

Amendment to SB 297-FN

1 Amend the bill by replacing section 1 with the following:

2

3 1 New Paragraphs; Pooled Risk Management; Definitions. Amend RSA 5-B:2 by inserting the
4 following new paragraphs after paragraph IV:

5 V. "Administration", as used in RSA 5-B:5, I(c), means reasonable expenses for risk
6 management, including processing, evaluation, and settlement services incurred in the payment of
7 claims and other related losses, wellness programs, and for auditor, actuarial, and accounting
8 services for administration of the pooled risk program. The reasonability of an expense for
9 administration under this chapter may be determined in an examination or administrative hearing
10 commenced by the secretary of state pursuant to RSA 5-B:4-a.

11 VI. "Reserves" means claims reserves (case reserves and incurred but not reported (IBNR
12 reserves), contribution deficiency reserves, and contingency reserves. "Contingency reserves" means
13 the amount of surplus to be retained by the pooled risk management program for the upcoming plan
14 year as may be reasonably established and subsequently required to cover expected and unforeseen
15 or extraordinary claim and administrative losses and liabilities.

16 VII. "Excess insurance" means reinsurance.

17 VIII. "Assessments" means a provision that, if the assets of the pooled risk management
18 program are at any time actuarially determined to be insufficient to discharge its claim and
19 administrative losses and liabilities and other legal obligations of the plan, the program shall, within
20 30 days of such a determination, draw from the restricted fund balance accounts under RSA 5-B:5,
21 I(g) or, as necessary under RSA 5-B:4-b, II, collect additional contributions from its participating
22 members for the amount needed to make up the deficiency.

23 IX. "Restricted fund balance" means an amount, as specified in RSA 5-B:5, I(g), that may be
24 held by a pooled risk management program for health coverage, permitted that the amount is held in
25 a restricted account and that the amount shall be used only for the specific purpose of funding
26 assessments under RSA 5-B:4-b, II.

27

28 Amend RSA 5-B:5, I(g) as inserted by section 3 of the bill by replacing it with the following:

29

30 ***(g) A pooled risk management program for health coverage may designate a***
31 ***maximum of 4 percent of the previous fiscal year's contributions that, if designated, shall***
32 ***be sourced from that pooled risk management program's annual earnings and surplus as***

1 *defined in RSA 5-B:5, I(c) and shall be kept in a restricted fund balance for the specific*
2 *purpose of funding assessments under RSA 5-B:4-b, II. This restricted fund balance shall*
3 *not exceed 4 percent of a pooled risk management program's previous fiscal year's*
4 *contributions, shall not be considered in the calculation of a contingency reserve, and*
5 *shall be used prior to any member assessments under RSA 5-B:4-b, II.*

6
7 Amend the bill by replacing all after section 4 with the following:

8
9 5 Pooled Risk; Title Change. The chapter heading of RSA 5-B is repealed and reenacted to read
10 as follows:

11 ASSESSMENT POOLED RISK MANAGEMENT PROGRAMS

12 6 New Subparagraph; Insurance; Third Party Administrators; Definitions. Amend RSA 402-
13 H:1, I by inserting after subparagraph (m) the following new subparagraph:

14 (n) A pooled risk management program licensed pursuant to RSA 420-R:4.

15 7 Insurance; Licensure of Medical Utilization Review Entities; Licensure or Registration
16 Required. Amend RSA 420-E:2, I to read as follows:

17 I. Any person, partnership or corporation, other than an insurer, nonprofit service
18 organization, health maintenance organization, *pooled risk management program*, or an
19 employee of those exempt organizations, that performs medical utilization review services on behalf
20 of commercial insurers, nonprofit service organizations, health maintenance organizations, *pooled*
21 *risk management programs*, third-party administrators or employers, shall apply for a license to
22 be issued by the department and shall pay an application fee and an annual license fee. No person,
23 partnership or corporation, other than an insurer, nonprofit service organization, health
24 maintenance organization, or the employees of exempt organizations shall perform utilization review
25 services or medical utilization review services unless the person, partnership, or corporation has
26 received a license in accordance with this chapter.

