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**THE STATE OF NEW HAMPSHIRE
INSURANCE DEPARTMENT**

21 SOUTH FRUIT STREET SUITE 14
CONCORD, NEW HAMPSHIRE 03301

Christopher R. Nicolopoulos
Commissioner

Alexander K. Feldvebel
Deputy Commissioner

September 22, 2020

His Excellency Christopher T. Sununu
And the Honorable Council
State House
Concord, New Hampshire 03301

RE: Annual Report – Fiscal Year 2020

Dear Governor Sununu and the Executive Council:

Pursuant to the provision of RSA 400-A:26, the Insurance Department respectfully submits the One Hundred Sixty-Ninth Annual Report for fiscal year 2020. This report highlights accomplishments of the Department in regulating the insurance industry during the last fiscal year. It was another successful year in promoting and protecting the public good by ensuring the existence of a safe and competitive insurance marketplace through the development and enforcement of the insurance laws of the State of New Hampshire. The Department is committed to treat all its constituencies in an open, fair and respectful manner and to uphold the highest professional, ethical and quality standards in serving the consumers and the general public on the whole.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Chris Nicolopoulos", written over a horizontal line.

Christopher R. Nicolopoulos
Commissioner

STATE OF
NEW
HAMPSHIRE

**NEW HAMPSHIRE INSURANCE
DEPARTMENT 2020 ANNUAL REPORT**



169th Annual Report
(Fiscal Year 2020: July 1, 2019 – June 30, 2020)



The 169th Report
of the New Hampshire Insurance Department

Christopher R. Nicolopoulos
Insurance Commissioner

His Excellency, Governor Christopher T. Sununu

The Honorable Michael J. Cryans
Executive Councilor, First District

The Honorable Andru Volinsky
Executive Councilor, Second District

The Honorable Russell E. Prescott
Executive Councilor, Third District

The Honorable Theodore L. Gatsas
Executive Councilor, Fourth District

The Honorable Debora B. Pignatelli
Executive Councilor, Fifth District



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Introduction

This annual report provides a brief summary of the New Hampshire Insurance Department's activities during Fiscal Year 2020. During Fiscal Year 2020, the Department had 85 full-time staff positions and collected total General Fund revenues of \$134 million. The Department's operating budget may be found at <http://www.gencourt.state.nh.us/LBA/Budget/OperatingBudget.aspx>.

Insurance Department Organization and Function

The Department was established in 1851 as the first insurance regulator in the nation. The laws that govern the responsibilities of the Department are set forth in Title XXXVII, codified at RSA 400 through RSA 420-N. The Insurance Commissioner is charged under Title XXXVII with the enforcement and execution of the insurance laws of New Hampshire, with the collection of premium taxes and fees, and the regulation of the insurance marketplace to ensure fair treatment of policyholders and claimants. The Department also is charged with promoting competitive and safe insurance markets.

Mission Statement

The Department's mission is to promote the public good by ensuring the existence of a safe and competitive insurance marketplace through the development and enforcement of New Hampshire's insurance laws. We are committed to doing so in an honest, effective, and timely manner. We treat all of our constituencies in an open, fair, and respectful manner and strive to uphold the highest professional, ethical, and quality standards.

Strategic Plan

Integrity: We respect each other and our stakeholders, and always aim to work in ways which confirm our individual and collective trustworthiness.

Effectiveness: We strive to maximize the potential good results for the public and the insurance industry resulting from our work.

Transparency: We strive to ensure that our policy and regulatory decisions are predictable and fair, and the process used to make and enforce them is clear to all.

Responsiveness: We are committed to ensuring that requests for help or information from the Department are handled quickly and accurately.

The Department's Shared Vision for New Hampshire

All residents and businesses of New Hampshire can manage risk in a changing world.



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Strategy and Goals

We will focus on developing our organizational health and agility, ensuring that we can quickly respond to changing conditions, and that we are able to help stabilize the insurance markets for NH.

1. Develop a sound regulatory philosophy and use it to guide our work
2. Work collaboratively across functional areas and product lines
3. Enhance awareness of our work in order to increase our effectiveness
4. Develop our team's leadership skills and capacity at all levels
5. Develop staff & Department resources to support excellent, efficient work

Insurance Department Staff by Division

During Fiscal Year 2020, the Department had 85 full-time staff positions, one part-time staff position and collected total General Fund revenues of \$134 million.

Executive Office

Christopher Nicolopoulos.....Insurance Commissioner

- Alexander Feldvebel.....Deputy Insurance Commissioner
- Christie Rice.....Assistant Commissioner
- Sandra Barlow.....Program Specialist I
- Linda Zalinskie.....Program Specialist I
- Eireann Sibley.....Communications Director
- Tiffany Fuller.....Program Specialist IV
- Kristin Venator.....Human Resources Administrator
- Hannah Woolsey.....Human Resources Technician

Financial Regulation Division

Douglas Bartlett.....Director of Financial Regulation

- Lisa Cotter.....Financial Records Auditor

Financial Analysis & Company Licensing Unit

- Patricia Gosselin.....Insurance Company Examiner V
- Tian Xiao.....Insurance Company Examiner III
- Vacant.....Insurance Company Examiner III
- Stephanie Woods.....Insurance Company Examiner II
- Cynthia Ginsberg.....Insurance Company Examiner I
- Vacant.....Insurance Company Examiner III

Financial Examinations Unit

- Colin Wilkins.....Chief Financial Examiner



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W. Kurt Gillies.....Insurance Company Examiner I
Vacant.....Insurance Company Examiner I
Vacant.....Insurance Company Examiner II

Legal Division

Heather Silverstein.....General Counsel

Legal Counsel Unit

Emily Doherty.....Attorney IV (P&C Legal Counsel)
Marty Mobley.....Legal Coordinator
Roni Karnis Attorney IV (Life, Annuity & Ancillary Health Counsel)
Michelle Heaton.....Hearings Examiner
Vacant.....Attorney IV (Health Law & Policy Legal Counsel)

Enforcement Unit

Mary BleierCompliance and Enforcement Counsel
Joshua Hilliard.....Attorney III
Donald Belanger.....Insurance Company Examiner III
Sarah Prescott.....Paralegal II

Fraud Unit

VacantFraud Attorney/Insurance Fraud Director
Brendhan Harris.....Senior Insurance Fraud Investigator
Thomas Wickey.....Insurance Fraud Investigator
Stephanie Ondus.....Senior Insurance Fraud Examiner
Karen Cassin.....Research Assistant

