Bill as Introduced

HB 1184 – AS INTRODUCED

2000 SESSION

00-2508
01/09

HOUSE BILL ***1184***

AN ACT relative to minimum participation requirements for small employers.

SPONSORS: Rep. K. Herman, Hills 13

COMMITTEE: Commerce

ANALYSIS

This bill allows the commissioner to adopt by rule exemptions to the minimum participation requirement for health coverage for small employers.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

00-2508
01/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand

AN ACT relative to minimum participation requirements for small employers.

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

1 Section Heading Amended. Amend the section heading of RSA 420-G:9 to read as follows:

420-G:9 Minimum Participation Requirements; ***Exemptions***.

2 New Paragraph; Exemptions Authorized. Amend RSA 420-G:9 by inserting after paragraph IV the following new paragraph:

V. Notwithstanding the provisions of this section or any other law to the contrary, the commissioner may adopt rules, pursuant to RSA 541-A, relative to exemptions to the minimum participation requirements set forth in this section.

3 Effective Date. This act shall take effect 60 days after its passage.

Committee Minutes

THE FOLLOWING PAGE CONTAINS TEXT WRITTEN WITH YELLOW MARKER. MAY NOT BE LEGIBLE

State of New Hampshire

HOUSE OF REPRESENTATIVES

CONCORD

MEMORANDUM

TO: **Interim Study Committee Members**
Rep. ~~Tim S. McGough~~ MARTHA FULLER CLARK
Rep. Gene B. Marshall

FROM: **Rep. Sheila T. Francoeur**
88 Kings Highway
Hampton NH 03842-4317
(Tel.) 926-2554

DATE: **July 14, 2000**

RE: **Organizational Meeting of HB 1184**
relative to minimum participation requirements for small employers

As first-named House member of the above-captioned committee, I have scheduled an organizational meeting for ***Wednesday, August 2, 2000, at 1:00 p.m. in Room 302 of the Legislative Office Building.***

At that time we will select a chairman and discuss how the committee shall proceed with its study. Please don't hesitate to contact me with any questions or comments prior to the meeting.

STF/jal

Speakers

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 1184 Date January 19, 2000

Committee Commerce

**** Please Print All Information ****

Name	Address	Phone	Representing	(check one) Pro	Con

Hearing Minutes

HOUSE COMMITTEE ON COMMERCE

PUBLIC HEARING ON HB 1184

BILL TITLE: relative to minimum participation requirements for small employers.

DATE: January 19, 2000

LOB ROOM: 302 **Time Public Hearing Called to Order:** 12:10 pm

Time Adjourned: 12:30 pm

(please circle if present)

Committee Members: Reps. Hunt, Francoeur, Herman, Tsiros, Belanger, McGough, Kenney, Langley, Pappas, Avery, Dalianis, DiFruscia, Marshall, M. Clark, Crosby, Russell, T. Reardon, Vachon, Taylor, Curran, Garrish and Keye.

Bill Sponsors: Rep. Herman

TESTIMONY

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

Rep. Keith Herman – sponsor. This bill came out of discussions of a study committee. The bill would allow the DOI to allow exceptions to the minimum participation requirement currently in statute. The exceptions are necessary because some companies have ??? and employees groups in different locations.

Alex Feldvebel, NHDOI – supports bill and wants to see the language revised to be more specific as to what is an allowable exception.

Yvonne Nansi, Anthem BCBSNH – opposed to this bill.

Respectfully Submitted:



Tim S. McGough, Clerk

HOUSE COMMITTEE ON COMMERCE

PUBLIC HEARING ON HB 1184

BILL TITLE: relative to minimum participation requiremnts for small employers

DATE: January 19, 2000

LOB ROOM: 302 **Time Public Hearing Called to Order:** ~~11 am~~ 12:10

Time Adjourned: {Time} 12:30

(please circle if present)

Committee Members: Reps. Hunt, Francoeur, Herman, Tsiros, Belanger, McGough, Kenney, Langley, Pappas, Avery, Dalianis, DiFruscia, Marshall, M. Clark, Crosby, Russell, T. Reardon, Vachon, Taylor, Curran, Garrish and Keye.

Bill Sponsors: Rep. K. Herman

TESTIMONY

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

Rep Keith Herman - Sponsor - this bill came out of discussions of a study committee. The bill would allow the DOI to allow exceptions to the min participation requirements currently in statute. The exceptions are necessary because some companies have facilities and employee groups in different geographic locations.

