HB 303-FN - AS INTRODUCED

2023 SESSION

23-0476
05/08

HOUSE BILL ***303-FN***

AN ACT relative to insurance coverage for pain management services.

SPONSORS: Rep. Nagel, Belk. 6; Rep. Merchant, Sull. 6

COMMITTEE: Commerce and Consumer Affairs

ANALYSIS

This bill requires insurance coverage for pain management services.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

23-0476
05/08

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to insurance coverage for pain management services.

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

1 New Section; Accident and Health Insurance; Coverage for Pain Management Services; Individual Coverage. Amend RSA 415 by inserting after section 6-a1 the following new section:

415:6-bb Coverage for Pain Management Services.

I. Each insurer that issues or renews any individual policy, plan or contract of accident or health insurance providing benefits for medical or hospital expenses shall provide to persons covered by such insurance who are residents of this state coverage for a broad spectrum of pain management services, in addition to currently covered pharmacologic and interventionalist treatments. Such services shall include:

(a) Behavioral health interventions, including but not limited to pain self-management training, cognitive behavioral therapy (CBT), acceptance and commitment therapy (ACT), mindfulness and/or other meditation training, support groups, and pain education.

(b) Manual treatments, including, but not limited to: chiropractic treatment of spine, peripheral joints, and soft tissues; osteopathic manipulation of joints and tissues; and massage therapy and manual physical therapy treatments.

(c) Movement therapies, including, but not limited to therapeutic exercises administered by physical therapists and chiropractors, independent therapeutic exercise, aquatic therapy, yoga, qi gong, and tai chi.

(d) Other treatments by licensed practitioners with expertise in pain treatment including acupuncture and massage therapy.

II. Policies issued or renewed pursuant to this section shall provide for at least 20 visits and shall include coverage for coordination of pain management services during the plan year for each of the preceding pain management services to manage pain by the policy holder's beneficiaries' licensed providers to ensure that the provided services are both well integrated and multi-modal.

III. Each insurer that issues or renews any individual policy, plan or contract of accident or health insurance providing benefits for medical or hospital expenses shall produce and submit to the insurance commissioner for approval a comprehensive pain services management plan which shall contain a description of the covered pain management services in accordance with rules adopted by the insurance commissioner under RSA 541-A. Upon approval by the insurance commissioner, the insurers shall promptly post their pain management services plan approved by the insurance commissioner and detailed descriptions of covered services to their public websites in an easily accessible location.

IV. Each insurer that issues or renews any individual policy, plan or contract of accident or health insurance providing benefits for medical or hospital expenses shall provide with each renewed or issued policy of health insurance, educational materials to policy holder beneficiaries and all in-network providers of pain management services. Educational materials shall include pain self-management information and a description of the full range of pharmacological and non-pharmacological methods and treatments for managing pain, including those methods and treatments covered by the insurer's pain management plan.

V. Each insurer that issues or renews any individual policy, plan or contract of accident or health insurance providing benefits for medical or hospital expenses shall ensure an adequate number and type of licensed professionals to assure that all covered pain management services are accessible to policy holder beneficiaries without unreasonable burden or delay.

VI. In this section:

(a) "Pain" means an unpleasant sensory and emotional experience associated with, or resembling that associated with, actual or potential tissue damage.

(b) "Pain management services plan" means a comprehensive written plan by insurers for provision of pain management services.

(c) "Pain management services" mean a broad spectrum of pain relief services and treatments for residents of this state experiencing pain.

(d) "Pain education" means education aimed at understanding the neuroscience of pain, the biopsychosocial nature of pain, and the rationale for use of diverse approaches to effectively manage pain.

(e) "Self-management training" means training that engages patients in self-regulation of physical, cognitive, and emotional processes to reduce pain and improve function.

(f) "Multi-modal" means utilization of a number of diverse approaches expected to have a synergistic or complementary effect in achieving effective pain management.

2 New Section; Accident and Health Insurance; Coverage for Pain Management Services; Group. Amend RSA 415 by inserting after section 18-ee the following new section:

415:18-ff Coverage for Pain Management Services.