Property and Casualty Division

James FoxInsurance Company Examiner V/ Director of Property and Casualty

Market Conduct

Edwin Pugsley.....Insurance Company Examiner IV
Ellen Walsh.....Insurance Company Examiner III
James Young.....Insurance Company Examiner III
Andre Gagne.....Insurance Company Examiner II

Forms and Examinations

Frank Cardamone.....Insurance Company Examiner III
LuAnne Ball.....Insurance Company Examiner II
Lauren Bradstreet.....Insurance Company Examiner II
Vacant.....Insurance Company Examiner I



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Data Analytics Division

Tyler BrannenDirector of Health Economics

Christian CitarellaChief P&C Actuary
Vacant.....Property and Casualty Actuary
Ruju Dave.....Insurance Company Examiner II
Douglas Rees.....Insurance Company Examiner II
Maureen Mustard.....Director of Healthcare Analytics
Karen McCallister.....L&H Insurance Examiner
David Sky.....Chief Life, Accident, Health Actuary

Life and Health Division

Life and Health Examination Unit

Jason Dexter.....Insurance Company Examiner III
Debra Lacross.....Insurance Company Examiner II
David Schechtman.....Insurance Company Examiner II
Ingrid MarshInsurance Company Examiner II
Gail Matson.....Insurance Company Examiner II
VacantInsurance Company Examiner I
Marianne Sylvester.....Program Specialist II

Life and Health Market Conduct Examinations Unit

Maureen Belanger.....Insurance Company Examiner IV
Vacant.....Insurance Company Examiner III
Sarah Cahn.....Insurance Company Examiner II
Denise Lamy.....Insurance Company Examiner III
Vacant.....Insurance Company Examiner III

Consumer Services Division

Keith Nyhan.....Insurance Company Examiner-III /Administrator of Consumer Services

Barbara Anderson.....Claims and Hearings Officer
Catherine Drew.....Claims and Hearings Officer
Yewande JordanInsurance Claim Representative
Claire LaPointe.....Claims and Hearings Officer
Heather Boulanger.....Program Assistant II
Robin Tierney.....Insurance Company Examiner I

Business Operations

Premium Tax Unit

Norma Stallings.....Insurance Company Examiner IV
Donna Arcand.....Insurance Company Examiner III/Tax Auditor



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Business Unit

Ted PerkinsAdministrator IV
Jennifer GoodwinGrants Program Coordinator
Alain Couture.....Health Reform Coordinator
Scott Pafford.....Senior Management Analyst
Cheryl MosesProgram Assistant II
Christine Blais.....Program Specialist I
Kàren Belair.....Program Assistant II
Taz Belanger.....Program Assistant II

Producer Licensing Unit

Joan LaCourse.....Supervisor IV
Marlena Keyser.....Program Assistant II
Cheryl GagnonProgram Assistant II

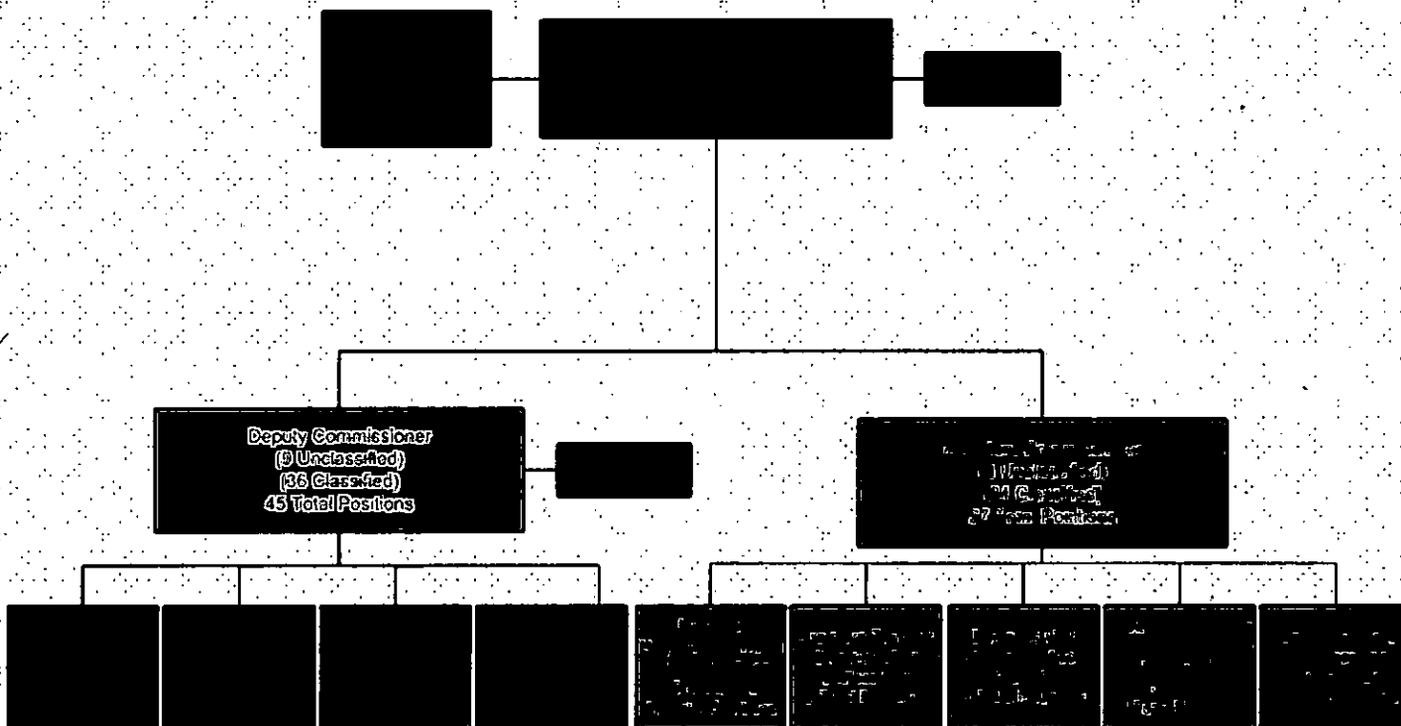


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NHID Organizational Chart

FY 2020 Total Authorized Positions: 85
(18 Unclassified)
(69 Classified)

Divisions of the New Hampshire
Insurance Department





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Administration Division

The Administration Division includes the Executive Office of the Commissioner, Deputy Commissioner, and Assistant Commissioner. In addition, the Division also includes the Human Resources Unit. The Division oversees the mission and direction of the Department, and serves as primary liaison to the Governor's office.

