

CHAPTER 250  
SB 431 - FINAL VERSION

03/24/2016 1156s  
11May2016... 1583h

2016 SESSION

16-2897  
01/09

SENATE BILL **431**

AN ACT relative to data submission by insurers.

SPONSORS: Sen. Stiles, Dist 24; Sen. Fuller Clark, Dist 21; Rep. M. Smith, Straf. 6; Rep. LeBrun, Hills. 32; Rep. Bates, Rock. 7

COMMITTEE: Health and Human Services

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AMENDED ANALYSIS

This bill clarifies data submission required to be submitted to the insurance department by insurers.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Sixteen*

AN ACT                   relative to data submission by insurers.

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

1           250:1 Statement of Intent. The purpose of this act is to clarify the applicability of existing New  
2 Hampshire statutory requirements in light of the United States Supreme Court decision in *Gobeille*  
3 *v. Liberty Mutual*, and to create a mechanism whereby self-funded employers affected by that  
4 decision may choose to have their claims data included in their claims administrator's submission to  
5 the New Hampshire comprehensive health information system. The data submission requirements  
6 of RSA 420-G:11, IV and V as inserted by section 2 of this act are intended to facilitate the proper  
7 functioning of insurance markets and to benefit insured consumers and employers through price  
8 transparency that will increase competition and enable all consumers and employers to make  
9 informed and cost-effective health care choices. Such market transparency, as a form of insurance  
10 regulation, is intended to enhance and optimize market conditions affecting the risk pooling  
11 arrangements between insurers and insureds.

12           250:2 New Paragraphs; Disclosures by Health Carriers, Third Party Administrators, and Other  
13 Insurance Entities. Amend RSA 420-G:11 by inserting after paragraph III the following new  
14 paragraphs:

15           IV. The data submission requirements of paragraphs II and II-a shall apply with respect to  
16 claims data for all lives covered by a fully-insured health plan in any market in the state, by any  
17 self-funded plan for state or municipal employees, including any plan maintained under RSA 5-B, to  
18 any self-funded plan maintained by the university system of the state with respect to its employees  
19 or its students, and to any self-funded student health benefit plan maintained by an institution of  
20 higher education which provides 4-year bachelor's degree programs and graduate or professional  
21 degree programs.

22           V. In addition to those lives listed in paragraph IV, the data submission requirements of  
23 paragraphs II and II-a shall also apply to all health carriers, licensed third party administrators,  
24 and any entity required to be registered with the commissioner pursuant to RSA 402-H with respect  
25 to claims data for all lives covered by any other self-funded employer-sponsored plan, when the  
26 employer has opted in writing to the submission of the data. The carrier or administrator shall  
27 notify the employer of the employer's option to authorize submission of the data. The commissioner  
28 shall adopt rules under RSA 541-A specifying the form of such opt in, which shall include, but not  
29 be limited to, notice to the employer regarding why it is receiving the notification form, the privacy

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1 protections for the data submitted should the employer choose to opt in, and the transparency  
2 benefits, including benefits to employers, of broad inclusion of as many lives as possible in the  
3 database created under RSA 420-G:11-a. Nothing in this paragraph shall be construed to impose  
4 any reporting obligation on any self-funded employer or plan sponsor, or to impose any requirement  
5 with respect to the manner in which any such self-funded plan is administered. Nothing in this  
6 paragraph shall prevent a health carrier or third party administrator from communicating its views  
7 to an employer about the employer's decision whether to opt in to the submission of claims data.

8       250:3 Effective Date. This act shall take effect upon its passage.

9 Approved: June 10, 2016

10 Effective Date: June 10, 2016