27 8 Insurance; Portability, Availability, and Renewability of Health Coverage; Disclosure. Amend
28 RSA 420-G:11, IV to read as follows:

29 IV. The data submission requirements of paragraphs II and II-a shall apply with respect to
30 claims data for all lives covered by a fully-insured health plan in any market in the state, by any
31 self-funded plan for state or municipal employees, including any plan maintained under RSA 5-B *or*
32 *RSA 420-R*, to any self-funded plan maintained by the university system of the state with respect to
33 its employees or its students, and to any self-funded student health benefit plan maintained by an
34 institution of higher education which provides 4-year bachelor's degree programs and graduate or
35 professional degree programs.

36 9 New Chapter; Advanced Premium Pooled Risk Management Program. Amend RSA by
37 inserting after chapter 420-Q the following new chapter:

CHAPTER 420-R

ADVANCE PREMIUM POOLED RISK MANAGEMENT PROGRAMS

420-R:1 Purpose. The purpose of this chapter is to provide for the establishment of pooled risk management programs and to affirm the status of such programs established for the benefit of political subdivisions of the state. The legislature finds and determines that insurance and risk management is essential to the proper functioning of political subdivisions; that risk management can be achieved through the purchase of traditional insurance or by participation in pooled risk management programs established for the benefit of political subdivisions; that pooled risk management is an essential governmental function by providing focused public sector loss prevention programs, accrual of interest and dividend earnings which may be returned to the public benefit and establishment of costs predicated solely on the actual experience of political subdivisions within the state; that the resources of political subdivisions are presently burdened by the securing of insurance protection through standard carriers; and that pooled risk management programs which meet the standards established by this chapter should not be subject to taxation by the state and, except as specifically set forth in this chapter, should not be subject to insurance regulation.

420-R:2 Definitions; Scope of Chapter.

I. In this chapter:

(a) "Commissioner" means the insurance commissioner.

(b) "Department" means the insurance department.

(c) "Employee representative" means an employee of a member, who shall not be in a position to make participation decisions for a member.

(d) "Excess insurance" means stop loss insurance.

(e) "Member" means any political subdivision that participates or may participate in a pooled risk management program under this chapter.

(f) "Member representative" means a representative of a member who is in a position to make participation decisions for a member and serving in either an elected or appointed position.

(g) "Political subdivision" means any city, town, county, school district, chartered public school, village district, school administrative unit, or any district or entity created for a special purpose administered or funded by any of the above-named governmental units.

(h) "Pooled risk management program" or "program" means an association formed under the laws of this state that operates a program in which two or more political subdivisions of the state enter into agreements to:

(1) Obtain or implement insurance by self-insurance, or to obtain insurance from any insurer authorized to transact business in this state as an admitted or surplus lines carrier, or to obtain insurance secured in accordance with any method provided by law, or to obtain insurance by any combination of these methods;

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1 (2) Provide for pooling of self-insurance reserves, risks, claims and losses, and of
2 administrative services and expenses associated with them among political subdivisions; or

3 (3) Develop and administer a risk management program having as its purposes
4 reducing the risk of its members; safety engineering; distributing, sharing, and pooling risks;
5 acquiring insurance, excess loss insurance, or reinsurance; and processing, paying and defending
6 claims against the members of such entity or association.

7 (i) "Program covered person" means a person who is covered under pooled risk
8 management program coverage.

9 (j) "Public representative" means a representative of the general public who shall not be:

10 (1) An employee of a member;

11 (2) In a position to make participation decisions for a member; or

12 (3) Connected with the management or be the holder of a material number of shares
13 of any insurer, insurance holding company, insurance agency or broker. Family members of
14 employees, persons in a position to make membership decisions and family members of persons
15 connected with management or holders of a material number of shares of any insurer, insurance
16 holding company, insurance agency or broker may not serve as public members.