For Fiscal Year 2020, the Goals & Objectives for the Administration Division included:

1. Strategic planning for the Department.
2. Implementation of SharePoint.
3. To create a communications plan to expedite the decision making process at the Commissioner level.

For Fiscal Year 2020, the Goals & Objectives for the Human Resources Unit included:

1. Talent Acquisition: recruit and retain a diverse workforce to meet the needs of the organization.
2. Talent and Development: Provide development programs to help staff and managers accomplish their goals.
3. Culture / Engagement: Maintain a positive, values-based work environment.
4. Organizational Excellence: Administer HR policy and programs effectively and efficiently, while maintaining internal customer satisfaction and meeting budget constraints.

Financial Regulation Division

The Financial Regulation Division is responsible for ensuring company solvency, conducting financial examinations, financial analysis and licensing/registering all domestic and foreign companies. The New Hampshire Insurance Department currently has 1,166 licensed insurance companies to conduct business in the State, 61 of which are domiciled in New Hampshire. Of these companies, 388 are licensed to write life and health insurance, and the remaining 778 companies are licensed in various property and casualty lines.

The division processed and issued 27 new company licenses during Fiscal Year 2020. Seven are life and health and 20 are property and casualty insurance companies (Appendix A). Four companies withdrew from New Hampshire for reasons including dissolution, merger/consolidation or license surrender.

An alphabetical listing of all New Hampshire domestic companies with asset and liability information for calendar year-end 2019 may be found in Appendix B. Identical information is provided for all companies licensed in New Hampshire in Appendix C.

While New Hampshire does not license surplus lines companies, it does qualify unauthorized insurers as eligible surplus lines carriers in the state pursuant to RSA 405:26.

The Non-admitted and Reinsurance Reform Act (NRRRA) became effective July 21, 2011. Under the NRRRA non-admitted insurance may be placed with a non-admitted insurer domiciled in a U.S. jurisdiction, provided they are authorized to write such business in their state of domicile and maintain minimum capital and surplus of \$15 million. Non-admitted insurance may be placed with insurers domiciled outside the U.S. provided the insurer is listed on the Quarterly Listing of Alien Insurers maintained by the International Insurers Department of the National Association of Insurance Commissioners (NAIC).

As of June 30, 2020 one hundred eighty (179) unauthorized insurers qualified as eligible surplus lines carriers in Appendix D.



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Financial examinations of the following domestic companies were completed during Fiscal Year 2020:

America First Insurance Company	American Fire & Casualty Company
First National Ins Co of America	Colorado Casualty Insurance Company
Excelsior Insurance Company	General Insurance Co of America
Golden Eagle Insurance Corporation	Liberty Personal Insurance Company
Liberty Surplus Insurance Corporation	Merchants National Insurance Co
Mid-American Fire & Casualty Company	Midwestern Indemnity Company
Netherlands Insurance Company	New Hampshire Employers Ins Co
Ohio Casualty Insurance Company	Ohio Security Insurance Company
Peerless Insurance Company	Safeco Insurance Co of America
Safeco National Insurance Company	Safeco Surplus Lines Insurance Co

Financial examinations of the following domestic company in progress as of fiscal year-end 2020 include:

Allied World National Assurance Co	Allied World Reinsurance Company
Allmerica Financial Alliance Ins Co	CampMed Casualty & Indemnity Co Inc
Concord General Mutual Ins Co	Covington Specialty Insurance Co
Hanover American Company (The)	Hanover Insurance Company
Hanover National Insurance Co	Hanover New Jersey Insurance Co
Landmark American Insurance Co	Liberty Life Assurance Co of Boston
Massachusetts Bay Insurance Co	RSUI Indemnity Company
Sunapee Mutual Fire Insurance Co	Tufts Health Freedom Insurance Co
Verlan Fire Insurance Company	

The Financial Regulation Division is additionally responsible for continually reviewing the financial health of all admitted and registered insurance companies in the State of New Hampshire's Insurance Department.

For Fiscal Year 2020, the Goals & Objectives for the Financial Regulation Division included:

1. Provide an in-depth financial review of the Annual and Quarterly Financial Statements and all other supplemental filings made by the state's domestic insurers in accordance with the NAIC Financial Analysis Handbook. Attend Supervisory Colleges. Financial condition examinations performed by the Department include full-scope periodic examinations and limited-scope or targeted examinations, which focus on specific accounts and/or issues.
2. Analyze and maintain license applications and renewals for Insurance Companies, TPAs, RRGs, UR, MGAs, Accredited Reinsurers, Motor Clubs, Premium Finance, Consumer Guaranty Contracts, Reinsurance Intermediaries, Purchasing Groups and RSA 405:14-A transactions and maintenance of Deposits.

Life and Health Division

The Life and Health Division reviews form filings for compliance and regulates the market conduct of life and health insurers writing in the state. The products regulated include life, annuities, major medical, ancillary health, long-term disability, short-term disability, Medicare supplement, dental, and long-term care insurance. The Division also reviews contracts and other filings pertaining to life settlements and continuing care retirement communities.



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Life and Health Compliance Unit

The Compliance Unit examines insurance forms, including policies, riders, endorsements, amendments, and applications submitted for approval to ensure conformity with state and federal laws and rules.

All forms must be submitted electronically through the National Association of Insurance Commissioners' System for Electronic Rate and Form Filing (SERFF). Compliance Unit examiners perform an initial review and correspond with filers within 30 days of submission, ensuring quick filing disposition. This allows New Hampshire consumers to have access to new products and enhancements to existing products in a timely manner.

Health Insurance

Compliance Unit responsibilities include the review and analysis of all individual and group health policies, including Affordable Care Act-compliant Qualified Health Plans, supplemental health, disability, Medicare supplement, and long-term care products.

The ACA resulted in a multitude of changes to the health insurance marketplace in New Hampshire and established direct regulatory requirements for the NHID. From 2011 to the present, NHID has adapted its regulation of the New Hampshire health insurance industry to accommodate these marketplace changes.

New Hampshire elected to implement a Partnership Exchange for the ACA marketplace. Under this arrangement, NHID performs plan management functions and recommends Qualified Health Plans be certified by the federal government for sale on the federally facilitated exchange.

Life and Annuities

The Compliance Unit responsibilities also include review of life, credit life, and annuity policies.

In addition, New Hampshire participates in the Interstate Insurance Product Regulation Commission (Compact) which is a multi-state joint public agency that develops uniform standards for review of life, annuity, disability and long-term care insurance products. The Compliance Unit contributes to Compact activities through committee representation and the development of uniform standards. Compact examiners apply uniform standards to review applicable products filed and maintained in SERFF.