Alex Feldvebel - NH DOI - supports bill and wants to see the language revised to ~~[illegible]~~ be more specific as to what is an allowable exception

Yvonne Wanski - Anthem BCBSNH - opposed to this bill

Sub-Committee Actions

HOUSE COMMITTEE ON COMMERCE

SUBCOMMITTEE WORK SESSION ON HB 1184

BILL TITLE: relative to minimum participation requirements for small employers.

DATE: February 10, 2000

Subcommittee Members: Reps. Marshall and Francoeur

Comments and Recommendations: Discussed amendment provided by Dept. of Insurance. Health insurers concerned about adverse selection. Decided to meet one more time to work out differences. Recessed until 2-16-00 @ 12 PM. Recovened 2-16 – Marshall, Francoeur and Fuller Clark present. Will review this issue with HB 1183.

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep. Clark

Seconded by Rep. Marshall

Vote: Unanimous

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Sheila T. Francoeur
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON COMMERCE

SUBCOMMITTEE WORK SESSION ON HB 1184

BILL TITLE:

DATE: 2/10/00

Subcommittee Members: Reps. Marshall & Francoeur.

Comments and Recommendations:

Discussed Amendment provided by Dept of Ins. - Hcu/Mi insurers concerned about adverse selection. decided to meet one more time to work out differences. Recessed until 2/16/00 @ 12:00 Reconvened 2/16 - Marshall, Francoeur & Clark present Will review this issue w/ HB 1183.

Amendments:

Sponsor: Rep. _____ OLS Document #: _____ Adopted/Failed

Sponsor: Rep. _____ OLS Document #: _____ Adopted/Failed

Sponsor: Rep. _____ OLS Document #: _____ Adopted/Failed

Motions: OTP, OTP/A, ITL, Re-Refer, (Interim Study) (Please circle one.)

Moved by Rep. Clark

Seconded by Rep. Marshall

Vote: unanimous

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep. _____

Seconded by Rep. _____

Vote: _____

Respectfully submitted,

Rep. _____
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON COMMERCE

SUBCOMMITTEE WORK SESSION ON HB 1184

BILL TITLE: relative to minimum participation requirements for small employers.

DATE: February 16, 2000

Subcommittee Members: Reps. Francoeur, Marshall, Fuller Clark

Comments and Recommendations: Discussed Interim Study.

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Motions: OTP, OTP/A, ITL, Re-Refer, (Interim Study) (Please circle one.)

Moved by Rep. Fuller Clark

Seconded by Rep. Marshall

Vote: 3-0

Respectfully submitted,

Rep. Sheila T. Francoeur
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON COMMERCE

SUBCOMMITTEE WORK SESSION ON HB 1184

BILL TITLE: **relative to minimum participation requirements for small employers.**

DATE: **February 16, 2000**

Subcommittee Members: Reps. Francoeur, Marshall, Fuller Clark

Comments and Recommendations: - Discussed Interim Study

Amendments:

Sponsor: Rep. _____ OLS Document #: _____ Adopted/Failed

Sponsor: Rep. _____ OLS Document #: _____ Adopted/Failed

Sponsor: Rep. _____ OLS Document #: _____ Adopted/Failed

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep. _____

Seconded by Rep. _____

Vote: _____

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep. Fuller Clark

Seconded by Rep. Marshall

Vote: 3-0

Respectfully submitted,

Rep. _____
Subcommittee Chairman/Clerk

Sub-Committee Minutes

HOUSE COMMITTEE ON COMMERCE

SUBCOMMITTEE WORK SESSION ON HB 1184

BILL TITLE: relative to minimum participation requirements for small employers.

DATE: February 9, 2000

Subcommittee Members: Reps. Francoeur, Marshall and Clark

Comments and Recommendations: Met and discussed language. Waiting for amendment. Recessed until 2-10, after session.

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Sheila T. Francoeur
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON COMMERCE

SUBCOMMITTEE WORK SESSION ON HB 1184

BILL TITLE: relative to minumum participation requirements for small employers

DATE: 2/9/00

Subcommittee Members: Reps. {Type NAMES} FRANCOEUR, Marshall, Clark

Comments and Recommendations: Met and discussed language - Waiting for amendment - Recessed until 2/10/00 after session

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. {Type NAME}
Subcommittee Chairman/Clerk

Testimony

TITLE 37
Insurance

CHAPTER 420G
Portability, Availability, and Renewability of Health Coverage

SECTION 420-G:9

§ 420-G:9 Minimum Participation Requirements. – I. A health carrier may not require more than the minimum participation percentage of the employees eligible for health coverage in a small employer group to participate in the health carrier's health coverage plan. The minimum participation percentage shall be 75 percent when the health carrier's plan is the sole health coverage plan being sponsored by the employer group, and 37.5 percent when the health carrier's plan is not the sole health coverage plan being sponsored by the employer group.