17 (k) "Risk management" means the defense of claims and indemnification for losses
18 arising out of the ownership, maintenance, and operation of real or personal property and the acts or
19 omissions of officials, employees, and agents; the provision of loss prevention services including, but
20 not limited to, inspections of property and the training of personnel; and the investigation,
21 evaluation, and settlement of claims by and against political subdivisions.

22 420-R:3 Pooled Risk Management Programs Authorized; Permissible Coverages.

23 I. To accomplish the purposes of this chapter, any two or more political subdivisions of this
24 state may, by resolution of its governing body, form an association under the laws of this state and
25 establish and enter into agreements constituting a pooled risk management program.

26 II. RSA 53-A shall not apply to an association formed or affirmed under this chapter, nor to
27 the participation in such an association by a political subdivision.

28 III. Pooled risk management programs established for the benefit of political subdivisions
29 may provide any or all of the following coverages:

30 (a) Casualty, including general and professional liability; errors and omissions; workers'
31 compensation and employer's liability; medical payments; or unemployment compensation as
32 authorized under federal law.

33 (b) Property, including marine and inland navigation; transportation; boiler and
34 machinery; fire; theft; or natural hazards.

35 (c) Vehicle, including any liability or loss arising from the ownership or operation of
36 vehicles.

37 (d) Surety and fidelity.

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1 (e) Environmental impairment.

2 (f) Hospital, medical, surgical or dental benefits for employees and retirees, and their
3 dependents.

4 (g) Life, income maintenance, accidental death and dismemberment, vision loss or
5 impairment, or legal benefits for employees and their dependents.

6 (h) Unanticipated special education cost recovery.

7 420-R:4 Licensure Required.

8 I. Any person or legal entity that functions as a pooled risk management program shall
9 apply to the department for a license and shall pay an application fee and annual license fee of \$150.
10 No person, entity or association shall, after July 1, 2025, operate a pooled risk management program
11 unless such program has been reviewed for licensure by the department and been determined to be
12 in compliance with the provisions of this chapter, including organizational, operational, financial,
13 and reporting requirements. License renewal applications shall be filed annually on or before
14 September 1.

15 II. Pooled risk management programs that have been established and affirmed prior to July
16 1, 2025, in accordance with RSA 5-B, shall survive and be in full force and effect, except as modified
17 by this chapter. The programs existing prior to July 1, 2025, shall file a license application
18 containing the information as set forth in RSA 420-R:4, III, on or before September 1, 2025.

19 III. Prior to providing coverage, a license application shall be filed with the commissioner for
20 approval of the pooled risk management program in a form and manner as established by the
21 commissioner. The application materials shall include at least the following:

22 (a) A copy of the constitution or bylaws of association, trust instrument, or articles of
23 incorporation.

24 (b) The names and addresses of the trustees, directors, or incorporators.

25 (c) A copy of the bylaws or trust agreement which governs the operation of the pooled
26 risk management program.

27 (d) A copy of the policy, contract, certificate, summary plan description, or other
28 evidence of the benefits and coverages provided.

29 (e) A copy of the fidelity bond in an amount equal to not less than 10 percent of the funds
30 handled annually and issued in the name of the pooled risk management program covering its
31 trustees, directors, employees, administrator, or other individuals managing or handling the funds
32 or assets of the pooled risk management program. In no case may such bond be less than \$1,000 or
33 more than \$500,000, except that the commissioner, after due notice to all interested parties and
34 opportunity for hearing, and after consideration of the record, may prescribe an amount in excess of
35 \$500,000 subject to the 10 percent limitation.

36 (f) A copy of the pooled risk management program's excess insurance agreement, if any.

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1 (g) A business plan setting out the lines of coverage the program intends to write, the
2 projected membership amount, a plan of capitalization, and such other plan information as the
3 commissioner may require.