Fiscal Year 2020 L&H Rate and Form Filings

Received

L&H Rate and Form Filings	2,008
Interstate Compact Filings Received	<u>803</u>
Total Filings Received	2,811

Closed - Disposition

L&H Filings Closed - Disposition	2,183
Interstate Compact Filings - Disposition	<u>906</u>
Total Filings Closed	3,089



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For Fiscal Year 2020, the Goals and Objectives for the L&H Compliance Unit included:

1. Speed to market: improve time to process on policy, rate, and form filings.

Life and Health Market Conduct Unit

Market conduct investigations and examinations address observed market problems or violations of New Hampshire's insurance laws that affect insurance consumers. Examiners review and analyze insurance company market activity to ensure compliance with the state's administrative rules and laws, including reviewing insurers' procedures and processes to ensure that policyholders and claimants are treated fairly as spelled out in those laws. Findings, indicating violations of law, rule or regulatory standards, are addressed through administrative or disciplinary action. Examinations are conducted in accordance with uniform national standards and include investigations and examinations of insurers, producers, and other department licensees. The area also participates in certain joint and multi-state market conduct actions.

This unit supports the Department's investigative and legislative efforts by providing industry expertise to various projects. In addition, a member of the unit serves as the state's liaison with Centers for Medicare and Medicaid Services on senior product lines.

All continuum actions up to and including examinations, are performed in accordance with the standards outlined in the *NAIC Market Regulation Handbook*.

In FY 2020, this unit concluded two sets of health examinations that began in FY 2018. The first focused on carrier oversight and vendor compliance with the collection, administration and submission of pharmacy claims data relative to the New Hampshire Comprehensive Health Information System ("NHCHIS"). This data is made available to insurers, employers, consumers and state agencies in order to assess utilization, expenses and performance in the New Hampshire market. Accurate and timely data is a critical component to the analysis that allows consumers and employers to make informed, cost-effective health care choices.

The second set of health examinations tested for carrier compliance with the provisions of the federal Mental Health Parity Addiction Act of 2008 (MHPAEA), and focused on non-quantitative treatment limits (NQTLs) which include provider reimbursement programs, as well as the implementation and adherence to use of the American Society of Addiction Medicine (ASAM) criteria.

Below is a list of some of the significant market conduct actions performed by the L&H unit in FY 2020.

Market Regulation Actions for Fiscal Year 2020

Life and Health Market Conduct Examination Unit

Sampling of Market Conduct Examination Activity During Fiscal Year 2020

Count	Licensed Entity	Line of Business	Consumer Restitution	Status
3	Mental Health Parity Examinations	Health	N/A	Closed
3	NH Comprehensive Health Information Systems (CHIS) Examinations	Health	N/A	Closed



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1	Life Examination	Life	N/A	In progress
2	Mental Health Parity CAP Monitoring	Health	N/A	In progress
Total Market Conduct Examinations - 9				

Investigations				
Count	Subject Matter	Line of Business	Consumer Restitution	Status
2	Use of unapproved form	1 Health 1 Life	N/A	Ongoing
2	Sale of unapproved product/unlicensed TPA	1 Life 1 Health	N/A	Ongoing
1	Coverage of preventative services	Health	N/A	Ongoing
2	Unlicensed Entity	Health	N/A	Ongoing
3	Data Integrity	Health	N/A	Closed
Total Investigations - 12				

For Fiscal Year 2020, the Goals and Objectives for the Life and Health Market Conduct Unit included:

1. Investigations and targeted exams: Unit conducts investigations and exams in a timely fashion consistent with identified priorities and obtains prompt corrective action/ closure that mitigates identified harms.
2. Identifying harms/ priorities: Develop processes for prioritizing regulatory actions in all LAH lines, using market analysis and multi-disciplinary task forces or teams as appropriate.

Property and Casualty Division

The Property and Casualty Division reviews the compliance form filings and regulates the market conduct of property and casualty insurers (P&C) writing in the state, including but not limited to automobile, homeowners', general liability, professional liability, and workers' compensation insurance lines.

Property and Casualty Compliance Unit

The Property and Casualty Compliance Unit examines insurance forms, including policies, riders, endorsements, amendments, and applications that have been submitted for approval to ensure conformity with the state's laws and rules.

All filings by insurers and advisory organizations must be submitted electronically through the National Association of Insurance Commissioner's System for Electronic Rate and Form Filing (SERFF). All compliance examiners perform an initial review and correspond with the filers within 30 days of submission, ensuring quick filing disposition. This allows New Hampshire consumers to have access to new products and enhancements to existing products in a timely manner.



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The Property and Casualty Compliance Unit has responsibilities that include the analysis of personal and commercial lines of business. Company and advisory organization filings are analyzed to assess compliance with New Hampshire's insurance laws and administrative rules.

The compliance examiners also participate in various working groups and serve on a number of commissions and boards at the request of the Commissioner, including the Commercial Automobile Insurance Plan and the New Hampshire Reinsurance Facility.

Fiscal Year 2020 P&C Rate and Form Filings

Received

P&C Rate and Form Filings	4,069
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Closed - Disposition

P&C Filings Closed-Disposition	3,896
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For Fiscal Year 2020, the Goals and Objectives for the Property and Casualty Compliance Unit included:

1. Filing Review Efficiency: Average NHID Review Days (excluding company response days) from Initial Form Review.

Property and Casualty Market Conduct Unit

Market conduct examinations address observed market problems or violations of New Hampshire's insurance laws that affect insurance consumers. Examiners review and analyze insurance company market activity to ensure compliance with the state's administrative rules and laws, including reviewing insurers' procedures and processes to ensure that policyholders and claimants are treated fairly as spelled out in those laws. Findings, indicating violations of law, rule or regulatory standards, are addressed through administrative or disciplinary action. Examinations are conducted in accordance with uniform national standards and include investigations and examinations of insurers, producers, and other Department licensees. The area also participates in certain joint and multi-state market conduct actions.

The following is a tabulation of significant market conduct actions performed by the Property & Casualty unit. During the 2020 fiscal year, the P&C Market Conduct unit focused on target examinations pursuant to provisions of the RSA 412:8, III and Ins 1002:19 (a)-(b).



