

### THE STATE OF NEW HAMPSHIRE INSURANCE DEPARTMENT

23 SAR

21 South Fruit Street Suite 14 CONCORD, NEW HAMPSHIRE 03301

> Alexander K. Feldvebel Deputy Commissioner

July 8, 2019

The Honorable Mary Jane Wallner, Chairman Fiscal Committee of the General Court State House Concord, NH 03301

His Excellency, Governor Christopher T. Sununu And the Honorable Executive Council State House Concord, NH 03301

### Requested Action

- 1. Pursuant to RSA 14:30-a, VI, authorize the Insurance Department to retroactively amend FIS#18-187 (\$280,076) approved by the Fiscal Committee on October 19, 2018 and Item # 55 approved by the Governor and Council on October 31, 2018 extending the authority to expend federal grant funds from the U.S. Department of Health and Human Services ("USDHHS") in the amount of \$226,926 from June 30, 2019 through September 30, 2019 to support the Insurance Department's oversight of the safety and competitiveness of the Individual and Small Group health insurance markets in New Hampshire. This action is to be effective upon Fiscal Committee and Governor and Executive Council approval, for the period retroactive to July 1, 2019 through September 30, 2019, 100% Federal Funds.
- 2. Pursuant to RSA 124:15 authorize the Insurance Department to retroactively amend FIS#18-187 (\$280,076) approved by the Fiscal Committee on October 19, 2018 and Item # 55 approved by the Governor and Council on October 31, 2018, to establish a Class 046 (Consultants) to enter into contracts for consulting services with various vendors in Account Number 02-24-24-240010-2350, by extending the end date from June 30, 2019 to September 30, 2019 effective upon Fiscal Committee and Governor and Executive Council approval, for the period retroactive to July 1, 2019. 100% Federal Funds.

Funds will be budgeted as set forth in the table below. Source of funds: 100% Federal Funds.

#### FY 2020 State Flexibility Grant

02-24-24-240010-23500000

			Fis	cal Year 2020
		Expense		
Class	Description	Account	New	Appropriation
020	Current Expense	500252	\$	1,150.00
041	Audit Set Aside	500801	\$	280.00
046	Consultants	500464	\$	225,496.00
,	Total Appriation		\$	226,926.00
•	Source of Funds			
Feder	al Funds Revenue Accou	nt #400338	\$	226,926.00

#### **EXPLANATION**

The requested actions are retroactive due to this being the first Fiscal Committee meeting in July.

The New Hampshire Insurance Department has received a federal grant for the purpose of enhancing the States' ability to effectively stabilize the Individual and Small Group health insurance market under Part A of title XXVII of the Public Health Service Act. The purpose of the grant program is to help States expand their review of health insurance issuers' compliance with Guaranteed Availability and Renewability of Coverage regulations. The Department plans to hire contractors to perform analyses that will enhance its understanding of the ways in which the risk pools of these markets are changing. This work will improve the Department's effectiveness in its continued efforts to assist legislators and other policymakers in determining how best to stabilize these markets which have, in recent years, shown considerable volatility. The goal of this analytical work is to produce recommendations to legislators and other policymakers for legislation or other regulatory initiatives that will ensure, to the greatest extent practicable, that individuals and small employers in this state have access to a reliable source of coverage that meets their health care needs. In addition, the Department plans to use grant funds to contract with a pharmacological clinician to support its ability to perform effective review of health plans' formularies. This work will improve the Department's ability to review health insurance plan designs to ensure that issuers are not designing plans in a way that discourages people with high-cost medical conditions from enrolling in those plans. Specifically, the Department will use the funds to perform a

market scan and actuarial or economic analysis to assess: 1) that coverage is comprehensive and affordable, 2) what measures are needed to strengthen the type of coverage provided by health insurance issuers in the small group, and large group market, and 3) if products are being appropriately renewed or continued in force.

We are requesting the continued authority to expend this grant in the amount of \$226,926 to allow for the continuation of the State's efforts to effectively regulate and stabilize the Individual and Small Group health insurance market during FY2020.

