

HB 297-FN - AS INTRODUCED

2025 SESSION

25-0669

05/08

HOUSE BILL **297-FN**

AN ACT relative to providing self-funded employer health benefit plans access to their claims data.

SPONSORS: Rep. Spier, Hills. 6

COMMITTEE: Commerce and Consumer Affairs

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, then the insurance commissioner shall provide that employer access to the claims data for that employer-sponsored plan.

The bill is a request of the insurance department.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to providing self-funded employer health benefit plans access to their claims data.

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

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

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

24 2 Effective Date. This act shall take effect 60 days after its passage.

**HB 297-FN- FISCAL NOTE
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AN ACT relative to providing self-funded employer health benefit plans access to their claims data.

FISCAL IMPACT: This bill does not authorize new positions.

Estimated State Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
Revenue	\$0	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease
<i>Revenue Fund(s)</i>	General Fund			
Expenditures*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

***Expenditure = Cost of bill**

***Appropriation = Authorized funding to cover cost of bill**

METHODOLOGY:

This bill requires carriers or third-party administrators managing benefits for self-insured employers to notify employers, at the time of plan renewal, of their option to opt-in for submitting their claims data to the NH All-Payer Claims Database (NH CHIS). If authorization is granted, the Insurance Commissioner shall provide such employers access to their own claims experience data. The bill mandates that the Insurance Commissioner specify the format for data provided to eligible employers. Additionally, self-insured employers who have not opted into the NH CHIS for claims data submission and do not currently receive their claims data from their third party administrator or plan administrator must be informed of these options.

The Insurance Department states if employers utilize claims data to optimize their health plans, they may reduce costs and lower premiums, which could gradually reduce the state's Insurance Premium Tax revenue. The Department also states that any additional work required by this new bill could be absorbed into their current budget.

AGENCIES CONTACTED:

Insurance Department