

HB 1406 - AS AMENDED BY THE HOUSE

11Mar2026... 0986h

2026 SESSION

26-2971
05/08

HOUSE BILL **1406**

AN ACT relative to health carrier recordkeeping requirements in utilization review, including specifications regarding the use of artificial intelligence.

SPONSORS: Rep. Gregg, Hills. 7; Rep. Nagel, Belk. 6; Rep. Grossman, Rock. 11; Rep. LaMontagne, Straf. 17; Rep. M. Pearson, Rock. 34; Rep. Tellez, Hills. 40; Rep. Salvi, Hills. 9; Rep. Manohar, Hills. 9; Rep. N. Murphy, Hills. 12; Sen. Long, Dist 20; Sen. Birdsell, Dist 19; Sen. Prentiss, Dist 5

COMMITTEE: Commerce and Consumer Affairs

AMENDED ANALYSIS

This bill:

I. Requires health carriers under the managed care law to maintain written records relative to their use of artificial intelligence and protocols for ensuring human review of certain determinations.

II. Requires health carriers to make any adverse determinations relative to a covered individual and maintain records related to an adverse determination including whether artificial intelligence was used.

III. Establishes health carriers as responsible for the activities of entities which they have contracted with, relative to such requirements.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT relative to health carrier recordkeeping requirements in utilization review, including specifications regarding the use of artificial intelligence.

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

1 1 New Subparagraph; Managed Care Law; Utilization Review; Standards and Procedures for
2 Use of Artificial Intelligence. Amend RSA 420-J:6, I by inserting after subparagraph (d) the
3 following new subparagraph:

4 (e) Each health carrier shall maintain written records related to the health carrier’s use
5 of algorithms, artificial intelligence, or other machine based systems, including but not limited to:

- 6 (1) Which functions artificial intelligence is used for; and
- 7 (2) Protocols ensuring qualified human review of determinations affecting provider
8 coding decisions.

9 2 New Paragraph; Managed Care Law; Utilization Review; Adverse Determinations;
10 Contracting Liability. Amend RSA 420-J:6 by inserting after paragraph XI the following new
11 paragraphs:

12 XII. Adverse Determinations.

13 (a) All adverse determinations, including payment reductions and down coding, must be
14 made by a qualified health care provider.

15 (b) The health carrier must provide written notice of the adverse determination to the
16 covered person and the covered person's health care provider detailing the reason for the decision.

17 (c) The health carrier shall maintain records including, but not limited to the following:

- 18 (1) The information submitted to the health carrier;
- 19 (2) The information reviewed by the qualified health care provider;
- 20 (3) Applicable clinical guidelines;
- 21 (4) Whether artificial intelligence was used to assist the reviewer; nd
- 22 (5) The clinical rationale for the decision.

23 XIII. Whenever a health carrier contracts to have another entity perform any functions,
24 including use of artificial intelligence systems developed by another entity, related to utilization
25 review, the commissioner shall hold the health carrier responsible for monitoring the activities of the
26 entity with which it contracts and for ensuring that the requirements of this section and applicable
27 rules are met.

28 3 Effective Date. This act shall take effect January 1, 2027.