Listed below are answers to standard questions required of all Fiscal Committee item requests, related to RSA 9:16-a, "Transfers authorized", RSA 14:30-a, VI "Expenditure of funds over \$100,000 from any Non State Source", or RSA 124:15, "Positions Authorized", or both, and all emergency requests pursuant to "Chapter 145, subparagraph I, (a), Laws of 2019, making temporary appropriations for the expenses and encumbrances of the State of New Hampshire":

- 1. Is the action required of this request a result of the Continuing Resolution for FY 2020? No, this request is a continuance to expend the grant funds accepted in the FY18/19 Biennium.
- 2. If this request is **retroactive** what is the significance and importance of the action being effective from an earlier date? We have awarded contracts and work being is done that must be paid from these funds.
- 3. Is this a previously funded and ongoing program established through Fiscal Committee and Governor and Executive Council action? (If so, include as an attachment the original documents as approved and cite the specific dates of authorization and end dates for each action as part of your answer to this question.) Yes, the original Fiscal Package is attached.
- 4. Was funding for this program included in the FY 2018-2019 enacted Budget or requested and denied? No, this program was not included in the FY2018-2019 enacted Budget. This request is a continuance to expend the grant funds accepted in the FY18/19 Biennium
- 5. Is this program in total or in part, included in the vetoed FY 2020-2021 Operating Budget proposal currently pending for your department, or was it requested and denied? No, this is a continuation to expend the grant funds that were accepted during the FY2018-2019 Biennium.
- 6. Does this program include, either positions or consultants, and if so are the positions filled, vacant, or have offers pending? (Please provide details for each position and note whether consultant contracts have been awarded.) There are no positions in this program. Yes, there are class 046 consultants in this program and contracts have been awarded.

7. What would be the effect should this program be discontinued or not initiated as a result of this request being denied? If denied, The Insurance Department will be unable to use the consultant funds in class 046 to review health insurance issuers' compliance with Guaranteed Availability and Renewability of Coverage regulations, and to ensure health insurance issuers do not include discriminatory benefit designs that discourage people with potentially high-cost medical conditions from enrolling in those plans.

The following information is provided in accordance with the Comptroller's instructional memorandum dated September 21, 1981:

- 1. Relationship to existing agency program: The funds from this federal grant will be used for the purpose of enhancing the States' ability to effectively stabilize the Individual and Small Group health insurance market and to ensure that health insurance issuers do not include discriminatory benefit designs.
- 2. Has a similar program been requested of the legislature and denied? The nature of the work to be completed under the grant has never been requested and denied by the General Court.
- 3. Why wasn't funding included in the agency's budget request? There are no additional funds being requested, this is a request to continue the authority to expend funds that were already accepted.
- 4. Can portions of the grant funds be utilized? One hundred percent federal grant funds can be used to fund all program costs associated with this request.

In the event that federal funds become no longer available, General Funds will not be requested to support this program. Thank you for your consideration.

Respectfully submitted,

John Ellas

### FISCAL SITUATION

Grant Award	\$280,076.00
Less Amount Spent Fiscal Year 2019	<u>\$ 46,400.00</u>
Grant Balance Remaining	\$233,676.00
Less Amount Encumbered	\$ 6,750.00
FY2020 – 2021 This request	\$226,926.00

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GRANTS MANAGEMENT OFFICIAL: Michelle Feagins, Grants Management Officer

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Commissioner

# THE STATE OF NEW HAMPSHIRE INSURANCE DEPARTMENT

21 SOUTH FRUIT STREET SUITE 14 CONCORD, NEW HAMPSHIRE 03301

FIS 18 187

Alexander K. Feldvebel Deputy Commissioner

September 12, 2018

The Honorable Neal M. Kurk, Chairman Fiscal Committee of the General Court State House Concord, NH 03301

Approved by Fiscal Committee Date

His Excellency, Governor Christopher T. Sununu And the Honorable Executive Council State House Concord, NH 03301

### Requested Action

1. Pursuant to RSA 14:30-a, VI, authorize the Insurance Department to accept and expend federal grant funds in the amount of \$280,076.12 for FY 2019 from the U.S. Department of Health and Human Services ("USDHHS") to support the Insurance Department's oversight of the safety and competitiveness of the Individual and Small Group health insurance markets in New Hampshire. This action is to be effective upon Fiscal Committee and Governor and Executive Council approval through June 30, 2019.

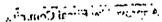
Source of Funds is 100% Federal Funds.

2. Pursuant to RSA 124:15 authorize the Insurance Department to establish a Class 046 (Consultants) to enter into contracts for consulting services with various vendors in Account Number 02-24-24-240010-2350 for the period of Fiscal Committee and Governor and Executive Council approval through June 30, 2019.