4 (h) Evidence satisfactory to the commissioner showing that the arrangement will be
5 operated in accordance with sound actuarial principles. The commissioner shall not approve the
6 arrangement unless the commissioner determines that the plan is designed to provide sufficient
7 revenues, reserves, and surplus to pay current and future liabilities, as determined in accordance
8 with sound actuarial principles and risk based capital standards as set out in RSA 404-F.

9 (i) Such additional information as the commissioner may require.

10 IV. A license renewal applications with such form and content as shall be established by the
11 commissioner and the license renewal fee shall be filed with the commissioner by September 1 of
12 each year.

13 V. A person, other than a pooled risk management program, shall not sell, solicit, or
14 negotiate pooled risk management program coverage in this state for any line of coverage permitted
15 under this chapter unless the person is licensed for that line of coverage in accordance with this RSA
16 402-J.

17 420-R:5 Applicable Regulatory Standards.

18 I. Any pooled risk management program meeting the standards required under this chapter
19 is not an insurance company, reciprocal insurer, or insurer under the laws of this state, and
20 administration of any activities of the plan shall not constitute doing an insurance business for
21 purposes of regulation or taxation. Pooled risk management programs shall not be subject to the
22 premium tax under RSA 400-A:32 and shall not be subject to assessment with respect to the
23 administration fund under RSA 400-A:39.

24 II. Pooled risk management programs shall be governed by this chapter and shall be exempt
25 from this title, except for the provisions of: RSA 400-A:16, relative to investigations; RSA 400-A:17
26 through 24, relative to hearings and appeals; RSA 400-A:37, relative to examinations; RSA 401-B,
27 relative to insurance holding companies; RSA 402:28, relative to the regulation of investments of
28 insurance companies other than life insurance companies; RSA 402-C, relative to receivership; RSA
29 402-J, relative to producer licensing, RSA 402-M, relative to administrative supervision; RSA 404-F,
30 relative to RBC; RSA 420-G:11, II, II-a, and IV, relative to the submission of claims data to the
31 department; RSA 401-B:3, 4, and 5 relative to insurance holding companies; and RSA 411-A, relative
32 to the regulation of investments of life insurance companies.

33 420-R:6 Governance.

34 I. To meet requirements for licensure and to maintain a pooled risk management program, a
35 program shall be:

36 (a) A nonprofit;

37 (b) Established as a legal entity organized under New Hampshire law; and

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1 (c) Governed by written bylaws which shall detail the terms of eligibility for
2 participation by political subdivisions, the governance of the program and other matters necessary to
3 the program's operation.

4 II. The board of directors who shall manage the business and affairs of the program, shall be
5 comprised of:

6 (a) For programs offering employee health and welfare benefits under RSA 420-R:4, III
7 (f) and (g), 6 member representatives, 6 employee representatives and 3 public representatives; and

8 (b) For all other programs, 12 member representative and 3 public representatives.

9 III. Any bylaw developed by the board of directors shall require approval of 2/3 of the
10 directors.

11 IV. Directors shall not receive compensation but may be reimbursed for mileage and other
12 reasonable expenses. Directors shall comply with the provisions of RSA 15-A. Directors shall have a
13 fiduciary responsibility to act in the best interest of the pooled risk management program.

14 420-R:7 Approval of Rates. Each pooled risk management program shall file with the insurance
15 commissioner a full schedule of the rates to be paid by participating members and shall obtain the
16 commissioner's approval prior to implementing any rate changes. The commissioner may refuse
17 such approval if he or she finds the rates are excessive, inadequate, or unfairly discriminatory.

18 420-R:8 Financial Reporting.

19 I. Each pooled risk management program shall file with the commissioner on March 1 a
20 report verified by an appropriate official of the program which shall include:

21 (a) The program's financial statements, including its balance sheet and statement of
22 income and expenditures for the preceding year, certified by an independent certified public
23 accountant;

24 (b) Such other financial information relating to the program's performance as the
25 commissioner may require.