I. Each insurer that issues or renews a policy of group or blanket accident or health insurance providing benefits for medical or hospital expenses shall provide to persons covered by such insurance who are residents of this state coverage for a broad spectrum of pain management services, in addition to currently covered pharmacologic and interventionalist treatments. Such services shall include:

(a) Behavioral health interventions, including but not limited to pain self-management training, cognitive behavioral therapy (CBT), acceptance and commitment therapy (ACT), mindfulness and/or other meditation training, support groups, and pain education.

(b) Manual treatments, including, but not limited to: chiropractic treatment of spine, peripheral joints, and soft tissues; osteopathic manipulation of joints and tissues; and massage therapy and manual physical therapy treatments.

(c) Movement therapies, including, but not limited to therapeutic exercises administered by physical therapists and chiropractors, independent therapeutic exercise, aquatic therapy, yoga, qi gong, and tai chi.

(d) Other treatments by licensed practitioners with expertise in pain treatment including acupuncture and massage therapy.

II. Policies issued or renewed pursuant to this section shall provide for at least 20 visits and shall include coverage for coordination of pain management services during the plan year for each of the preceding pain management services to manage pain by the policy holder's beneficiaries' licensed providers to ensure that the provided services are both well integrated and multi-modal.

III. Each insurer that issues or renews any policy of group or blanket accident or health insurance providing benefits for medical or hospital expenses shall produce and submit to the insurance commissioner for approval a comprehensive pain services management plan which shall contain a description of the covered pain management services in accordance with rules adopted by the insurance commissioner under RSA 541-A. Upon approval by the insurance commissioner, the insurers shall promptly post their pain management services plan approved by the insurance commissioner and detailed descriptions of covered services to their public websites in an easily accessible location.

IV. Each insurer that issues or renews any policy of group or blanket accident or health insurance providing benefits for medical or hospital expenses shall provide with each renewed or issued policy of health insurance, educational materials to policy holder beneficiaries and all in-network providers of pain management services. Educational materials shall include pain self-management information and a description of the full range of pharmacological and non-pharmacological methods and treatments for managing pain, including those methods and treatments covered by the insurer's pain management plan.

V. Each insurer that issues or renews any policy of group or blanket accident or health insurance providing benefits for medical or hospital expenses shall ensure an adequate number and type of licensed professionals to assure that all covered pain management services are accessible to policy holder beneficiaries without unreasonable burden or delay.

VI. In this section:

(a) "Pain" means an unpleasant sensory and emotional experience associated with, or resembling that associated with, actual or potential tissue damage.

(b) "Pain management services plan" means a comprehensive written plan by insurers for provision of pain management services.

(c) "Pain management services" mean a broad spectrum of pain relief services and treatments for residents of this state experiencing pain.

(d) "Pain education" means education aimed at understanding the neuroscience of pain, the biopsychosocial nature of pain, and the rationale for use of diverse approaches to effectively manage pain.

(e) "Self-management training" means training that engages patients in self-regulation of physical, cognitive, and emotional processes to reduce pain and improve function.

(f) "Multi-modal" means utilization of a number of diverse approaches expected to have a synergistic or complementary effect in achieving effective pain management.

3 Health Services Corporations; Applicable Statutes. Amend RSA 420-A:2 to read as follows:

420-A:2 Applicable Statutes. Every health service corporation shall be governed by this chapter and the relevant provisions of RSA 161-H, and shall be exempt from this title except for the provisions of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415-A, RSA 415-F, RSA 415:6, II(4), RSA 415:6-g, RSA 415:6-k, RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-t, RSA 415:6-u, RSA 415:6-v, RSA 415:6-w, RSA 415:6-x, RSA 415:6-y, RSA 415:6-z, RSA 415:6-a1, ***RSA 415:6-bb,*** RSA 415:18, V, RSA 415:18, XVI and XVII, RSA 415:18, VII-a, RSA 415:18-a, RSA 415:18-i, RSA 415:18-j, RSA 415:18-o, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:18-w, RSA 415:18-y, RSA 415:18-z, RSA 415:18-aa, RSA 415:18-bb, RSA 415:18-cc, RSA 415:18-dd, RSA 415:18-ee, ***RSA 415:18-ff,*** RSA 415:22, RSA 417, RSA 417-E, RSA 420-J, and all applicable provisions of title XXXVII wherein such corporations are specifically included. Every health service corporation and its agents shall be subject to the fees prescribed for health service corporations under RSA 400-A:29, VII.

