

# Bill as Introduced

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HB 202 - AS INTRODUCED

2009 SESSION

09-0388

01/09

HOUSE BILL           **202**

AN ACT               relative to provisions in insurance policies limiting payment of full benefits.

SPONSORS:           Rep. Nixon, Hills 17

COMMITTEE:          Commerce

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ANALYSIS

This bill prohibits insurers from including provisions in insurance policies which limit the payment of full benefits to policyholders.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Nine*

AN ACT                   relative to provisions in insurance policies limiting payment of full benefits.

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

1           1 New Section; Coordination of Benefits Prohibited. Amend RSA 400-A by inserting after  
2 section 32-b the following new section:

3           400-A:32-c Provisions for Coordinating Benefits Prohibited. Insurers, including those writing  
4 motor vehicle insurance policies, shall not include in insurance policies coordination of benefits  
5 provisions which limit the payment of full benefits to their insureds.

6           2 Effective Date. This act shall take effect January 1, 2010.

# Amendments

Rep. Hunt, Ches. 7  
October 28, 2009  
2009-2456h  
01/09

IF this amendment is adopted  
by the Committee, please  
deliver to the House Clerk  
(Room 317) or Senate Clerk  
(Senate Chamber), the 2  
originals and 2 copies.

Amendment to HB 202

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to medical payments coverage.

4

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

6

7 1 Medical Payments. Amend RSA 264:16, I-IV to read as follows:

8 I. Any motor vehicle liability policy, as defined in RSA 259:61, covering a private passenger  
9 automobile and issued with respect to any motor vehicle registered or principally garaged in this  
10 state, shall provide medical payments coverage (**MedPay**) therein or supplemental thereto in an  
11 amount equal to or greater than \$1,000 per person for medical costs incurred as a result of injuries  
12 sustained in an accident involving the insured vehicle by the driver and passengers in said vehicle.  
13 Such coverage shall apply only to medical costs incurred during one year following the date the  
14 injuries are sustained.

15 II. A health carrier, as defined in RSA 420-G:2, VIII, shall not coordinate benefits against  
16 ~~[medical payments coverage]~~ **MedPay**.

17 III. ~~[Medical payments coverage]~~ **MedPay** shall not be assignable to any health care  
18 provider; *however, for payments for medical expenses over \$500 that have been provided but*  
19 *not reimbursed, MedPay shall issue separate reimbursement checks payable to both the*  
20 *insured and the health care provider.*

21 IV. The insured shall have the exclusive right to submit a claim for medical expenses under  
22 either ~~[medical payments coverage]~~ **MedPay** or a health insurance policy or both, as the insured  
23 elects; provided, however, an insured shall not be entitled to duplicate payment from ~~[medical~~  
24 ~~payments coverage]~~ **MedPay** and a health insurance policy for the same medical expense. *The*  
25 *insured may seek reimbursement under MedPay coverage for health insurance copayments*  
26 *and deductibles. Health care providers shall not collect reimbursement in excess of the*  
27 *contracted rate between the health insurance carrier and the health care provider*  
28 *regardless of which insurer pays first.*

29 2 New Paragraph; Patients' Bill of Rights. Amend RSA 151:21 by inserting after paragraph XXI  
30 the following new paragraph:

31 XXII. In the case of a motor vehicle accident, the patient shall have the exclusive right to  
32 submit a claim for medical expenses under either MedPay or a health insurance policy or both, as

**Amendment to HB 202**

**- Page 2 -**

1 the patient elects; provided, however, a patient shall not be entitled to duplicate payment from  
2 MedPay and a health insurance policy for the same medical expense. The patient may seek  
3 reimbursement under MedPay coverage for health insurance copayments and deductibles. Health  
4 care providers shall not collect reimbursement in excess of the contracted rate between the health  
5 insurance carrier and the health care provider regardless of which insurer pays first.

6 3 Effective Date. This act shall take effect January 1, 2011.



2009-2456h

AMENDED ANALYSIS

This bill clarifies the use of medical payments insurance under a motor vehicle liability policy.

Amendment to HB 202

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**Amendment to HB 202**

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2009-2456h

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**Amendment to HB 202**

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6 3 Effective Date. This act shall take effect January 1, 2011.