26 II. The commissioner may prescribe a uniform reporting format for the preparation of the
27 audited financial statements and may also prescribe a uniform accounting system to be used by
28 pooled risk management programs.

29 III. Each pooled risk management program shall, in accordance with RSA 404-F, file with
30 the commissioner on March 1st, a report verified by an appropriate official of the program, showing
31 its RBC levels as of the end of the calendar year just ended, in a form and containing such
32 information as is required by the RBC instructions. The commissioner shall provide written
33 guidance on how to apply the RBC instructions to pooled risk management programs.

34 420-R:9 Minimum Capital.

35 I. Each pooled risk management program shall seek to maintain capital above the RBC
36 levels required for insurers under RSA 404-F.

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1 II. To protect the interest of participating members, creditors and the public in the event
2 that a pooled risk management program is financially impaired, the commissioner shall apply the
3 corrective measures and take such other actions as deemed appropriate under RSA 402-C, RSA 402-
4 M, and RSA 404-F in the same manner as may be taken against insurers under those provisions.

5 420-R:10 Guaranty Funds Authorized. With prior approval from the commissioner, a program
6 may voluntarily implement the following guaranty measures to protect from financial impairment.
7 In addition, the commissioner may require any of the following guaranty measures if a program's
8 RBC is above company action level but less than the product of its authorized control level RBC and
9 3.0 with a negative trend.

10 I. Any pooled risk management program may establish a guaranty fund out of surplus in
11 any amount not to exceed 1/2 its net surplus by appropriation from its net assets. Such guaranty
12 fund shall be considered as paid up capital and be available to meet the obligations of the program,
13 but not to pay dividends or to be otherwise distributed except to meet the obligations of the program
14 when all other assets of the program shall become exhausted.

15 II. Any pooled risk management program may create not more than one guaranty fund by
16 borrowing a sum of money not exceeding \$1,000,000 by the issue of certificates of indebtedness upon
17 such terms as the members shall determine, provided that such certificates shall not be divided into
18 classes in any way and that the holders of such certificates shall not be entitled to vote in the
19 direction of the affairs of the program and shall not receive a greater return on their investment
20 than 10 percent per annum. The commissioner, upon notice to the program and after hearing its
21 objections, if any, may require any guaranty fund established under this section to be retired when
22 he or she shall find it is no longer needed for protection of covered persons, creditors, or the general
23 public.

24 III. Any pooled risk management program that has created a guaranty fund under either of
25 the 2 preceding sections may, with the approval of the insurance commissioner, reduce or retire such
26 fund in whole or in part, but it may not be otherwise distributed except to pay the obligations of the
27 program.

28 420-R:11 Excess Insurance. Each pooled risk management program shall seek to maintain
29 aggregate excess insurance or a deposit with the commissioner of unimpaired surplus which excess
30 insurance or deposit shall be used in the event that the program's resources are exhausted in a given
31 fiscal period. The excess insurance or deposit, or combination of excess insurance and deposit shall
32 be, at a minimum, in the amount of \$5,000,000 unless the commissioner determines a lesser amount
33 would be adequate.

34 420-R:12 Return of Capital.

35 I. If, on the last day of the calendar year, a program's RBC, as measured under the
36 provisions of RSA 404-F, is more than the product of its authorized control level and 6.0, then the
37 board of directors shall vote, by April 1 of the succeeding year, on the question whether to make a

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1 return of excess surplus to members through the declaration of a dividend, return of capital, or
2 return of premium.

3 II. Regardless of its RBC level, any dividend, return of capital, or return of premium
4 proposed by the board of a program shall be reviewed and approved prior to distribution by the
5 commissioner under such terms of RSA 401-B:5, II, as are applicable to pooled risk management
6 programs as determined by the commissioner.

7 420-R:13 Examination.