4 Health Maintenance Organizations; Statutory Construction. Amend RSA 420-B:20, III to read as follows:

III. The requirements of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415:6-g, RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-t, RSA 415:6-u, RSA 415:6-v, RSA 415:6-w, RSA 415:6-x, RSA 415:6-y, RSA 415:6-z, RSA 415:6-a1, ***RSA 415:6-bb,*** RSA 415:18, VII-a, RSA 415:18, XVI and XVII, RSA 415:18-i, RSA 415:18-j, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:18-w, RSA 415:18-y, RSA 415:18-z, RSA 415:18-aa, RSA 415:18-bb, RSA 415:18-cc, RSA 415:18-dd, RSA 415:18-ee, ***RSA 415:18-ff,*** RSA 415-A, RSA 415-F, RSA 420-G, and RSA 420-J shall apply to health maintenance organizations.

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

LBA
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1/3/23

HB 303-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to insurance coverage for pain management services.

FISCAL IMPACT: [X] State [X] County [X] Local [ ] None

	Estimated Increase / (Decrease)			
STATE:	**FY 2023**	**FY 2024**	**FY 2025**	**FY 2026**
Appropriation	$0	$0	$0	$0
Revenue	$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Expenditures	$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	[X] General [ ] Education [ ] Highway [X] Other - Various Government Funds			

COUNTY:

Revenue	$0	$0	$0	$0
Expenditures	$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

LOCAL:

Revenue	$0	$0	$0	$0
Expenditures	$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

METHODOLOGY:

This bill requires insurance coverage for pain management services. The Insurance Department indicates this bill would apply to individual, group and blanket accident and health policies issued in New Hampshire by health insurance companies, health service corporations, and health maintenance organizations. The Insurance Department assumes that typical managed care requirement of a referral from the covered person's primary care provider or treating specialist would apply to these newly covered services. The Department assumes some of the services specified in the bill, such as chiropractic care, are already covered under New Hampshire's Essential Health Benefit benchmark plan and under typical group health plans. However, many of the services specified in this bill are not currently covered. Since a number of previously non-covered services would now be covered, this would tend to increase health carrier claims costs, which would tend to increase premiums and premium tax revenue. To the extent that the coverages required in this bill are applicable to health benefits offered by state, county and local government entities, this would represent an increase in expenditures.

The bill would require insurers submit a comprehensive pain management services plan to the Insurance Commissioner for approval. Upon approval, the plan must be promptly posted to the insurer's website for public consumption. The information posted is required to include a list and description of covered pharmacologic and non-pharmacologic pain management treatment therapies available to policyholders. The Department expects negligible impact to premiums, and thus, premium tax revenues attributable this requirement.

The bill also adds a provision requiring insurers ensure an adequate supply of licensed practitioners for each type of covered pain management services without unreasonable burden or delay. The Department states this is very similar to the current network adequacy requirement in the Insurance Department's administrative rules requiring that covered persons have access to covered health care services without unreasonable delay. The Insurance Department assumes this provision will have no significant fiscal impact beyond the impact of the coverage requirements discussed above.

The Department reports that under federal regulation at CFR Section 155.170, passage of this bill would likely be considered a state action to add a health benefit which is above or in addition to the Essential Health Benefits offered in the Exchange Marketplace. Under this regulation, the State must make payments to defray the cost of the additional required benefits to Qualified Health Plan enrollees or to QHP issuers. This would represent a general fund expense which is indeterminable at this time.

It is assumed that any fiscal impact would occur after FY 2023.

AGENCIES CONTACTED:

Insurance Department