2009-2456h

**AMENDED ANALYSIS**

This bill clarifies the use of medical payments insurance under a motor vehicle liability policy.

# Committee Minutes

**HOUSE COMMITTEE ON  
COMMERCE AND CONSUMER AFFAIRS**

**BILL NUMBER: HB 202**

**BILL TITLE:** relative to provisions in insurance policies limiting  
payment of full benefits.

**DATE:** 3-6-09

**THE COMMITTEE HAS VOTED TO RETAIN THIS BILL.**

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**Tara G. Reardon, Chairman**

# Speakers





# Hearing Minutes

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

PUBLIC HEARING ON HB 202

**BILL TITLE:** relative to provisions in insurance policies limiting payment of full benefits.

**DATE:** January 21, 2009

**LOB ROOM:** 302      **Time Public Hearing Called to Order:** 12:39 pm

**Time Adjourned:** 1300

(please circle if present)

**Committee Members:** Reps. Reardon, Butler, DeStefano, Kopka, McEachern, Hammond, Nord, Winters, Meader, Gidge, Schlachman, Hunt, Quandt, Belanger, D. Flanders, R. Holden, Dowling, Headd, Nevins and Palfrey.

**Bill Sponsors:** Rep. Nixon

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

**Rep. David Nixon** – Denial of full benefits continues to be problematic. Bill insures people get what they paid for.

**Q: Rep. John Hunt** – Are we double dipping by forcing insurance companies to pay twice?

**A:** No.

**David Withers, NH Insurance Dept.** – Policy holders must indeed be made whole. HB 189 dealt with coordinating benefits. Again extra costs will be borne by consumer with this bill.

**Paula Rogers, Anthem Blue Cross/Blue Shield of NH** – If bill passes previous NAIC coordination on health plans, enormous damage to this coordination would be disastrous. Public policy was for no double coverage.

**George Roussos, AIA/NH Association of Domestic Insurance Companies** – Opposes this bill. This bill combines precious bills and again stacks with related problems.

**Richard Moquin of Manchester representing self** – Supports the bill. Bills were not written well. In some cases the poor have no other means at times. This dollar is often needed to survive. Opposed by insurance companies; system is out of control. Intent of bill is to return to previous legislation that worked better.

Respectfully Submitted:

A handwritten signature in black ink, appearing to read "Christopher F. Nevins". The signature is written in a cursive style with a large initial "C" and a distinct "F".

Christopher F. Nevins, Acting Clerk

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

PUBLIC HEARING ON HB 202

BILL TITLE: relative to provisions in insurance policies limiting payment of full benefits.

DATE: January 21, 2009

LOB ROOM: 302 Time Public Hearing Called to Order: 1238 p

Time Adjourned: 1300 p

(please circle if present)

Committee Members: Reps. Reardon, Butler, DeStefano, Kopka, McEachern, Hammons, Nord, Winters, Meader, Gidge, Schlachman, Hunt, Quandt, Belanger, D. Flanders, R. Holden, Dowling, Headd, Nevins and Palfrey.

Bill Sponsors: Rep. Nixon

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

Rep. Nixon DENIAL OF FULL BENEFITS CONTINUES TO BE PROBLUMATIC. ~~ENTER~~  
BILL <sup>INSURERS</sup> ~~INSURANCE~~ PEOPLES GET WHAT THEY PAID FOR

q Hunt - ARE WE DOUBLES DIPPING BY FORCING ~~THE~~ INSURANCE COMPANIES  
TO PAY TWICE

A. N NO

OP DAVID WITHER - DEPT OF INS

POLICY HOLDERS MUST INDEED BE MADE WHOLE. HB 189 DEALT W/  
COORDINATING BENEFITS. AGAIN EXTRA COSTS WILL BE BORNE BY CONSUMER  
WITH THIS BILL.

DUSTAPANO - DID'NT WE DEAL WITH THIS BEFORE?

W

OPP

PAULA ROBENS - ANOTHER - IF BILL PASSES PREVIOUS

NAIC COORDINATION ON HEALTH PLANS, UNWARRANTED  
TO THIS COORDINATION WOULD BE RESTRICTIONS. PUBLIC POLICY WAS  
FOR NO DOUBLE COVERAGE.