8 I. The commissioner shall make an examination of each pooled risk management program
9 under the terms of RSA 400-A:37 as often as he or she deems necessary, but not less frequently than
10 once in every 5 years. All examinations shall be conducted at the expense of the program.

11 II. Each program shall submit its books and records relating to its operations to such
12 examinations and in every way facilitate them. For the purpose of examinations, the commissioner
13 may issue subpoenas, administer oaths to, and examine the officers and agents of the program.

14 420-R:14 Investments. The assets of any pooled risk management program shall be invested in
15 those securities and investments permitted for insurers in this state under RSA 402:28 and RSA
16 411-A as applicable.

17 420-R:15 Acquisition of Control or Merger.

18 I. A pooled risk management program may acquire control of or merge with any other pooled
19 risk management program licensed in this state by complying with the provisions of this section and
20 with such terms of RSA 401-B:3 as are applicable to pooled risk management programs as
21 determined by the commissioner. It shall file with the commissioner:

22 (a) A certified copy of the written contract containing in full the terms and conditions of
23 the consolidation or merger;

24 (b) A sworn statement by the president and secretary or corresponding officers of each
25 program showing the financial condition thereof on a date fixed by the commissioner but not earlier
26 than December 31, next preceding the date of the contract;

27 (c) A certificate of such officers, duly verified by their respective oaths, that the
28 consolidation or merger has been approved by a 2/3 vote of the board of each program, such vote
29 being conducted at a regular or special meeting of each board, or, if the program's laws so permit, by
30 mail;

31 (d) Evidence that at least 60 days prior to the action of the board of each program, the
32 text of the contract has been furnished to all members of each program either by mail or by
33 publication in full in an official publication of each program; and

34 (e) Any information that a domestic insurer is required to file with the commissioner
35 under RSA 401-B:3, I through V, that the commissioner deems to be applicable to pooled risk
36 management programs.

1 II. If the commissioner finds that the contract is in conformity with the provisions of this
2 section, that the financial statements are correct, that the standards set out in RSA 401-B:3, VI(a)
3 are met, and that the acquisition or merger is just and equitable to the members of each program,
4 the commissioner shall approve the contract and issue a certificate to such effect. Upon such
5 approval, the contract shall be in full force and effect. In case such contract is not approved it shall
6 be inoperative, and the fact of submission and its contents shall not be disclosed by the
7 commissioner.

8 III. Upon a merger becoming effective as provided under this section, all the rights,
9 franchises and interests of the merged programs in and to every species of property, real, personal or
10 mixed, and things in action thereunto belonging shall be vested in the program resulting from or
11 remaining after the merger without any other instrument, except that conveyances of real property
12 may be evidenced by proper deeds, and the title to any real estate or interest therein, vested under
13 the laws of this state in any of the programs merged, shall not revert or be in any way impaired by
14 reason of the merger, but shall vest absolutely in the program resulting from or remaining after such
15 merger.

16 420-R:16 Standards and Management of a Program Within a Holding Company System.

17 I. A pooled risk management program may be part of a holding company system only if all
18 affiliates in the system are pooled risk management programs licensed under this chapter.

19 II. Any pooled risk management program that is a part of a pooled risk management
20 program holding company system shall register with the commissioner under such terms of RSA
21 401-B:4 as are applicable to pooled risk management programs as determined by the commissioner.

22 III. All transactions within a pooled risk management program holding company system
23 shall be approved by the commissioner under such terms of RSA 401-B:5, I, as are applicable to
24 pooled risk management programs as determined by the commissioner.

25 420-R:17 Commissioner's Additional Enforcement Authority.

26 I. In addition to the solvency enforcement measures authorized in 420-R:9, II, when the
27 commissioner, upon investigation, finds that: a pooled risk management program has failed to
28 comply with any provision of this chapter; or is not fulfilling its contracts in good faith; or is
29 conducting business fraudulently or in a manner hazardous to its covered persons, members,
30 creditors, the public, or the business; or is acting outside its authority; or is operating as a pooled
31 risk management program without a license, then the commissioner shall notify the program of such
32 deficiency or deficiencies and state in writing the reasons for his or her dissatisfaction and requiring
33 that the deficiency or deficiencies which exist be corrected.