Funds will be budgeted as set forth in the table below. Source of funds: 100% Federal Funds.

## FY 2019 State Flexibility Grant 02-24-24-240010-2350

		T		Fise	Fiscal Year 2019		Fiscal Year 2020	
Class	Description	Expense Account	Revenue Account		Appropriation	New	Appropriation	
20	Current Expense	500252	400338	\$	1,000.00	\$.	150.12	
41	Audit Set Aside	500801	400338	\$	140.00	\$	140.00	
46	Consultants	500464	400338	\$	228,646.00	\$	50,000.00	
	Total Appriation			\$	229,786.00	\$	50,290.12	
	Source of Fu	nds	<u>.                                    </u>					
	Federal Fur	nds		\$	229,786.00	\$	50,290.12	



### **EXPLANATION**

The New Hampshire Insurance Department has received a federal grant for the purpose of enhancing the States' ability to effectively stabilize the Individual and Small Group health insurance market under Part A of title XXVII of the Public Health Service Act. The purpose of the grant program is to help States expand their review of health insurance issuers' compliance with Guaranteed Availability and Renewability of Coverage regulations. The Department plans to hire contractors to perform analyses that will enhance its understanding of the ways in which the risk pools of these markets are changing. This work will improve the Department's effectiveness in its continued efforts to assist legislators and other policymakers in determining how best to stabilize these markets which have, in recent years, shown considerable volatility. The goal of this analytical work is to produce recommendations to legislators and other policymakers for legislation or other regulatory initiatives that will ensure, to the greatest extent practicable, that individuals and small employers in this state have access to a reliable source of coverage that meets their health care needs. In addition, the Department plans to use grant funds to contract with a pharmacological clinician to support its ability to perform effective review of health plans' formularies. This work will improve the Department's ability to review health insurance plan designs to ensure that issuers are not designing plans in a way that discourages people with high-cost medical conditions from enrolling in those plans. Specifically, the Department will use the funds to perform a market scan and actuarial or economic analysis to assess: 1) that coverage is comprehensive and affordable, 2) what measures are needed to strengthen the type of coverage provided by health insurance issuers in the small group, and large group market, and 3) if products are being appropriately renewed or continued in force.

We are requesting the acceptance of this grant in the amount of \$280,076.12 to allow for the continuation of the State's efforts to effectively regulate and stabilize the Individual and Small Group health insurance market during FY2019.

The following appropriation authority is being requested for Fiscal Year 2019:

- 1. Class 020 Current Expenses FY19 \$1,150.12. These funds are required in order to provide general supplies support projects funded by this grant.
- 2. Class 041 Audit set aside FY19 \$280.00. These funds are required in order to meet audit costs associated with the grant program.
- 3. Class 046 Consultants FY19 \$278,646.00. These funds are required to review health insurance issuers' compliance with Guaranteed Availability and Renewability of Coverage regulations, and to ensure health insurance issuers do not include discriminatory benefit designs that discourage people with potentially high-cost medical conditions from enrolling in those plans.

The following information is provided in accordance with the Comptroller's instructional memorandum dated September 21, 1981:

- 1. Relationship to existing agency program: The funds from this federal grant will be used for the purpose of enhancing the States' ability to effectively stabilize the Individual and Small Group health insurance market and to ensure that health insurance issuers do not include discriminatory benefit designs.
- 2. Has a similar program been requested of the legislature and denied? The nature of the work to be completed under the grant has never been requested and denied by the General Court.
- 3. Why wasn't funding included in the agency's budget request? The FY18-FY19 Biennium budget process was completed before the grant was awarded.
- 4. Can portions of the grant funds be utilized? One hundred percent federal grant funds can be used to fund all program costs associated with this request.

In the event that federal funds become no longer available, General Funds will not be requested to support this program. Thank you for your consideration.

Respectfully submitted,

John Elias

Enclosure

### FISCAL SITUATION

U.S. Department of Health and Human Services Appropriation	\$ 280,076.12
FY2019 Requested Appropriation Total Appropriations	\$ 280,076.12 \$ 280,076.12

08/20/2018 93.413 Pro	STANCE TYPE ject Grant	Department of Health					
<u>,                                     </u>		Centers for Medicare & Medicald Services					
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GRANTS MANAGEMENT OFFICIAL: Michelle-Feagins, Grants Management Officer

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