

Amendment to HB 469

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

2
3 AN ACT establishing a continuous quality improvement program for pharmacies, and relative
4 to authority of the insurance department on federal health care reform.
5

6 Amend the bill by replacing all after section 1 with the following:

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8 2 Individual Health Insurance Market; Contingency. RSA 404-G:12 is repealed and reenacted
9 to read as follows:

10 404-G:12 Contingency.

11 I. Notwithstanding RSA 404-G:11, the commissioner may request that the board of
12 directors of the association develop a plan of operation to support the affordability of health
13 insurance in the state's individual health insurance market. The proposal may include resumption
14 of the risk adjustment program referenced in RSA 404-G:5, reopening of the high risk pool
15 referenced in RSA 404-G:5-a, creation and operation of a reinsurance program, or such other
16 program as the board finds will best support the availability and affordability of health insurance in
17 the state. The commissioner shall approve the revised plan of operations if the commissioner finds
18 that the plan will further the purpose of this chapter as stated in RSA 404-G:1, I, and is otherwise
19 consistent with New Hampshire and federal law.

20 II. The board's proposal may include a recommendation that the state apply for a waiver
21 under the Act (or any successor to the Act). If the approved plan includes application for an waiver,
22 the commissioner shall proceed in accordance with RSA 420-N:6-a. If the waiver is approved by the
23 federal government, the board shall prepare a revised plan of operations consistent with the terms
24 of the waiver, and shall implement it upon approval by the commissioner.

25 3 Federal Health Care Reform 2010; Purpose and Scope. Amend RSA 420-N:1 to read as
26 follows:

27 420-N:1 Purpose and Scope. The intent of this chapter is to preserve the state's status as the
28 primary regulator of the business of insurance within New Hampshire and the constitutional
29 integrity and sovereignty of the state of New Hampshire under the Tenth Amendment to the United
30 States Constitution and part I, article 7 of the New Hampshire constitution and to create a
31 legislative oversight committee to supervise the insurance commissioner's administration of the
32 insurance reforms required under the Patient Protection and Affordable Care Act of 2009, Public
33 Law 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Public Law

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1 111-152, including any ***successor legislation and any*** federal regulations, interpretations,
2 standards, or guidance issued thereunder (hereinafter "the Act").

3 4 Federal Health Care Reform 2010; Definition of Act. Amend RSA 420-N:2, I to read as
4 follows:

5 I. "Act" means the Patient Protection and Affordable Care Act of 2009, Public Law 111-148,
6 as amended by the Health Care and Education Reconciliation Act of 2010, Public Law 111-152,
7 including any ***successor legislation and any*** federal regulations, interpretations, standards, or
8 guidance issued thereunder.

9 5 New Section; Federal Health Care Reform 2010; Waiver. Amend RSA 420-N by inserting
10 after section 6 the following new section:

11 420-N:6-a Waiver. With the approval of the governor and the joint health care reform
12 oversight committee, and after issuing public notice, conducting a hearing, and receiving public
13 comment, the commissioner is authorized to submit an application on behalf of the state to the
14 United States Secretary of the Treasury, and if required, to the United States Secretary of Health
15 and Human Services, to waive certain provisions of the Act, as provided in section 1332 of the Act,
16 or any other applicable waiver provision. The commissioner is authorized to implement any
17 federally approved waiver, including but not limited to overseeing the implementation of a revised
18 plan of operations under RSA 404-G:12.

19 6 Effective Date.

20 I. Section 1 of this act shall take effect 60 days after its passage.

21 II. The remainder of this act shall take effect upon its passage.

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AMENDED ANALYSIS

This bill requires licensed pharmacies to establish continuous quality improvement programs to identify weaknesses in processes and systems and make appropriate corrections. The bill also adds provisions for the insurance department concerning federal health care reform.