OPP

GEORGE ROSSO - THIS BILL COMBINES PREVIOUS BILLS AND AGAIN  
STARES WITH RELATED PROBLEMS.

RICHARD MOQUIN - BILLS WERE NOT WRITTEN WELL. IN SOME CASES  
THE POLICY HAD NO OTHER MEANS AT TIMES. THIS IS OPEN NEED  
TO SURVIVE, OPPOSED BY INS. COMPANIES. SYSTEM IS OUT OF  
CONTROL. INTENT OF BILL IS TO RETURN TO PREVIOUS LEGISLATION  
THAT WORKED BETTER.

# Sub-Committee Actions

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

SUBCOMMITTEE WORK SESSION ON SB 202

**BILL TITLE:** relative to employee candidate background checks by municipalities.

**DATE:** March 3, 2009

**Subcommittee Members:** Reps. Reardon, Nord, Hunt

**Comments and Recommendations:** DOI needs to do bulletin that providers cannot to assignment of benefits; take net pay and charge full sticker price.

**Amendments:**

Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. Nord

Seconded by Rep. Hunt

Vote: 3-0

Respectfully submitted,

Rep. Tara Reardon  
Subcommittee Chairman/Clerk



HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

SUBCOMMITTEE WORK SESSION ON HB 202

**BILL TITLE:** relative to provisions in insurance policies limiting payment of full benefits.

**DATE:** March 3, 2009

**Subcommittee Members:** Reps. *Reardon, Nord, Hunt*

**Comments and Recommendations:**

*DOI needs to do bulletin that providers cannot do assignment of benefits.*

**Amendments:**

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

*take ned pay + charge full sticker price.*

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. *Nord*

Seconded by Rep. *Hunt*

Vote: *3-0*

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. {Type NAME}  
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

SUBCOMMITTEE WORK SESSION ON HB 202

**BILL TITLE:** relative to provisions in insurance policies limiting payment of full benefits.

**DATE:** November 3, 2009

**Subcommittee Members:** Reps. ~~Hunt, DeStefano, Headd~~, and Gidge

**Comments and Recommendations:**

**Amendments:**

Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. Hunt

Seconded by Rep. Headd

Vote: 3-0

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. John Hunt  
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

SUBCOMMITTEE WORK SESSION ON HB 202

**BILL TITLE:** relative to provisions in insurance policies limiting payment of full benefits.

**DATE:** November 3, 2009

**Subcommittee Members:** Reps. Hunt, DeStefano, Headd, and Gidge

**Comments and Recommendations:**

**Amendments:**

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Hunt

Seconded by Rep.

Headd

Vote:

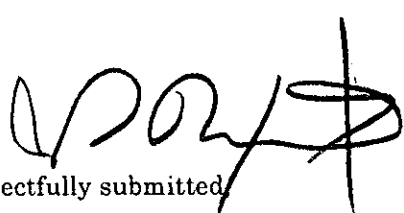
3-0

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

  
Respectfully submitted,

Rep.  
Subcommittee Chairman/Clerk

# Sub-Committee Minutes

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

SUBCOMMITTEE WORK SESSION ON HB 202

**BILL TITLE:** relative to provisions in insurance policies limiting payment of full benefits.

**DATE:** February 19, 2009

**Subcommittee Members:** Reps. Reardon, Nord

**Comments and Recommendations:** Rep. Nixon offers amendment – “clears up double dipping”. Say to accident & health med-pay. You cannot deny because there is other insurance. Speeds up. David Withers: SB 189 amended 254:16 @ clarified to allow insured to use that dollars. Effective 7/13 2007, DOI not hearing of problems. INS 1000 provides guidelines. Amendment is better than original bill. John Kenison, attorney from Manchester went over. 264:16 as written is fine, insurance company and medical providers not aware of it. They are direct billing medical pay. 2: Med pay incurred within one year of accident because not submitted (sometimes delayed billing). Withers: Rules cover that now; report to DOI. Ellen Shenutz: widespread. Education campaign within trial lawyers. Nord: And health care providers should know about 264:19. Douglas : DOI can't fine hospital. Hospitals are for auto. Withers: not assignable to health care provider. Apparently Metlife just sent a letter saying bills go to insured, not provider. Hospital Assn. could be alerted. Roussos: Look at amendment requires prompt pay; already covered in statute 417: and Rule 100. Paula Minehan: since passage of 264:19, patients don't know

**Amendments:**

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Tara Reardon  
Subcommittee Chairman/Clerk

2-19-09

Rep. Nixon offers amendment - "clears up double-dipping" say to accident + health & med-pay

you can not deny because there is other insurance.

