CRC BENEFITS | THRIVE Workplace Benefits Dedicated to Development and Success

NEW HAMPSHIRE

# Regulatory Compliance and Resources by State

## STATE CONTINUATION OF COVERAGE

According to the State of New Hampshire Insurance Department, continuing your health insurance from your previous job is a right under the federal COBRA Act. If you work for an employer with 19 or fewer employees, you may qualify for New Hampshire's State Continuation. New Hampshire's state continuation is a right of all N.H. residents to allow a temporary continuation of fully insured group health plans after their work ends or hours reduced where the worker no longer qualifies for health benefits. The law also extends to dental plan benefits. Differently that the federal COBRA Act, the New Hampshire law only allows 39 weeks of continuation. When your work insurance ends, the former employer who provided those benefits must notify you within 45 days of your choice to continue those benefits. You then have 60 days to elect that benefit or formerly waive your right to continue on your health plan.

When you choose COBRA insurance, you work directly with the former employer's human resources department or their third-party administrator. The full insurance premium (including the portion your employer had been paying for) is your responsibility for payment.

## PAID FAMILY LEAVE

NH PFML is a paid family and medical leave insurance plan where NH employers and eligible NH workers can access 60% wage replacement (up to the Social Security wage cap) for up to six weeks per year for absences related to life events such as:

- A worker's own serious health condition when disability coverage does not apply, including childbirth
- For a worker to bond with a child during the first year of birth, including placement for adoption or fostering
- For a worker to care for a family member with a serious health condition
- Any qualifying urgent demand or need arising out of the fact that the worker's spouse, child or parent is a covered military member on covered active duty
- For a worker to care for a covered service member with a serious injury or illness if the eligible worker is the service member's spouse, child, parent or next of kin

Leave can be taken all at once or in partial days with a minimum of four-hour increments. Employers are not required to purchase a NH PFML insurance plan.

NH PFML is a voluntary benefit available to all employers and workers but required of none. NH PFML insurance was established in state law as a voluntary insurance program, allowing employers and workers a choice whether or not to participate.

An unpaid period of up to seven days must be met once per benefit period, after which a claim may be paid.

## STATE EMPLOYER REPORTING/NA

## PAID SICK LEAVE/NA

## MANDATORY 401K/NA

## SURPRISE BILLING

I. When a commercially insured patient is covered by a managed care plan as defined under RSA 420-J:3, XXV, a healthcare provider performing anesthesiology, radiology, emergency medicine, or pathology services shall not balance bill the patient for fees or amounts other than copayments, deductibles, or coinsurance, if the service is performed in a hospital or ambulatory surgical center that

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is in-network under the patient's health insurance plan. This prohibition shall apply whether or not the healthcare provider is contracted with the patient's insurance carrier.

**II.** Pursuant to paragraph I, fees for healthcare services submitted to an insurance carrier for payment shall be limited to a commercially reasonable value, based on payments for similar services from New Hampshire insurance carriers to New Hampshire healthcare providers.

**III.** In the event of a dispute between a provider and an insurance carrier relative to the reasonable value of a service under this section, the insurance commissioner shall have exclusive jurisdiction under RSA 420-J:8-e to determine if the fee is commercially reasonable. The provider and the insurance carrier shall each make best efforts to resolve any dispute prior to applying to the insurance commissioner for resolution, which shall include presenting to the other party evidence supporting its contention that the fee level it is proposing is commercially reasonable. The department of insurance may require the parties to engage in mediation prior to rendering a decision.

## RESOURCES

https://www.nh.gov/insurance/