee, thank you for the opportunity to provide testimony regarding Senate Bill 162.

My name is Lisa Kaplan Howe and I am the Director of New Hampshire Voices for Health, a statewide network of individuals, small businesses and advocacy organizations committed to ensuring a strong, high quality and affordable health care system for the families and businesses of our state. We have over 40 partner organizations and individuals and, together, we represent more than 200,000 people across the state.

New Hampshire Voices for Health supports the goals of Senate Bill 162 and its efforts to ensure that New Hampshire's insurance commissioner maintains control over the NH insurance market. The New Hampshire Insurance Department plays the leading role in providing consumers with support and enforcement of insurance protections. By ensuring that the insurance commissioner can continue to enforce the consumer protections contained in the new health law, Senate Bill 162 ensures that the state can maintain control over our insurance market.

The new health law provides critical protections for individuals that have taken personal responsibility for purchasing and paying for private health insurers – ones that the residents of our state are already benefitting from. It ensures that New Hampshire residents do not suffer from abuses of health insurers such as the practice of rescinding a person's coverage when they get sick or instituting lifetime or unreasonable annual dollar limits on coverage. The law helps to ensure that the children of our state will have access to the health care they need to grow into healthy adults and contribute to the future of our state, by eliminating the discriminatory practices that stand in the way of parents providing for their children by purchasing health insurance simply because their child has a pre-existing health condition. It also ensures that private insurance enrollees can choose their health care provider and do not face restrictive barriers when they need emergency care, and that private insurance plans provide full coverage for the preventive care people need to remain healthy and avoid more significant health care needs in the future. The law also helps to ensure that young adults do not have to go without coverage while they transition from school to the workforce. Particularly, in today's economy, it is difficult for many young adults to find jobs, let alone jobs providing them with access to health insurance. Thanks to the new health law, *all* young adults in New Hampshire can remain on their family's health insurance coverage while they transition to self-sufficiency, a policy that has been a success in New Hampshire for years but is no longer limited to only some of the young adults in our state.

Senate Bill 162 will ensure that the over 900,000 residents in our state that purchase private health insurance will be able to continue to turn to our state's insurance department if these rights

– which are the law of the land – are being abused by their insurer. Having the New Hampshire Insurance Department enforce these protections will ensure it is done using the systems that work best for New Hampshire. Additionally, New Hampshire consumers deserve to have their rights protected and supported at the state level. As they have always been able to, New Hampshire consumers should be able to look to their insurance department for assistance with insurance issues.

We have already seen an example of the important role that the New Hampshire Insurance Department must play, when insurers tried to circumvent the new prohibition on discriminating against children with pre-existing health conditions. A combination of long-standing state insurance law and anti-discrimination provisions under the new health law prohibited the actions insurers were seeking to take that would have undermined the ability of Granite State parents to purchase insurance coverage for children. By having the authority to enforce the full range of insurance law – as Senate Bill 162 seeks to maintain - the New Hampshire Insurance Department was able to take quick action to prevent such an abuse, to hold insurers accountable and to enforce the rights of Granite Staters. Without Senate Bill 162, the residents of our state would be left to navigate a complex combination of local and federal officials to have their rights enforced.

Though we support the intent of Senate Bill 162, we are concerned that, as drafted, Senate Bill 162 includes unintended barriers to the insurance department holding insurance companies accountable and enforcing consumer's rights. In practice, the requirement that the commissioner get approval from the health insurance reform oversight committee, the full legislature and all other state agencies could easily make it impossible for the commissioner to assist consumers in a timely fashion. Seeking these various levels of approval could easily take months – or longer if the legislature is not in session. During this time, the insurance department would not be able to take the action necessary to hold insurers accountable and New Hampshire residents would be left without assistance as their rights are being violated. As a result, individuals may be left facing significant barriers to health care, impacting their health and general welfare.

The bill also seeks to ensure that New Hampshire preserves its options and maintains local control over implementation of the new health law. Similarly, this may also be put at risk by the requirement that the insurance commissioner attain approval of the full legislature and all state agencies before being able to respond to opportunities under the new health law. Many of the opportunities for federal funding to strengthen our health care system and the opportunities to maintain local control over implementation adhere to a strict timeline. Having to wait for the legislature to come back into session and / or complete the full legislative process, as well as for approval of all state agencies could easily make meeting those timelines impossible. Oversight of the implementation process can more appropriately and efficiently be managed by the Health Insurance Reform Oversight Committee. This would be in addition to the existing oversight over grants of the Joint Fiscal Committee and the Executive Council.

