

Senate Health and Human Services Committee

Sophie Walsh 271-3469

SB 47, requiring certain health insurance policies of a birth mother to provide coverage for a newly born child from the moment of birth.

Hearing Date: January 22, 2025

Time Opened: 10:00 a.m.

Time Closed: 10:22 a.m.

Members of the Committee Present: Senators Rochefort, Avard, Birdsell, Prentiss and Long

Members of the Committee Absent: None

Bill Analysis: This bill makes a birth mother's health insurance policy the primary policy for a newborn child's health care unless the mother has no insurance or coverage under an employer-sponsored health plan.

Sponsors:
Sen. Birdsell

Who supports the bill: Brianna Hankel (New Futures), Michelle Heaton (NH Insurance Department), Stephanie Vazzano, and Francis Moore.

Who opposes the bill: Curtis Howland.

Who is neutral on the bill: Paula Rogers (AHIP).

Summary of testimony presented:

Senator Regina Birdsell, Senate District 19

- Senator Birdsell said she is introducing this bill at the request of the Insurance Department.
- This bill inserts clarifying language into RSA 415:22 to codify how the Insurance Department has been interpreting this statute.
- RSA 415:22 was first enacted in 1975 to ensure that a child has insurance coverage under their parent's insurance policy from the moment of birth through the first 31 days of life.
- The Insurance Department has issued bulletins providing guidance on the application of this statute. This bill simply codifies that guidance to ensure newborn children receive the protections as intended.

Michelle Heaton, New Hampshire Insurance Department

- Ms. Heaton stated that she is the Director of Life and Health at the Insurance Department.
- This provision, in place since 1975, is an insurance mandate that requires carriers to provide coverage to newborn children from the moment of birth through the first 31 days of life.
- This reason behind this statute is that insurance coverage cannot be purchased before a child is born. This gives parents a 31-day period to acquire coverage for their child.
- Over the years, different scenarios and questions have come up, prompting the Insurance Department to issue two separate bulletins regarding their interpretation of the statute: 17-001-AB and 25-002-AB
- The Department thought this would be a good opportunity to codify that guidance in law.
- This bill clarifies that when a mother gives birth in a hospital and is receiving care, there is no additional cost-sharing once the child is born because they have already paid the cost-share for that hospital stay.
- This bill clarifies that when services are provided for the child outside of birth during the 31 days and cost-sharing is collected, that cost-sharing goes to the parent's accumulators.
- This bill clarifies that no additional premium can be collected in the 31 days because it is already part of the benefits for the parent's plan.
- Senator Birdsell confirmed that insurance carriers are on board with this effort and that it will help with any confusion.
- Ms. Heaton explained that while she cannot speak for the carriers, the Department did send them the language and tweaked it upon the carriers' feedback. They have not received any opposition from the carriers.
- Senator Prentiss questioned if this process is already automatic and asked if this bill is filling in a gap.
- Ms. Heaton explained that the whole point of this statute is for parents to not have to worry about getting insurance for their child immediately after birth.
- It is a fairly seamless process already, but there are nuances that arise in particular situations that have required the Department to issue some additional guidance.
- Senator Prentiss asked if insurance providers have different processes for managing the first 31 days of life, and if this bill will address that.
- Ms. Heaton explained that claims administration is where they typically see issues come up, especially in irregular situations where children may require additional services and additional benefits and adjustments may come into play.

- Senator Prentiss confirmed that no parent with coverage will have to worry if they receive a large hospital bill for services that should be covered in cases where carriers did not automatically apply coverage.
- Ms. Heaton explained that 99% of the time, the process is seamless, and parents would not see a bill like that.
- It can be tricky if parents have different coverage or if one is Medicaid eligible, but it is only specific circumstances that cause confusion.
- Senator Long referenced lines 7-11 and inquired about cases of divorce in which one specific parent may be taking responsibility for health insurance.
- Ms. Heaton said that essentially all insurance covers maternity services, so children are usually bundled with their mom if they are covered, since it is a bundled service.
- This would come into play if the mother had a self-funded plan with no newborn care and the father had commercial coverage. In those cases, the father's plan would cover it.
- This mandate is for the insurance market, and not for self-funded plans.
- Senator Long asked if insurance would raise premiums at the lapse of the 31-day coverage in the case that a child was born with medical issues.
- Ms. Heaton explained that on day 32, the child would need to be on their parents' plan or their own. That is when the premium would be collected. However, if the child has medical issues, that could not be considered as a factor in determining the premium.
- Senator Rochefort asked if Ms. Heaton could foresee any instances or issues with a child being covered by their mother's plan, but that plan not covering a specific service.
- Ms. Heaton explained that, for the most part, everything will be covered. Furthermore, because the mother's plan is primary, there is the ability to switch to the other parent's plan if there is a service or benefit not covered by the mother's plan.
- Senator Rochefort confirmed that babies would be cared for under this law.
- Ms. Heaton confirmed and assured that these services would fall under the essential health benefit. Services that are not medically necessary likely would not be covered under either parent's plan.

Brianna Hankel, New Futures

- Ms. Hankel stated that she is a Legal Policy Fellow at New Futures.
- New Futures stands in support of this bill because it clarifies current statute, which reduces burdens on families and ensures health insurance coverage for an infant's first 31 days.

- Babies are screened and receive lifesaving treatment right after birth, preventing long-term disabilities and permanent health conditions. Early coverage is critical for an infant's future health outcomes.

Paula Rogers, America's Health Insurance Plans (AHIP)

- Ms. Rogers stated that she was not expecting to speak today, and it is not clear to her whether AHIP has a unified concern or not on this bill.
- As she understands, the Department felt the need to clarify beyond their bulletins that routine care for a baby in the first 31 days of life is covered under the mother's policy if she is insured. Ms. Rogers says she thinks this is fair.
- Ms. Rogers questioned what would happen if something non-routine occurs within the first 31 days and there are two insurance policies, and if it could only be covered under the mother's policy according to this change.
- She also questioned how coordination of benefits would work with a policy held by a father.
- Ms. Rogers said there may be a need for the carriers to speak with the Department on this issue to clarify what this bill will do.
- She emphasized that she has no concerns about the substance of the bill.
- Ms. Rogers asked the committee to consider amending the effective date to January 1st for compliance reasons.
- Senator Birdsell confirmed that the Insurance Department testified that they sent out the language to the insurance companies and made tweaks upon their feedback.
- Ms. Rogers agreed that is true and said she has not talked to the Department about this herself. She noted that she did not hear about concerns surrounding the effective date until this morning.