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Market Regulation Actions and Results for Fiscal Year 2020

Property & Casualty Market Conduct Examination Unit

Property & Casualty Market Conduct Examination Activity During Fiscal Year 2020								
Count	Licensed Entity	NAIC Company Code	Line of Business/Subject Matter	Consumer Restitution	NH Policyholders Receiving Policy Refund or Credit	Status	Corrective Action Required	Penalties, Fines Collected
1	Union Mutual Fire Insurance Company	25860	Personal Auto/Collision Deductible Waiver	\$500.00	1	Closed	Yes	\$2,500
1	New England Guaranty Insurance Company	25852	Personal Auto/Collision Deductible Waiver					
1	Horace Mann Property & Casualty Insurance Company	22756	Personal Auto/Collision Deductible Waiver	\$16,823.04	37	Closed	Yes	\$75,000
Count	Licensed Entity	NAIC Company Code	Line of Business/Subject Matter	Consumer Restitution	NH Policyholders Receiving Policy Refund or Credit	Status	Corrective Action Required	Penalties, Fines Collected
1	Horace Mann Insurance Company	22578	Personal Auto/Collision Deductible Waiver					
1	Teachers Insurance Company	22683	Personal Auto/Collision Deductible Waiver					
1	Farm Family Casualty Insurance Company	13803	Personal Auto/Collision Deductible Waiver	\$3,119.13	24	Closed	Yes	\$10,000
Total Market Conduct Examinations – 6				\$20,442.17	62			\$87,500



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Market Conduct Investigations Closed During Fiscal Year 2020

Auto Body Shop Consumer Complaint Investigations	79
Consumer Complaint Investigations	3
Investigations Total	82

For Fiscal Year 2020, the Goals and Objectives for the P&C Market Conduct Unit included:

1. Identify, quantify & prioritize 3 to 5 measurable public harms.
2. Market conduct investigations in accordance with RSA 400-A:16 (not just including 3 to 5 measurable public harms).
3. Market conduct examinations of prioritized measurable public harms in accordance with RSA 400-A:37.
4. Review and revise statutes and rules that are outdated or unclear.

Data Analytics Division

The Department Data Analytics Division was created in 2018 to better serve the Department's need for evidence based analysis and data driven policy development. The Division includes expertise from the property and casualty as well as the life and health insurance lines, including the Departments' actuaries, data scientists, and policy specialists. The Division specifically services policymakers and the public by providing information on the NH insurance markets, health care costs, and by performing various analyses of premium cost drivers and insurance rate submissions. Internally, the Division supports Market Conduct, Compliance, Fraud, and the Commissioner and Deputy Commissioner.

The creation of Data Analytics Division represents a shift in priorities within the Department to better coordinate and facilitate informed policy development and to ensure the highest level of integrity with Department examinations and customer service. The Division operates as proactively by using the information provided by from both confidential carrier submitted data and public resources. Virtually any legislation that may result in a cost impact to insurance premiums is reviewed by the Data Analytics Division, and both fiscal notes and testimony are prepared in response to these legislative initiatives.

Initiatives of the division include the lauded transparency website [NHHealthCost.org](https://www.nh.gov/insurance/reports/index.htm), which uses paid claims data collected by the state to help residents get an accurate estimate of dozens of health care procedures at hospitals across NH. The Department also convenes an annual hearing on premium rates and medical cost drivers in NH and a corresponding report (<https://www.nh.gov/insurance/reports/index.htm>).



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Property & Casualty Actuarial Unit

The Property and Casualty Actuarial unit is responsible for general market and industry analysis, evaluation of the competitiveness of New Hampshire's insurance markets, and review of all P&C rate, rating rule, and predictive model filings. This unit provides consumer assistance on rate related issues and all workers compensation (WC) related complaints. It also provides support for the Market Conduct unit, as well as fiscal notes, legislative testimony, research, and data analysis on WC related bills and other bills that affect insurance coverage or cost.

During Fiscal Year 2020, the P&C Actuarial unit reviewed 1,672 loss cost, rate, model, and rule filings for various P&C lines of business. One hundred and three (103) filings were related to workers compensation, and the remainder was split between personal lines (25%) and commercial lines (75%). As insurance company pricing models become more sophisticated, the actuaries continue to be called to evaluate complex types of models that affect insurance cost, such as credit scoring models, catastrophe models, usage-based insurance programs, and predictive models in the form of Generalized Linear Models, Random Forests, and, recently, Gradient Boost Models, that incorporate non-traditional pricing variables.

The P&C Actuarial unit provides support for workers compensation (WC) in New Hampshire. The WC Analyst provides information and technical assistance to consumers who have inquiries or complaints about their WC coverage. During Fiscal Year 2020, the unit responded to 79 requests from both agents and consumers.

The P&C Actuarial unit is responsible for the review and approval of all WC loss cost, rate, and rule filings. In addition, the unit analyzes the annual WC rate/loss cost filing from the National Council on Compensation Insurance (NCCI) and testifies at the associated rate hearing.

The P&C Actuarial Unit also provides underwriting and product development expertise in support of Market Conduct activities, and supports a number of initiatives aimed at identifying areas of regulatory concern in order to focus resources on carriers with potential market conduct issues.

The unit is responsible for the maintenance of several statistical databases for Market Analysis. The Market Analysis Prioritization Tool (MAPT) provides a weighted scoring system of key market and financial components from state and national sources. The Market Conduct Annual Statement (MCAS) provides information concerning specific actions by insurers in New Hampshire. Data includes length of time to pay claims, suit activity, and the number of policies canceled or non-renewed. The Market Analysis Review System (MARS) allows the market analyst to review financial data, complaint activity, examination activity, and regulatory actions by New Hampshire and other states. In Fiscal Year 2020, 21 Level-1 and Level-2 reviews were completed.

Pursuant to Ins 1002.15, the P&C Actuarial Unit reviews the methods that insurers use to determine the value of an auto, after a total loss claim. Annually, the department reviews these methods, reviews sample reports and publishes a list of accepted vendors.

The P&C Actuarial unit maintains the online premium comparisons for personal automobile and homeowners insurance that are published regularly throughout the year. Both comparisons were updated to reflect filings made through March of 2020. Since the first publication of these comparisons, thousands of consumers have used the reports to obtain comparative pricing information for the leading 35 insurers in New Hampshire, allowing for a more informed purchasing decision.



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RSA 412:14 calls for the Insurance Commissioner to monitor the degree of competition in insurance markets in the state. The actuaries perform analyses annually at the state, regional, and countrywide level. This information is important in determining whether a reasonable degree of competition exists in each line of insurance. The reports are published on the Department website.