Speeds up.

David Withers - SB189 amended 2/16/04  
@ clarified to allow insured to use that # 1/13 effective 2007, DOI not hearing of problems.

INS 1000 provides guidelines.

Amendment is better than orig. bill

John Kenison - Atty from Manchester went over

① 2/16/04 as written is fine, INS CO + med providers not aware of it.

They are direct billing med-pay -  
② med pay incurred when 1 year of accident because not submitted.

(Sometimes delayed billing)

Withers - rules cover that now - report to DOI

Ellen Sheenitz -

widespread -

Education campaign w/ trial lawyers

Nord - and health care providers should  
— know about 264:19.

Douglas - DOI can't fine hospital  
hospitals ask for auto...

Withers - not assignable to health care  
provider

Apparently - MetLife just sent a letter  
saying bills go to insured. Not provider.  
Hospital Assn could be alerted...

Roussos - look @ amendment requires  
prompt pay - already covered in 5A + rule  
417:  
Rule 100

Paula Maehan -

since passage @ 264:19, patients don't know



HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

SUBCOMMITTEE WORK SESSION ON HB 202

**BILL TITLE:** relative to provisions in insurance policies limiting payment of full benefits.

**DATE:** 2-19-09

**Subcommittee Members:** Reps. *Reardon, Ward*

**Comments and Recommendations:**

**Amendments:**

Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

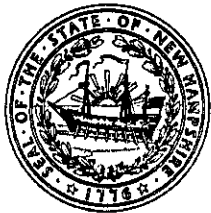
Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. {Type NAME}  
Subcommittee Chairman/Clerk



# State of New Hampshire

HOUSE OF REPRESENTATIVES  
33 North State Street  
Legislative Office Building, Room 302  
Concord, NH 03301-6334

TEL: (603) 271-3369  
TDD Access: Relay NH 1-800-735-2964

COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

## MEMORANDUM

---

**TO:** Subcommittee Members of Retained HB 202  
  
Rep. Stephen T. DeStefano  
Rep. Kenneth N. Gidge

**FROM:** Rep. John B. Hunt, Subcommittee Chair  
165 Sunridge Road  
Rindge, NH 03461-5478  
(603) 899-6000

**DATE:** September 29, 2009

**RE:** Subcommittee Work Session on HB 202 relative to  
provisions in insurance policies limiting payment of full  
benefits.

---

A subcommittee work session on HB 202 will be held on:

**Tuesday, October 6, 2009**  
**10:00 a.m.**  
**Room 304, LOB**

JBH/dm

cc. Rep. David Nixon, Sponsor  
George Roussos  
David Withers  
Paula Rogers  
Atty. Richard Moquin

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

SUBCOMMITTEE WORK SESSION ON HB 202

**BILL TITLE:** relative to provisions in insurance policies limiting payment of full benefits.

**DATE:** October 6, 2009

**Subcommittee Members:** Reps. Hunt, DeStefano, and Gidge

**Comments and Recommendations:** Listen to my parties. See attached.

**Amendments:**

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. John Hunt  
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

SUBCOMMITTEE WORK SESSION ON HB 202

**BILL TITLE:** relative to provisions in insurance policies limiting payment of full benefits.

**DATE:** October 6, 2009

**Subcommittee Members:** Reps. Hunt, DeStefano, and Gidge

**Comments and Recommendations:**

*C:5Tan L my p:1:as, see attached*

**Amendments:**

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep.  
Subcommittee Chairman/Clerk



COMMERCE AND CONSUMER AFFAIRS

TUESDAY, OCTOBER 6, 2009

ROOM 304, LOB

10:00 a.m. HB 202

Relative to provisions in insurance policies limiting payment of full benefits.  
**SUBCOMMITTEE WORK SESSION ON RETAINED**

the bill  
NA all the law just Auto, shall not  
be coordinated, allow double dipping

