

Amendment to HB 297-FN

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

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3 1 Portability, Availability, and Renewability of Health Coverage; Disclosure of Claims Data from  
4 Self-Funded Employer-Sponsored Plans. Amend RSA 420-G:11, V to read as follows:

5 V. In addition to those lives listed in paragraph IV, the data submission requirements of  
6 paragraphs II and II-a shall also apply to all health carriers, licensed third party administrators,  
7 and any entity required to be registered with the commissioner pursuant to RSA 402-H with respect  
8 to claims data for all lives covered by any other self-funded employer-sponsored plan, when the  
9 employer has opted in writing to the submission of the data. The carrier or administrator shall  
10 notify the employer of the employer's option to authorize submission of the data. ***The carrier or***  
11 ***administrator shall also notify the employer that, if such authorization is provided, the***  
12 ***commissioner shall provide the employer access, on an annual basis, to a utilization report***  
13 ***based on the de-identified and aggregated claims data associated with that employer-***  
14 ***sponsored plan.*** The commissioner shall adopt rules under RSA 541-A specifying the form of such  
15 opt in, which shall include, but not be limited to, notice to the employer regarding why it is receiving  
16 the notification form, the privacy protections for the data submitted should the employer choose to  
17 opt in, ***the access to its own claims data that will be afforded to the employer,*** and the  
18 transparency benefits, including benefits to employers, of broad inclusion of as many lives as  
19 possible in the database created under RSA 420-G:11-a. ***Health carriers and third party***  
20 ***administrators administering self-funded employer-sponsored plans shall provide this***  
21 ***notice to such employers annually upon renewal.*** Nothing in this paragraph shall be construed  
22 to impose any reporting obligation on any self-funded employer or plan sponsor, or to impose any  
23 requirement with respect to the manner in which any such self-funded plan is administered.  
24 Nothing in this paragraph shall prevent a health carrier or third party administrator from  
25 communicating its views to an employer about the employer's decision whether to opt in to the  
26 submission of claims data.

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AMENDED ANALYSIS

This bill provides that, if an employer sponsoring a self-funded health benefit plan authorizes submission of its claims data to the state's comprehensive health care information system, the insurance commissioner shall provide that employer access to a utilization report based on de-identified claims data for the employer-sponsored plan.