Due to prior determination that it is a non-competitive market, the medical professional liability marketplace is more thoroughly monitored each year. Following a public hearing, the Insurance Commissioner found once again that, in accordance with RSA 412:13, this market is not competitive in New Hampshire. Medical professional liability remains the only market determined to be non-competitive by the Commissioner.

Members of this unit act as the Commissioner's designee to the NH Workers Compensation Advisory Council, the Workers Compensation Classification and Rating Appeals Board, and the Joint Agency Task Force on Employee Misclassification Enforcement. The unit also represents the Department on various legislative study committees, such as the Commission to Study the Incidence of Post-Traumatic Stress Disorder in First Responders.

For Fiscal Year 2020, the Goals and Objectives for the P&C Actuarial Unit included:

- Review all rate and rate related filings per RSA 412:15 and 16. Commercial informational filings will be reviewed per the audit process.
- Produce various reports, which are required by statute, or informative to consumers or legislators.
- Maintain healthy and competitive WC system.
- Identify insurer actions that harm consumers.

Communications and Consumer Services Division

Communications Unit

The Insurance Department's communications unit features a communications director who oversees media and public relations for the Insurance Department and an outreach coordinator who is responsible for educating consumers and other stakeholders throughout the state on insurance matters. The Department's primary outreach platforms include:

The Department's website: www.nh.gov/insurance

Facebook: www.nh.gov/insurance

Twitter: www.twitter.com/NHInsuranceDept

LinkedIn: <https://www.linkedin.com/company/new-hampshire-insurance-department/>

YouTube: www.youtube.com/channel/UCOABb-Rp7OxqWQmUF64adHQ

Press releases: www.nh.gov/insurance/media/pr/index.htm

The Department's website contains an archive of reports, forms, checklists and links to a variety of insurance-related websites, such as state agencies, related non-profits and federal programs, including Medicare and Medicaid.

In Fiscal Year 2020, the Department responded to dozens of press inquiries and issued 25 press releases to inform the public about important insurance-related issues on a range of topics.



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For Fiscal Year 2020, the Goals & Objectives for the Communications Unit included:

1. Create new NHID website and provide meaningful and useful website content for consumers and industry. Maintain website as a trusted resource.
2. Regularly post relevant and engaging content on social media.
3. Develop and maintain editorial calendar for annual public education campaigns.
4. Engage producer community in our outreach and communications plan to consumers.
5. Schedule outreach events (in-person or via webinar) about public education priorities and Department initiatives for P&C and LAH topics.
6. Assist commissioners and management team with tracking and communicating internal decisions to impacted units or entire Department.

Consumer Services Unit

The Department's Consumer Services Unit is staffed by seven full-time employees: one director, one supervisor, one work-flow coordinator, and four consumer services officers (CSO's). The unit's CSO's fulfill a threefold mission: educate residents about insurance products, companies and producers; assist residents who request help navigating the complexities and intricacies of the insurance industry; and work with other Department staff to investigate consumer complaints to ensure that licensees, including companies and producers (a.k.a., insurance agents), comply with NH insurance laws and rules.

Recognizing the importance of the unit's education and assistance functions, the mainstay operation of the unit is investigating formal grievances. In this effort, the unit's four CSO's review submitted complaints, identify potential violations of state insurance laws and regulations, contact licensees for formal responses to the alleged violations, and analyze all facts collected to substantiate or invalidate those allegations. When violations are identified, the unit's CSO's facilitate remediation for the complainants. When warranted, the unit's CSO's engage other NHID business units, including Legal, Enforcement and Market Conduct to initiate market-wide remediation activities and targeted enforcement actions against licensees.

In Fiscal Year 2020, Consumer Services processed 786 consumer complaint investigations, 149 insurance provider investigations, 4,033 assistance requests, and 76 applications for external health review. During the fiscal year, Consumer Services recovered approximately 2.14 million dollars for New Hampshire consumers. Following is a summary of the complaints and inquiries received by the Property and Casualty (P&C) and Life and Health (LH) sub-units.

Property and Casualty

The P&C sub-unit provides insurance consumers with assistance by answering questions, investigating complaints, distributing educational materials, and assisting the NH Emergency Management Operations Center during catastrophic weather events. During Fiscal Year 2020, the unit processed 491 consumer complaint investigations, 81 auto body shop investigations, and 1,434 requests for service, during which the Consumer Services Officers answered questions, provided information and referrals, and otherwise assisted the public. On behalf of NH consumers, the sub-unit facilitated the recovery of \$1,045,708.

Life and Health

In Fiscal Year 2020, the LH sub-unit processed 290 consumer complaint investigations, 65 health care provider investigations, 2,639 requests for assistance, and 76 applications for external health review. The LH Consumer Services



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Officers responded to consumer complaints and inquiries on a variety of life and health insurance topics, including coverage issues, the impact of legislation, suitability of annuity sales to seniors, and claims concerns. On behalf of NH consumers, the sub-unit facilitated the recovery of \$1,095,728.

The Insurance Department is responsible for administering the appeals process for adverse health insurance claim decisions under RSA 420-J:5 and for certifying independent review organizations, which render the decisions in these appeals. The Department also certifies long-term care insurance independent review organizations under Department rule Ins. 3601.

During Fiscal Year 2020, 76 applications for external health review were received. Of those, 29 met the legal requirements to qualify for external review and 7 health insurance company decisions were overturned or partially overturned by the certified external review organizations.

For Fiscal Year 2020, the Goals and Objectives for the Consumer Services Unit included:

1. Improve time to process on consumer complaints.

Business and Operations Division

Premium Tax Unit

The Premium Tax Unit is responsible for the accounting and auditing of all general fund and restricted revenue received by the department. Upon request, revenue and tax related information is provided to the legislative committees.

The Department received total general fund revenue of \$134.0 million in fiscal year 2020. The unit monitors general fund revenue and prepares revenue projections for current and future fiscal years. General fund revenue is generated primarily from two sources - a premium tax on premiums written, and fees from companies, producers, and other sources. Premium tax is received from licensed companies, surplus lines producers, and companies and individuals that acquire insurance policies independently of licensed producers.

In Fiscal Year 2020, the unit reported \$115.0 million in premium tax revenue and \$19.0 million in licensing and other fee revenue, totaling \$134.0 million that was credited to the general fund. Also see Appendix E – General Fund Revenue.

The unit also administers the Department's administrative assessment that provides reimbursement for the administrative expenditures of the department.

For Fiscal Year 2020, the Goals & Objectives for the Premium Tax Unit included:

1. Receive and audit premium tax, surplus lines and other tax returns.
2. Calculate annual revenue projections.
3. Provide data for the determination of the examination per diem rate and the monthly examination billing data.
4. Prepare annual assessment calculation and invoices.