Health carriers can not b

- court law

John Kennison

Dick Kroguin

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

SUBCOMMITTEE WORK SESSION ON HB 202

**BILL TITLE:** relative to provisions in insurance policies limiting payment of full benefits.

**DATE:** October 13, 2009

**Subcommittee Members:** Reps. Hunt, DeStefano, Headd, and Gidge

**Comments and Recommendations:** Worked on potential long pay.

**Amendments:**

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. John Hunt  
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

SUBCOMMITTEE WORK SESSION ON HB 202

**BILL TITLE:** relative to provisions in insurance policies limiting payment of full benefits.

**DATE:** October 13, 2009

**Subcommittee Members:** Reps. Hunt, DeStefano, and Gidge

*Head*

**Comments and Recommendations:**

*worked on potential language.*

**Amendments:**

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

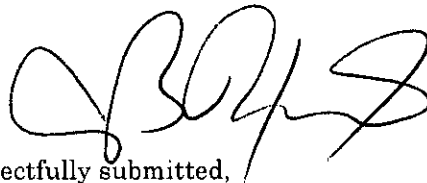
Vote:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:



Respectfully submitted,

Rep.  
Subcommittee Chairman/Clerk

CHAPTER 314

SB 189 – FINAL VERSION

04/05/07 1095s

06Jun2007... 1767h

2007 SESSION

07-1154

01/03

SENATE BILL **189**

AN ACT relative to medical benefits under motor vehicle insurance.

SPONSORS: Sen. Hassan, Dist 23; Sen. Sgambati, Dist 4; Rep. Rosenwald, Hills 22

COMMITTEE: Commerce, Labor and Consumer Protection

ANALYSIS

This bill prohibits insurers from using the medical benefit provided under motor vehicle insurance policies for health insurance costs.

-----  
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.

04/05/07 1095s

06Jun2007... 1767h

07-1154

01/03

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Seven*

AN ACT relative to medical benefits under motor vehicle insurance.

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

314:1 Medical Payments. Amend RSA 264:16 to read as follows:

264:16 Medical Payments.

I. Any motor vehicle liability policy, as defined in RSA 259:61, covering a private passenger automobile and issued with respect to any motor vehicle registered or principally garaged in this state, shall provide *medical payments* coverage



therein or supplemental thereto in an amount equal to or greater than \$1,000 per person for medical costs incurred as a result of injuries sustained in an accident involving the insured vehicle by the driver and passengers in said vehicle. Such coverage shall apply only to medical costs incurred during one year following the date the injuries are sustained.

***II. A health carrier, as defined in RSA 420-G:2, VIII, shall not coordinate benefits against medical payments coverage.***

***III. Medical payments coverage shall not be assignable to any health care provider.***

***IV. The insured shall have the exclusive right to submit a claim for medical expenses under either medical payments coverage or a health insurance policy or both, as the insured elects; provided, however, an insured shall not be entitled to duplicate payment from medical payments coverage and a health insurance policy for the same medical expense.***

[~~IV~~] V. This section shall not apply to any commercial policy insuring more than 4 automobiles, nor to any commercial policy covering a garage, automobile sales agency, repair shop, service station, public parking place operation hazards, or trucking operation.

314:2 Effective Date. This act shall take effect upon its passage.

Approved: July 13, 2007

Effective: July 13, 2007

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

SUBCOMMITTEE WORK SESSION ON HB 202

**BILL TITLE:** relative to provisions in insurance policies limiting payment of full benefits.

**DATE:** October 20, 2009

**Subcommittee Members:** Reps. Hunt, DeStefano, Headd, and Gidge

**Comments and Recommendations:** Reviewed amendment #2417h.

**Amendments:**

Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. John Hunt  
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

SUBCOMMITTEE WORK SESSION ON HB 202

**BILL TITLE:** relative to provisions in insurance policies limiting payment of full benefits.

**DATE:** October 20, 2009

**Subcommittee Members:** Reps. Hunt, DeStefano, Headd, and Gidge

**Comments and Recommendations:**

*reversed amendment 24174*

**Amendments:**

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

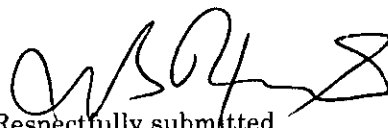
Vote:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

  
Respectfully submitted,

Rep.  
Subcommittee Chairman/Clerk

Draft Amendment to HB 202

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to medical payments coverage.