In addition, as currently drafted, Senate Bill 162 could create a significant burden on both the legislature and state agencies. The New Hampshire Insurance Department gets thousands of requests for assistance from NH residents each year. Having to approve each of those requests and to consider all other implementation related opportunities would create a significant burden.

We encourage you to support Senate Bill 162, but to ensure it is framed in a way that will work in practice. In particular, we urge you to amend the bill to ensure that the insurance commissioner can continue assisting consumers in a timely manner without having to seek approval for each individual

enforcement activity, and also to provide the legislative health insurance reform oversight committee with authority to oversee the department's implementation activities.

Thank you for your time and please do not hesitate to call upon us by contacting me at 369-4767 or [lisa@nhvoicesforhealth.org](mailto:lisa@nhvoicesforhealth.org) if we can provide further information or assistance.



# **NAMI** New Hampshire

## **National Alliance on Mental Illness NH**

Date: February 22, 2011

To: Chairman Prescott and the members of the Senate Commerce Committee

Re: SENATE BILL: SB162: Relative to Federal Health Care Reform 2010

Testimony: Michael J. Cohen, Executive Director, National Alliance on  
Mental Illness NH

Senator Prescott, Chair and Members of the Commerce Committee; thank you for the opportunity to present testimony on SB 162

My name is Michael Cohen. I am the Executive Director of the National Alliance on Mental Illness NH (NAMI NH). We represent families and consumers statewide working to improve the quality of life of all persons affected by mental illness and severe emotional disorders. A primary focus of our mission is to educate the public about mental illness, to improve their understanding of its impact on individuals and families, and to advocate for improved access to and coverage for quality prevention services, including suicide prevention, and treatment for mental health and health care.

**NAMI NH gives qualified support to SB 162 because, on the one hand we applaud the support to assure that the concepts in SB455 passed last year are reinforced and consumers new rights under the new health law are protected, but on the other hand, we believe that the oversight placed on the Insurance Commissioner to go thru multiple hurdles to get approval from the legislature to carry out his duties are inefficient and burdensome and in the long run this could reduce protections and consumers' rights.**

In this bill it is possible the legislature ends up micro-managing the Commissioner and the Commissioner cannot serve the people in an effective or efficient manner. By providing the NH Insurance Commissioner with the authority to enforce the consumer protections contained in the new health law, SB162 ensures that Granite State consumers and businesses can continue to turn to our Insurance Department for assistance with issues they face with their insurance company and ensures the protections are implemented using systems that work best for NH. However, to require undue burdensome legislative oversight slows the process for implementation of the new health law, and reduces protections for consumers' new rights. We believe the oversight can more appropriately be managed by the Health Insurance Reform Oversight Committee.

*Improving the Lives of All Persons Affected by Mental Illness and/or Serious Emotional Disorders*

15 Green Street ★ Concord, NH 03301

InfoLine: (800) 242-6264 ★ PH: (603) 225-5359 ★ FX: (603) 228-8848

www.naminh.org ★ E-Mail: info@naminh.org

*Affiliates / Support Groups throughout New Hampshire*

I encourage you to support SB162, but amend the bill to ensure that the Insurance Commissioner can continue assisting consumers in a timely manner without having to seek approval for each individual enforcement activity, and also to provide the Legislative Health Insurance Reform Oversight Committee with authority to oversee the department's implementation activities.

# TITLE XXXVII INSURANCE

## CHAPTER 420-L FEDERAL HEALTH CARE REFORM 2010

### Section 420-L:1

[RSA 420-L:1 repealed by 2010, 243:15, effective July 1, 2011.]

#### **420-L:1 Purpose and Scope. –**

I. The intent of this chapter is to preserve the insurance regulatory authority of the state by authorizing the commissioner to implement the insurance reforms required under the Patient Protection and Affordable Care Act of 2009, as amended by the Health Care and Education Reconciliation Act of 2010 that take effect on or before July 1, 2011, (hereinafter "Act").

II. The provisions of this chapter shall ensure that New Hampshire residents obtain the full protections and benefits provided by the Act prior to any legislative action in the 2011 legislative session that may be necessary.

**Source.** 2010, 243:1, eff. July 1, 2010.

### Section 420-L:2

[RSA 420-L:2 repealed by 2010, 243:15, effective July 1, 2011.]