34 II. After such notice, the program shall have a 30-day period in which to comply with the
35 commissioner's request for correction or the submission of a corrective action plan. If the program
36 fails to comply, the commissioner shall notify the program of such findings of noncompliance and
37 require the program to show cause, on a date named, why: its license should not be suspended,

1 revoked, or limited to servicing existing business only; or it should not be subject to a cease and
2 desist order; or it should not be fined in an amount up to \$2,500 per violation; or it should not be
3 ordered to make restitution or refund to an aggrieved person.

4 III. Upon hearing, the commissioner shall issue such prohibitory and mandatory orders
5 as are reasonably necessary to secure compliance with the terms of this chapter and are within his
6 or her enforcement powers as specified in RSA 420-R:17, II.

7 420-R:18 Appeals. All orders and decisions of the commissioner concerning matters within his
8 or her jurisdiction under this chapter shall be subject to hearing and appeal as provided in RSA 400-
9 A:17 through 24 and RSA 541. RSA 541:18 shall apply to orders and decisions of the commissioner
10 affecting the rates of the program.

11 420-R:19 Rulemaking Authority. The commissioner may adopt rules in accordance with RSA
12 541-A, which are reasonable and necessary to administer and enforce the provisions of this chapter.

13 420-R:20 Powers; Liability.

14 I. Any program operating under this chapter, whether or not body corporate, may sue or be
15 sued; make contracts; hold and dispose of real property; and borrow money, contract debts, and
16 pledge assets in its name.

17 II. Participation by a political subdivision in a pooled risk management program formed and
18 affirmed under this chapter shall not subject any such political subdivision to any liability to any
19 third party for the acts or omissions of the pooled risk management program or any other political
20 subdivision participating in the program.

21 420-R:21 Confidentiality.

22 I. Notwithstanding any provision of the law to the contrary, any information of any pooled
23 risk management program formed or affirmed under this chapter pertaining to claims analysis or
24 claims management shall be privileged and confidential and not subject to disclosure to any third
25 party.

26 II. All reports and schedule of rates, to the extent the information therein is not otherwise
27 required to be publicly available, which are filed with the commissioner constitute information that
28 might be damaging to the risk pool management program if made available to competitors, and
29 therefore shall be kept confidential by the commissioner. This information shall not be made public
30 or be subject to subpoena, other than by the commissioner and then only for the purpose of
31 enforcement actions taken by the commissioner pursuant to this chapter or the applicable provisions
32 of Title XXXVII as provided in RSA 420-R:5, II.

33 420-R:22 Severability. If any provision of this chapter, or the application thereof to any person
34 or circumstance, is held invalid, such determination shall not affect the provisions or applications of
35 this chapter which can be given effect without the invalid provision or application, and to that end
36 the provisions of this chapter are severable.

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1 10 Repeal. RSA 402-H:11-b, relative to certain exemptions for third party administrators of
2 pooled risk management programs, is repealed.

3 11 Effective Date.

4 I. RSA 5-B:5, I(i) as amended by section 3 of this act shall take effect July 1, 2026.

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

2025-2473h

AMENDED ANALYSIS

This bill:

I. Transfers authority over pooled risk management programs from the secretary of state to the insurance department.

II. Requires pooled risk management programs to be licensed by the insurance department.

III. Allows pooled risk management programs to establish a guaranty fund to protect from financial impairment.

IV. Requires pooled risk management programs to seek to maintain certain amounts in excess or stop loss coverage, unless the insurance commissioner determines that a lesser amount is appropriate.

V. Allows pooled risk management programs to issue assessable policies.

VI. Allows the insurance commissioner to examine the financials of pooled risk management programs under certain conditions.