4

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

6

7 1 Medical Payments. Amend RSA 264:16, II to read as follows:

8

9 II. A health carrier, as defined in RSA 420-G:2, VIII, shall not coordinate benefits against medical  
10 payments coverage; *provided that if an insured is beneficiary as to both automobile medical expense insurance*  
11 *and accident and health insurance, the health care provider shall fully utilize the benefits of the health*  
12 *insurance before utilizing the medical expense insurance. Health care providers shall not charge to or collect*  
13 *from such beneficiary any amount in excess of the reasonable charge for the service as determined in the*  
14 *contractual arrangement.*

14

2 Separate Checks Required; Subrogation. Amend RSA 264:16, IV to read as follows:

15

16 IV. The insured shall have the exclusive right to submit a claim for medical expenses under either medical  
17 payments coverage or a health insurance policy or both, as the insured elects; provided, however, an insured shall  
18 not be entitled to duplicate payment from medical payments coverage and a health insurance policy for the same  
19 medical expense. *The insurer for the medical payments coverage shall issue separate checks for reimbursement*  
20 *to the insured, the health care provider, and the hospital as appropriate. The insured may seek*  
21 *indemnification or subrogation against the medical payments insurer to reimburse the health insurance*  
22 *insurer.*

22

3 Effective Date. This act shall take effect January 1, 2011.

23

*to the extent of the*

**HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS**

**SUBCOMMITTEE WORK SESSION ON HB 202**

**BILL TITLE:** relative to provisions in insurance policies limiting payment of full benefits.

**DATE:** October 27, 2009

**Subcommittee Members:** Reps. Hunt, DeStefano, Headd, and Gidge

**Comments and Recommendations:**

**Amendments:**

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. John Hunt  
Subcommittee Chairman/Clerk

# Voting Sheets

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

EXECUTIVE SESSION on HB 202

**BILL TITLE:** relative to provisions in insurance policies limiting payment of full benefits.

**DATE:** 3-5-09

**LOB ROOM:** 302

**Amendments:**

Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

**Motions:** OTP, OTP/A, ITL, Interim Study, Retain (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

**CONSENT CALENDAR VOTE:** Consent or Regular (Circle One){

(Vote to place on Consent Calendar must be unanimous.)

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep. James F. Headd, Clerk

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

EXECUTIVE SESSION on HB 202

BILL TITLE: relative to provisions in insurance policies limiting payment of full benefits.q

DATE: 3-5-09

LOB ROOM: 302

Retain

**Amendments:**

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

**CONSENT CALENDAR VOTE:**

(Vote to place on Consent Calendar must be unanimous.)

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep. James F. Headd, Clerk



HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

EXECUTIVE SESSION on HB 202

**BILL TITLE:** relative to provisions in insurance policies limiting payment of full benefits.

**DATE:** November 12, 2009

**LOB ROOM:** 302

**Amendments:**

Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

**Motions:** OTP, OTP/A, ITL Interim Study (Please circle one.)

Moved by Rep. Hunt

Seconded by Rep. Schlachman

Vote: 16-0 (Please attach record of roll call vote.)

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

**CONSENT CALENDAR VOTE: 16-0 - YES**

(Vote to place on Consent Calendar must be unanimous.)

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep. James F. Headd, Clerk

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

EXECUTIVE SESSION on HB 202

**BILL TITLE:** relative to provisions in insurance policies limiting payment of full benefits.

**DATE:** ~~October 28, 2009~~ 11/12/09

**LOB ROOM:** 302

**Amendments:**

Sponsor: Rep. OLS Document #:  
Sponsor: Rep. OLS Document #:  
Sponsor: Rep. OLS Document #:

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Hunt  
Seconded by Rep. Schuchman  
Vote: (Please attach record of roll call vote.)

16-0

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.  
Seconded by Rep.  
Vote: (Please attach record of roll call vote.)

**CONSENT CALENDAR VOTE:**

(Vote to place on Consent Calendar must be unanimous.)

