

Amendment to HB 186

1 Amend the bill by deleting section 5 and renumbering the original sections 6-22 to read as 5-21,  
2 respectively.

3  
4 Amend the bill by replacing section 8 with the following:

5  
6 8 Advisory Committee on Marine Fisheries; Membership Qualifications. Amend RSA 211:60, I  
7 to read as follows:

8 I. There is established an advisory committee on marine fisheries to recommend programs  
9 and policies regarding marine fisheries to the fish and game commission. The advisory committee  
10 shall consist of 5 members and one alternate member, ~~[all]~~ **the majority** of whom shall be residents  
11 of the seacoast region, appointed by the governor and council.

12  
13 Amend the bill by replacing all after section 20 with the following:

14  
15 21 Federal Health Care Reform 2010; Purpose and Scope. Amend RSA 420-N:1 to read as  
16 follows:

17 420-N:1 Purpose and Scope. The intent of this chapter is to preserve the state's status as the  
18 primary regulator of the business of insurance within New Hampshire and the constitutional  
19 integrity and sovereignty of the state of New Hampshire under the Tenth Amendment to the United  
20 States Constitution and part I, article 7 of the New Hampshire constitution and ~~[to create a~~  
21 ~~legislative oversight committee to supervise]~~ the insurance commissioner's administration of the  
22 insurance reforms required under the Patient Protection and Affordable Care Act of 2009, Public  
23 Law 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Public Law  
24 111-152, including any federal regulations, interpretations, standards, or guidance issued  
25 thereunder (hereinafter "the Act").

26 22 Authority of the Commissioner. Amend the introductory paragraph of RSA 420-N:5 to read  
27 as follows:

28 420-N:5 Authority of the Commissioner. ~~[Only with such prior approvals from the oversight~~  
29 ~~committee as are required under RSA 420-N:4,]~~ The commissioner shall have authority to:

30 23 Waiver. Amend RSA 420-N:6-a to read as follows:

31 420-N:6-a Waiver. If such action is supported by the recommendations of actuarial experts  
32 retained by the department as being consistent with the purposes of RSA 404-G:1, I, the

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1 commissioner shall, at the earliest practicable date, submit an application on behalf of the state to  
2 the United States Secretary of the Treasury, and if required, to the United States Secretary of  
3 Health and Human Services, to waive certain provisions of the Act, as provided in section 1332 of the  
4 Act, or any other applicable waiver provision in order to create a risk sharing or reinsurance  
5 mechanism for the individual market under RSA 404-G which is eligible to draw down federal pass-  
6 through funding to support such mechanism. The commissioner shall publish and accept public  
7 comment on the 1332 waiver application and the plan of operation for the individual market  
8 mechanism prior to approving such plans. ~~[Upon approval of the joint health care reform oversight~~  
9 ~~committee,]~~ The commissioner shall implement any federally approved waiver, including but not  
10 limited to overseeing the implementation of a revised plan of operations under RSA 404-G:12.

11 24 Prohibition on State-Based Health Exchange. Amend RSA 420-N:7, III to read as follows:

12 III. Subject to the requirements of this chapter ~~[with respect to oversight committee~~  
13 ~~approval]~~, state agencies or departments may operate specific functions of a federally-facilitated  
14 exchange consistent with this subdivision to enable the continuation of traditional areas of state  
15 regulation and authority.

16 25 Federally-Facilitated Exchange; Authority of Commissioner. Amend RSA 420-N:8, V to read  
17 as follows:

18 V. The commissioner may adopt rules, pursuant to RSA 541-A ~~[and in accordance with RSA~~  
19 ~~420-N:4, II]~~, as necessary to perform the duties specified in this section and to protect against  
20 adverse selection by creating a level playing field between a federally-facilitated exchange and the  
21 commercial health insurance market.

22 26 Federally-Facility Exchange; Authority of Health and Human Services Commissioner.  
23 Amend RSA 420-N:9, III to read as follows:

24 III. The commissioner of health and human services may adopt rules, pursuant to RSA 541-  
25 A ~~[and subject to oversight committee approval under RSA 161:11]~~, as necessary to fulfill the  
26 purposes of this subdivision.

27 27 New Hampshire Granite Advantage Health Care Program. Amend the introductory  
28 paragraph of RSA 126-AA:2, III(b) to read as follows:

29 (b) If an individual in a family receiving benefits under this paragraph fails to comply  
30 with the work or community engagement activities required in accordance with this paragraph, the  
31 assistance shall be suspended. The commissioner shall adopt rules under RSA 541-A to determine  
32 good cause and other exceptions to termination. ~~[Following approval by the joint health care reform~~  
33 ~~oversight committee, pursuant to RSA 161:11, to initiate rulemaking,]~~ Any rules proposed under this  
34 subparagraph shall be submitted to the fiscal committee of the general court, which shall review the  
35 rules prior to submission to the joint legislative committee on administrative rules and make  
36 recommendations to the commissioner regarding the rules. An individual may apply for good cause  
37 exemptions which shall include, at a minimum, the following verified circumstances:

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1       28 New Hampshire Granite Advantage Health Care Program. Amend the introductory  
2 paragraph of RSA 126-AA:2, III(e) to read as follows:

3           (e) The commissioner shall adopt rules under RSA 541-A pertaining to the community  
4 engagement requirement. ~~[Following approval by the joint health care reform oversight committee,~~  
5 ~~pursuant to RSA 161:11 to initiate rulemaking,]~~ Any rules proposed under this subparagraph shall  
6 be submitted to the fiscal committee of the general court, which shall review the rules prior to  
7 submission to the joint legislative committee on administrative rules and make recommendations to  
8 the commissioner regarding the rules. The rules shall be consistent with the terms and conditions of  
9 any waiver issued by the Centers for Medicare and Medicaid Services for the program, provided that  
10 any waiver issued by the Centers for Medicare and Medicaid Services is not unreasonably  
11 inconsistent with any provision of this chapter, and shall address, at a minimum, the following:

12       29 New Hampshire Granite Advantage Health Care Program. Amend RSA 126-AA:2, VIII to  
13 read as follows:

14           VIII. Any person receiving benefits from the program shall be responsible for providing  
15 information regarding his or her change in status or eligibility, including current contact  
16 information. The commissioner shall adopt rules, under RSA 541-A, pertaining to the opportunity to  
17 cure and for re-activation following noncompliance. ~~[Following approval by the joint health care~~  
18 ~~reform oversight committee, pursuant to RSA 161:11, to initiate rulemaking,]~~ Any rules proposed  
19 under this subparagraph shall be submitted to the fiscal committee of the general court, which shall  
20 review the rules prior to submission to the joint legislative committee on administrative rules and  
21 make recommendations to the commissioner regarding the rules.

22       30 Effective Date.

23           I. Section 2 of this act shall take effect July 1, 2023.

24           II. The remainder of this act shall take effect 60 days after its passage.