Producer Licensing Unit

The Licensing Division has seen continued growth in the number of licenses issued and maintained in New Hampshire. The COVID-19 pandemic slowed the number of new licenses the last three months of the year. As of June 30, 2020, 177,171 active licensees were authorized to sell insurance and adjust claims.



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With our test vendor Prometric, we were able to begin offering 'ProProctor', a remote testing capability for potential licensees during the pandemic and beyond.

There were over 89,000 producers licensed to sell insurance products in New Hampshire at end of the fiscal year. Of those, 6,480 are New Hampshire residents. There are 6,414 business entity producers licensed. There are 552 resident business entities licensed. Currently, there are more than 81,650 claims adjusters licensed. Of those, 854 are residents who are licensed to adjust workers' compensation and property & casualty claims in New Hampshire. The steady growth in the number of licensees is directly related to online technology.

In March of 2020, the unit implemented State Based Systems' updated licensing system. From Department utilization of licensing systems for processing, to systems utilized directly by licensees, timely processing by Department staff allows for 24-hour turn around on most applications. Licensees have access to online managing and maintaining their license. From license application submissions, license verifications, printing of licenses and fulfilling their continuing education requirements our licensees can process their requests through our electronic systems. Insurance carriers also utilize online systems for their processing. These advancements have driven our increase in non-residents becoming licensed in our state. Our partnerships with the National Association of Insurance Commissioners' (NAIC) affiliates—the National Insurance Producer Registry (NIPR) and State Based Systems (SBS)—have continued to result in increased services, securities and efficiencies.

The Licensing Division has made available to the public a list of the 220 federally trained and registered resident producers qualified to sell the products through New Hampshire's Federally Facilitated Health Insurance Marketplace.

The unit continues to maintain and monitor continuing education requirements and records for our resident licensees. The specific education requirements help to ensure our resident producers and adjusters remain aware of the ever-changing insurance marketplace. That knowledge and training allows the licensees to better serve the public.

New Hampshire citizens, the insurance consumer, and the insurance industry can verify license information through online options on our website. The electronic online systems provides the most accurate up to date information available. More detailed information about the number of licensed entities can be found in Appendix F – Licensing Unit Statistics.

For Fiscal Year 2020, the Goals & Objectives for the Licensing Unit included:

1. Review new license applications for prospective producers and adjusters.
2. Review and renew producer & adjuster licenses.

Business Operations Unit

For Fiscal Year 2020, the Goals & Objectives for the Business Unit included:

1. To process all A/R and revenue transactions with complete accuracy.
2. To process all A/P transactions with complete accuracy.
3. To process Federal Grant and Admin. Assessment transactions with complete accuracy.
4. Project Management Office (PMO) to complete 6-12 Projects per year.
5. To work directly with the DoIT Staff (Developers, IT Manager and BA) to complete the departments FY20-21 IT initiatives.



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Legal Division

Enforcement Unit

The Enforcement Unit assists the Department in meeting its mission of promoting and protecting the public good by ensuring the existence of a safe and competitive insurance marketplace through the enforcement of New Hampshire's insurance laws and rules. The results the Enforcement Unit obtained during Fiscal Year 2019 include:

- Total new cases opened: 140
- Total Order to Show Causes issued: 8
- Total adjudicatory hearings scheduled: 9
- Total adjudicatory hearings conducted: 5
- Total Consent Orders executed: 5
- Total licenses revoked: 5
- Total licenses cancelled: 3
- Total licenses surrendered: 2

Total administrative fines assessed:	\$15,000.00
Total market conduct fines assessed:	\$193,500.00
Total amount of fines assessed:	\$208,500.00

Total amount of other recovery: \$206,412.55

For Fiscal Year 2020, the Goals & Objectives for the Enforcement Unit included:

1. Improve the Enforcement Unit's case management processes by working collaboratively with a DoIT Lean coordinator to eliminate redundancies and streamline case management systems.

Insurance Fraud Unit

In 1993, the Legislature enacted RSA 417:23, which authorized the Insurance Department to establish the New Hampshire Insurance Fraud Investigation Unit ("Fraud Unit"). The Fraud Unit investigates insurance fraud and other insurance-related crimes. The Fraud Unit is composed of three investigators and one fraud research assistant. If a company has reason to believe that fraud has been committed, there is a statutory requirement that it refer the issue(s) to the Fraud Unit for review. The unit also accepts referrals from all other sources. It has established a referral form online, but will accept referrals in writing, in-person, or by telephone.

In Fiscal Year 2020, the Fraud Unit received 313 referrals of suspected fraud or other insurance-related crimes. Of these referrals, the unit conducted 36 criminal investigations, of which 13 were presented for prosecution to either by the County Attorney's office, the NH Attorney General's office, or the United States Attorney's office. The Fraud Unit had a financial impact of \$127,103,578.31.

The Fraud Unit has unique powers of authority granted to it by the Commissioner allowing the unit to secure evidence far more quickly than most law enforcement agencies. In its efforts to take a proactive stance against insurance crimes, the Fraud Unit works jointly with the National Insurance Crime Bureau and other local, state, and federal law



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enforcement agencies conducting undercover operations when appropriate. Although most of these types of operations generally target suspected healthcare fraud by providers and/or clinics, the undercover operations can expand as far as necessary to combat all lines of fraud.

For Fiscal Year 2020, the Goals & Objectives for the Fraud Unit included:

1. Increase the number of completed investigations referred to outside agencies for criminal prosecution and/or civil enforcement action.

Rehabilitations & Liquidations

The Home Insurance Company in Liquidation

On June 11, 2003, at the request of the New Hampshire Insurance Department, the Merrimack County Superior Court issued an Order placing The Home Insurance Company into liquidation. The Home is one of the largest property-casualty insurer liquidations ever to occur, with marshaled assets of approximately \$1.77 billion (net of expenses and Class I distributions) as of 3/31/20 and projected ultimate undiscounted insurance liabilities of approximately \$4 billion based on a Milliman review in 2014. The liquidation is ongoing and court documents and other information regarding The Home Insurance Company in Liquidation, including quarterly reports filed by the liquidator, may be found on the website at <http://www.hicilclerk.org/>.

Insurance Legislation & Rulemaking

Legislation

The following is a brief overview of the disposition of the Department's legislative initiatives for the 2020 Legislative Session:

HB 1245 - (Second New Title) adopting omnibus legislation concerning state agencies.