II. For the purpose of calculating whether or not a small employer group's enrollment meets a carrier's minimum participation requirements:

(a) Any full-time or part-time employees who are covered as a dependent on another person's health coverage shall be excluded from the count.

(b) The total number of full-time employees and part-time employees who are otherwise eligible for health coverage shall be counted.

III. The minimum participation requirements shall be calculated on an employer-by-employer basis if the small employer is part of an association, trust, or other similar arrangement.

IV. In performing the computation to determine the actual enrollment necessary to meet the minimum participation requirement as a small employer group, the health carrier shall round any fractional number to the higher integer.

Source. 1997, 344:1, eff. July 1, 1997. 1998, 340:15, eff. Aug. 25, 1998.

§ 420-G:9 Minimum Participation Requirements.

I. A health carrier may not require more than the minimum participation percentage of the employees eligible for health coverage in a small employer group to participate in the health carrier's health coverage plan. The minimum participation percentage shall be 75 percent when the health carrier's plan is the sole health coverage plan being sponsored by the employer group, and 37.5 percent when the health carrier's plan is not the sole health coverage plan being sponsored by the employer group.

II. For the purpose of calculating whether or not a small employer group's enrollment meets a carrier's minimum participation requirements:

(a) Any full-time or part-time employees who are covered as a dependent on another person's health coverage shall be excluded from the count.

~~(b) The total number of full-time employees and part-time employees who are otherwise eligible for health coverage shall be counted.~~

(b) Any full-time or part-time employees who have selected another health carrier's health coverage plan shall be excluded from the count if the health care provider network associated with that plan does not extend to the geographic region in which the employees who have not selected that plan work or reside.

(c) All other full-time and part-time employees who are eligible for health coverage shall be counted.

III. The minimum participation requirements shall be calculated on an employer-by-employer basis if the small employer is part of an association, trust, or other similar arrangement.

IV. In performing the computation to determine the actual enrollment necessary to meet the minimum participation requirement as a small employer group, the health carrier shall round any fractional number to the higher integer.

Voting Sheets

HOUSE COMMITTEE ON COMMERCE

EXECUTIVE SESSION on HB 1184

BILL TITLE: **relative to minimum participation requirements for small employers.**

DATE: February 16, 2000

LOB ROOM: 302

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep. Francoeur

Seconded by Rep. Avery

Vote: 13-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

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

CONSENT CALENDAR VOTE: 13-0/Yes

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Stephen G. Avery, Clerk

Stephen G. Avery

HOUSE COMMITTEE ON COMMERCE

EXECUTIVE SESSION on HB 1184

BILL TITLE: **relative to minumum participation requirements for small employers.**

DATE:

LOB ROOM:

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, (Re-Refer) Interim Study (Please circle one.) 13-0

Moved by Rep. Francoeur

Seconded by Rep. Avery

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

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

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

CONSENT CALENDAR VOTE: {Type VOTE} 13-0

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Stephen G. Avery, Clerk

OFFICE OF THE HOUSE CLERK

2000 SESSION

COMMERCE

Bill #: _____ **Title:** _____

PH Date: ___/___/___ **Exec Session Date:** 2/16/00

Motion: Intrm Study **Amendment #:** _____

MEMBER	YEAS	NAYS
Hunt, John B, Chairman		
Francoeur, Sheila T, V Chairman	✓	
Herman, Keith R		
Tsiros, William B		
Belanger, Ronald J	✓	
McGough, Tim S	✓	
Avery, Stephen G, Clerk	✓	
Kenney, Joseph D	✓	
Langley, Jane S	✓	
Pappas, Marc P	✓	
Dalianis, Griffin T	✓	
DiFruscia, Anthony R		
Marshall, Gene B	✓	
Clark, Martha Fuller		
Crosby, Toni M		
Russell, Ronald G	✓	
Reardon, Tara G	✓	
Vachon, Dennis P		
Taylor, Kathleen N	✓	
Curran, James C		
Garrish, Linda L		
Keye, Harvey	✓	
	13	0