#### **420-L:2 Definitions. –**

In this chapter:

I. "Act" means 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).

II. "Commissioner" means the insurance commissioner.

III. "Department" means the insurance department.

IV. "Health Care and Education Reconciliation Act of 2010" means the law enacted by the 111th United States Congress, HR 4872, (Public Law 111-152) signed into law on March 30, 2010.

V. "Patient Protection and Affordable Care Act of 2009" means the law enacted by the 111th United States Congress, HR 3590, (Public Law 111-148) signed into law on March 30, 2010.

**Source.** 2010, 243:1, eff. July 1, 2010.

### Section 420-L:3

[RSA 420-L:3 repealed by 2010, 243:15, effective July 1, 2011.]

#### **420-L:3 Authority of the Commissioner. –**

The commissioner shall enforce the consumer protections and market reforms as set forth in the Act that relate to insurance. This shall not include the medical assistance program under RSA 167. The commissioner shall have full power and authority in accordance with the time frames set forth in the Act to:

- I. Make, adopt, and amend rules and regulations pursuant to RSA 541-A for, or as an aid to, the administration of any provision of the Act relating to insurance;
- II. Apply for any grant funds available under the Act; and
- III. 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.

**Source.** 2010, 243:1, eff. July 1, 2010.

#### **Section 420-L:4**

[RSA 420-L:4 repealed by 2010, 243:15, effective July 1, 2011.]

##### **420-L:4 Interpretation. –**

All provisions in this chapter shall be interpreted consistently with the Act, and in executing the authority granted under this chapter, the commissioner shall be guided by applicable provisions of the Act, by federal regulations and any federal interpretations, standards, or guidance issued pursuant to the Act.

**Source.** 2010, 243:1, eff. July 1, 2010.

#### **Section 420-L:5**

[RSA 420-L:5 repealed by 2010, 243:15, effective July 1, 2011.]

##### **420-L:5 Application of Law. –**

Any provision within Title XXXVII that prevents the application of the Act without providing greater consumer protections or increased access to health insurance coverage shall be preempted.

**Source.** 2010, 243:1, eff. July 1, 2010.

#### **Section 420-L:6**

[RSA 420-L:6 repealed by 2010, 243:15, effective July 1, 2011.]

##### **420-L:6 Health Insurance Reform Oversight Committee. –**

There is established a health insurance reform oversight committee consisting of 2 members of the senate, appointed by the president of the senate, one of whom shall be from the senate commerce, labor and consumer protection committee, and 3 members of the house of representatives, appointed by the speaker of the house, 2 of whom shall be from the house commerce and consumer affairs committee. The committee shall meet at the request of the commissioner, but no more frequently than monthly. The commissioner shall make such periodic reports to the oversight committee relative to the department's federal insurance reform implementation plans and initiatives as may be required by the oversight committee. The oversight committee shall make a summary report on federal insurance reform implementation, together with any recommendations for legislation, to the house commerce and consumer affairs committee and the senate commerce, labor and consumer protection committee by the first day of the 2011 legislative session.

**Source.** 2010, 243:1, eff. July 1, 2010.



# Committee Report

STATE OF NEW HAMPSHIRE  
SENATE  
REPORT OF THE COMMITTEE

Date: March 8, 2011

THE COMMITTEE ON Commerce  
to which was referred Senate Bill 162-FN

AN ACT                   relative to federal health care reform 2010.

Having considered the same, the committee recommends that the Bill:

**OUGHT TO PASS WITH AMENDMENT**

BY A VOTE OF:   4-0

AMENDMENT # 0704s

Senator Raymond White  
For the Committee

Patrick Murphy 271-3067

## New Hampshire General Court - Bill Status System

**Docket of SB162**

Docket Abbreviations

**Bill Title:** relative to federal health care reform 2010.*Official Docket of SB162:*

<b>Date</b>	<b>Body</b>	<b>Description</b>
1/19/2011	S	Introduced and Referred to Commerce, <b>SJ 3</b> , Pg.38
2/10/2011	S	Hearing: 2/22/11, Room 100, State House, 10:00 a.m.; <b>SC11</b>
3/8/2011	S	Committee Report: Ought to Pass with Amendment #2011-0704s, 3/16/11; <b>SC15</b>
3/16/2011	S	Committee Amendment 0704s, AA, VV; <b>SJ 9</b> , Pg.111
3/16/2011	S	Sen. White Floor Amendment #2011-0853s, AA, VV; <b>SJ 9</b> , Pg.112
3/16/2011	S	Ought to Pass with Amendments 0704s, 0853s, MA, VV; OT3rdg; <b>SJ 9</b> , Pg.112
3/16/2011	S	Passed by Third Reading Resolution; <b>SJ 9</b> , Pg.162
3/17/2011	H	Introduced and Referred to Commerce and Consumer Affairs; <b>HJ 30</b> , PG.1036
3/22/2011	H	Public Hearing: 4/14/2011 11:00 AM LOB 302 Insurance/Consumer Protection Div ==Work Session May Follow==
4/12/2011	H	Subcommittee Work Session: 4/21/2011 10:00 AM LOB 304 Insurance/Consumer Div
4/12/2011	H	Executive Session: 4/21/2011 1:15 PM LOB 302
4/26/2011	H	Committee Report: Ought to Pass with Amendment #1522h(NT) for May 4 (Vote 16-2; RC); <b>HC 36</b> , PG.1248
4/26/2011	H	Proposed Committee Amendment #2011-1522h (New Title); <b>HC 36</b> , PG.1281-1282
5/4/2011	H	Amendment #1522h(NT) Failed, DIV 172-179; <b>HJ 42</b> , PG.1458
5/4/2011	H	Recommit (Rep Hunt): MA VV; <b>HJ 42</b> , PG.1458
5/5/2011	H	Subcommittee Work Session: 5/10/2011 10:00 AM LOB 308 Insurance/Consumer Protection Div
5/5/2011	H	==CANCELLED== Executive Session: 5/10/2011 11:30 AM LOB 302
5/11/2011	H	Subcommittee Work Session: 5/17/2011 10:15 AM LOB 307 Insurance/Consumer Protection Div
5/11/2011	H	Executive Session: 5/17/2011 1:30 PM LOB 302
5/18/2011	H	Committee Report: Ought to Pass with Amendment #1967h(NT) for May 25 (Vote 16-1; RC); <b>HC 41</b> , PG.1393
5/18/2011	H	Proposed Committee Amendment #2011-1967h (New Title); <b>HC 41</b> , PG.1409-1411
5/25/2011	H	Amendment #1967h(NT) Adopted, <b>RC 278-99</b> ; <b>HJ 46</b> , PG.1586-1590
5/25/2011	H	Ought to Pass with Amendment #1967h(NT): MA VV; <b>HJ 46</b> , PG.1586-1590
6/8/2011	S	Sen. Prescott Moved Nonconcur with House Amendment 1967h; NT, Requests C of C, MA, VV; <b>SJ 20</b>
6/8/2011	S	President Appoints: Senators White, Forrester and Houde

6/8/2011	H	House Accedes to Senate Request for C of C (Rep Hunt): MA VV
6/8/2011	H	Speaker Appoints: Reps Hunt, Flanders, Manuse, and Taylor
6/9/2011	S	Committee of Conference Meeting: 6/9/2011, 1:00 p.m., Room 302, LOB
6/16/2011	H	Conference Committee Report: Not Signed Off; <b>HC 49</b> , PG.1678

---

NH House	NH Senate
----------	-----------

---

# Other Referrals

# COMMITTEE REPORT FILE INVENTORY

SB 162-FN ORIGINAL REFERRAL \_\_\_\_\_ RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

DOCKET (Submit only the latest docket found in Bill Status)

COMMITTEE REPORT

CALENDAR NOTICE

HEARING REPORT

HANDOUTS FROM THE PUBLIC HEARING

PREPARED TESTIMONY AND OTHER SUBMISSIONS

SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

- AMENDMENT # 0609k \_\_\_\_\_ - AMENDMENT # \_\_\_\_\_

- AMENDMENT # 0704s \_\_\_\_\_ - AMENDMENT # \_\_\_\_\_

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED  AS AMENDED BY THE HOUSE

\_\_\_\_\_ FINAL VERSION  AS AMENDED BY THE SENATE

OTHER (Anything else deemed important but not listed above, such as amended fiscal notes): \_\_\_\_\_

IF YOU HAVE A RE-REFERRED BILL, YOU ARE GOING TO MAKE UP A DUPLICATE FILE FOLDER

DATE DELIVERED TO SENATE CLERK 8-5-11

Patrick Murphy  
BY COMMITTEE AIDE