In addition to other provisions that do not affect insurance, this bill incorporated the language of 4 Department initiatives:

1. Relative to credit for reinsurance - revises the credit for reinsurance statute to reflect recent NAIC changes. This is an accreditation standard. **(HB 1230)**
2. Relative to cancellations of commercial insurance policies - clarifies that a substantial increase in risk is grounds for cancellation of commercial insurance and removes prior Commissioner approval for such cancellations. **(HB 1375)**
3. Relative to workers' compensation auditable policies - clarifies the penalty for failure of an insured to cooperate with the auditing requirements of workers' compensation policies. **(SB 418)**
4. Making technical changes to certain insurance laws **(SB 452)**:
 - a. Corrects a reference.
 - b. Makes language on administrative fines consistent across statutes
 - c. Clarifies fire insurance contract coverage
 - d. Corrects grammar
 - e. Repeals an obsolete statute

Governor's Action: Signed 07/30/2020; Relevant Sections Effective 09/28/2020; CHAPTER 37



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HB 1308 - relative to the life settlements act.

This bill clarified that life settlement producers be appointed by a provider to act on their behalf.

Senate's Action: Tabled (Bill dies)

HB 1639 - (New Title) relative to health care.

In addition to other provisions affecting insurance, this bill incorporated the language of one of the Department initiatives:

Allows Health Maintenance Organizations (HMOs) to write Preferred Provider Organization (PPO) products for Medicare Advantage insurance plans. **(SB 693)**

Governor's Action: Signed 07/30/2020; Relevant Section Effective 07/30/2020; CHAPTER 39

SB 453-FN - establishing an insurance regulatory sandbox program to temporarily test insurance technology products and services.

This bill was at the request of industry to allow for trials of new types of insurance to determine their feasibility and/or market interest.

Senate's Action: Interim Study (Bill dies)

SB 579 - relative to e-delivery of insurance documents and commercial lines renewal notices.

This bill allowed for electronic delivery of all insurance documents and renewal notices, with the insured's consent or request.

House's Action: Tabled (Bill dies)

SB 580 - relative to the scope of medical payments under a motor vehicle insurance policy.

This bill clarified that auto insurance medical payments may be used for any medical expenses, including insurance liens.

Senate's Action: Tabled (Bill dies)

SB 664 - relative to life insurance.

This bill stripped down the life insurance statute, RSA 408, to remove obsolete and/or duplicative provisions.

House's Action: Tabled (Bill dies)

Rules

During the period of this Annual Report (July 1, 2019 through June 30, 2020), the Department completed administrative rulemaking proceedings on the following:

Ins 100 – Organizational Rules

This proceeding re-adopted Ins 100 with amendments. All state agencies are required to have Organizational Rules. The amendments reflect the organizational restructuring the Department has undergone over the past 2 years, as well as update contact and address information.

Adopted: 01/24/2020 **Effective:** 02/01/2020

Ins 401.03 and .13 – Life and Health Form and Rate Filings

This proceeding amended Section Ins 401.03 to make clear the definitions apply to all insurance policies and amended Section Ins 401.13 to allow the Commissioner to contract with outside legal advisors for the review of life settlement filings.

Adopted: 09/24/2019 **Effective:** 09/30/2019



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Ins 1302, Ins 1303, and Ins 1305 – Producers and Adjusters

This proceeding amended Parts Ins 1302 and Ins 1302, regarding Continuing Education, to incorporate the new statutory requirements for ethics training and to adopt a waiver of rules provision in new Part Ins 1305.

Adopted: 01/07/2020 Effective: 01/13/2020

Ins 1807 and Ins 1813 – Continuing Care Retirement Communities

This proceeding amended Part Ins 1807 by deleting the requirement that payable interest on entrance fees be set at one percent above the rate charged by the Federal Reserve Bank and deleting the requirement for a signed receipt upon the release of escrow account funds. This proceeding also adopted a waiver of rules provision in new Part Ins 1813.

Adopted: 10/23/2019 Effective: 10/28/2019

Ins 2704 – Pharmacy Benefits Managers (PBMs)

This proceeding essentially re-wrote Chapter Ins 2704, formerly entitled "Prescription Prices for Pharmacists and Pharmacies", to describe elements for the registration and regulation of PBMs as mandated by Chapter 320 of the Laws of 2019.

Adopted: 03/24/2020 Effective: 06/29/2020

Ins 6203 – Ancillary Health Minimum Standards for Benefits for Accident-Only and Specified Accident Coverage

This proceeding adopted new Part Ins 6203, which closely mirrors relevant provisions contained in expired rules Ins 1901.06, to establish minimum standards for benefits, required disclosure and outline of coverage provisions, and prohibited policy provisions relating to accident-only and specified accident ancillary health insurance coverage.

Adopted: 08/20/2019 Effective: 08/26/2019

For Fiscal Year 2020, the Goals & Objectives for the Legal Counseling Unit included:

1. Develop, adopt, readopt or amend administrative rules in a timely matter in compliance with state law.



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APPENDIX A

New Companies Admitted to do Business During Fiscal Year 2020

Life & Health Companies

Lombard International Life Assurance Co.	July 31, 2019
Guaranty Income Life Insurance Company	August 27, 2019
Great Southern Life Insurance Company	December 13, 2019
Aetna Health Inc. (A Connecticut Corp.)	January 6, 2020
Lasso Healthcare Insurance Company	January 24, 2020
UnitedHealthCare Insurance Co of Illinois	February 5, 2020
Oceanview Life and Annuity	February 14, 2020

Property & Casualty and Title Companies

Ascot Insurance Company	July 9, 2019
CGB Insurance Company	July 29, 2019
Professional Solutions Insurance Company	August 19, 2019
Palisades Insurance Company	August 19, 2019
American Liberty Insurance Company	August 27, 2019
Lemonade Insurance Company	August 30, 2019
Arch Property Casualty Insurance Company	October 30, 2019
Rutgers Casualty Insurance Company	November 7, 2019
Blueshore Insurance Company	November 25, 2019
Clear Spring Health Insurance Company	December 2, 2019
Connecticare Insurance Company Inc.	December 2, 2019
Plateau Casualty Insurance Company	December 10, 2019
American Family Home Insurance Company	February 4, 2020
Rock Ridge Insurance Company	February 11, 2020
Cerity Insurance Company	April 9, 2020
Endurance Assurance Corporation	April 30, 2020
American Digital Title Insurance Company	April 30, 2020
Trisura Insurance Company	April 30, 2020
Toggle Insurance Company	April 30, 2020
Mobilias General Insurance Company	June 18, 2020