TOTAL VOTE:

Printed: 12/30/1999

Committee Report

COMMITTEE REPORT

COMMITTEE: **Commerce**

BILL NUMBER: **HB 1184**

TITLE: relative to minimum participation requirements for small employers

DATE: February 16, 2000 CONSENT CALENDAR YES ☒ NO ☐

☐ OUGHT TO PASS

☐ OUGHT TO PASS WITH AMENDMENT

☐ INEXPEDIENT TO LEGISLATE

☐ RE-REFER

☒ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

The committee felt that the subject matter of this bill concerning minimum participation requirements for small employers would be addressed in HB 1183 relative to consumer access to providers for the term of the consumer's health benefit plan.

Vote 13-0.

Rep. Sheila T. Francoeur
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

CONSENT CALENDAR

Commerce

HB 1184, relative to minimum participation requirements for small employers REFER TO COMMITTEE FOR INTERIM STUDY

Rep. Sheila T. Francoeur for Commerce: The committee felt that the subject matter of this bill concerning minimum participation requirements for small employers would be addressed in HB 1183 relative to consumer access to providers for the term of the consumer's health benefit plan. Vote 13-0.

INTERIM STUDY
COMMITTEE REPORT

COMMITTEE: COMMERCE

BILL NUMBER: HB 1184

TITLE: relative to minimum participation requirements for small employers.

DATE: 25 OCTOBER 2000

☐ **RECOMMENDED FOR FUTURE LEGISLATION**

LSR No._____

(If legislation is already filed, please list LSR no.)

☒ **NOT RECOMMENDED FOR FUTURE LEGISLATION**

STATEMENT OF INTENT:

Legislation was not recommended by the committee on this issue relative to minimum participation requirements for small employers in health plans. This is an issue that can be resolved at the employer level. Additionally, the Department of Insurance will continue to review network adequacy in the state.

COMMITTEE VOTE: 15-0

PLEASE NOTE:
- Reports are due **November 1, 2000**, at the House Clerk's Office with the committee voting sheet attached.
- Place a copy of the committee report and all subcommittee work documents in bill file.

Rep. Sheila T. Francoeur
For the Committee

Rev. 6/5/00

INTERIM STUDY
COMMITTEE REPORT

COMMITTEE: _____

BILL NUMBER: HB 1184

TITLE: _____

_____

DATE: 10/25/00

☐ **RECOMMENDED FOR FUTURE LEGISLATION**

LSR No._____ **(If legislation is already filed, please list LSR no.)**

☑ **NOT RECOMMENDED FOR FUTURE LEGISLATION**

STATEMENT OF INTENT: (May be handwritten)

Legislation was not recommended by the committee on this issue relative to minimum participation requirements for small employers in health plans. This is an issue that can be resolved at the employer level. Additionally the Department of Insurance will continue to review network adequacy in the state

COMMITTEE VOTE: 15 - 0 (Attach Committee Voting Sheet)

PLEASE NOTE:
- Reports are due **November 1, 2000**, at the House Clerk's Office with the committee voting sheet attached.
- Place a copy of the committee report and all subcommittee work documents in bill file.

Rep. _____
For the Committee

Rev. 6/5/00

OFFICE OF THE HOUSE CLERK

2000 SESSION

COMMERCE

Bill #: H 3 1184 Title: Relative to minimum participation requirements for small employers

PH Date: ____/____/____ Exec Session Date: 10/25/00

Motion: not reccomended Amendment #: ____

MEMBER	YEAS	NAYS
Hunt, John B, Chairman		
Francoeur, Sheila T, V Chairman	✓	
Herman, Keith R		
Tsiros, William B	✓	
Belanger, Ronald J	✓	
McGough, Tim S		
Avery, Stephen G, Clerk	✓	
Kenney, Joseph D	✓	
Langley, Jane S	✓	
Pappas, Marc P		
Dalianis, Griffin T		
DiFruscia, Anthony R	✓	
Marshall, Gene B	✓	
Clark, Martha Fuller		
Crosby, Toni M	✓	
Russell, Ronald G	✓	
Reardon, Tara G		
Vachon, Dennis P	✓	
Taylor, Kathleen N	✓	
Curran, James C	✓	
Garrish, Linda L	✓	
Keye, Harvey	✓	
TOTAL VOTE:	15	0

Printed: 12/30/1999