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,  
Rep. James F. Headd, Clerk

Consent  
16-0

COMMERCE AND CONSUMER AFFAIRS

Bill #: HB 202 Title: Limiting payment of full benefit  
 PH Date: 1/1/ Exec Session Date: 11/1/09

Motion: ITL Amendment #: \_\_\_\_\_

MEMBER	YEAS	NAYS
Butler, Edward A, Chairman	/	
DeStefano, Stephen T	—	
Kopka, Angeline A	—	
McEachern, Paul	/	
Hammond, Jill Shaffer	/	
Nord, Susi	/	
Winters, Joel F	/	
Meader, David R	/	
Gidge, Kenneth N	/	
Schlachman, Donna L, V Chairman	/	
Hunt, John B	/	
Quandt, Matt J	—	
Belanger, Ronald J	/	
Flanders, Donald H	/	
Holden, Rip	/	
Dowling, Patricia A	/	
Headd, James F, Clerk	/	
Nevins, Chris F	/	
Palfrey, David J	/	
<u>Eaton, Dan —</u>		
	<u>16-0</u>	<u>ITL</u>

# Committee Report

**CONSENT CALENDAR**

**November 25, 2009**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on COMMERCE AND CONSUMER  
AFFAIRS to which was referred HB202,**

**AN ACT relative to provisions in insurance policies  
limiting payment of full benefits. Having considered  
the same, report the same with the following**

**Resolution: RESOLVED, That it is INEXPEDIENT TO  
LEGISLATE.**

**Rep. John B Hunt**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

Committee:	<b>COMMERCE AND CONSUMER AFFAIRS</b>
Bill Number:	<b>HB202</b>
Title:	<b>relative to provisions in insurance policies limiting payment of full benefits.</b>
Date:	<b>November 25, 2009</b>
Consent Calendar:	<b>YES</b>
Recommendation:	<b>INEXPEDIENT TO LEGISLATE</b>

### STATEMENT OF INTENT

The sponsor was hoping to allow injured parties in an auto accident to file separate claims to their health insurance and their auto insurance for the same injury. The Committee was uniformly opposed to this kind of double dipping. The current law relative to "medical payments" for auto insurance was revised just two years ago, which affirmed the right of the injured to choose how their medicals bills shall be paid. The subcommittee reviewed how the current law was being used, which did generate a fair amount of discussion whether the law was being applied correctly by Hospitals and other medical providers. However after working on several amendments, the committee felt the current law should be left alone.

Vote 16-0.

Rep. John B Hunt  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

### COMMERCE AND CONSUMER AFFAIRS

**HB202**, relative to provisions in insurance policies limiting payment of full benefits.  
**INEXPEDIENT TO LEGISLATE.**

Rep. John B Hunt for COMMERCE AND CONSUMER AFFAIRS. The sponsor was hoping to allow injured parties in an auto accident to file separate claims to their health insurance and their auto insurance for the same injury. The Committee was uniformly opposed to this kind of double dipping. The current law relative to "medical payments" for auto insurance was revised just two years ago, which affirmed the right of the injured to choose how their medicals bills shall be paid. The subcommittee reviewed how the current law was being used, which did generate a fair amount of discussion whether the law was being applied correctly by Hospitals and other medical providers. However after working on several amendments, the committee felt the current law should be left alone. **Vote 16-0.**

Original: House Clerk  
Cc: Committee Bill File

## **Ebbs, Heather**

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**From:** EdoftheNotch@aol.com  
**Sent:** Tuesday, November 24, 2009 3:54 PM  
**To:** Ebbs, Heather  
**Subject:** HB202 blurb Ok to go

HB 202  
Majority ITL

The sponsor was hoping to allow injured parties in an auto accident to file separate claims to their health insurance and their auto insurance for the same injury. The Committee was uniformly opposed to this kind of double dipping. The current law relative to <sup>3</sup>medical payments<sup>2</sup> for auto insurance was revised just two years ago, which affirmed the right of the injured to choose how their medicals bills shall be paid. The subcommittee reviewed how the current law was being used, which did generate a fair amount of discussion whether the law was being applied correctly by Hospitals and other medical providers. However after working on several amendments, the committee felt the current law should be left alone.

11/24/2009