



**House Commerce and Consumer Affairs
Committee**

January 16, 2018

HB 1809-FN Relative to balance billing under the managed care law.

Testimony

Good morning, Mr. Chairman and members of the committee. My name is Travis Boucher and I am the Director, Financial Policy and Reimbursement with the New Hampshire Hospital Association (NHHA), representing all 26 of the state's community hospitals as well as all of our specialty hospitals.

The New Hampshire Hospital Association is opposed to HB 1809. We appreciate all the work the Study Committee did last fall to study balance billing through the passage of HB329. NHHA attended all of the committee's meetings and participated in the discussions and provided stakeholder input.

While the final committee report defines the issues of balance billing and provides a recommendation for moving forward, NHHA continues to question what the full scope of the issue is in NH. Legislative concerns regarding balance billing was initially raised back in 2016, when a bill was introduced to address this topic. The bill was amended in 2017 and the result was the creation of the study committee, which concluded in late 2017. We are now in 2018 and, while we repeatedly requested data from the Insurance Department to assist all stakeholders in better understanding the scope of the issue, we have not seen any data, to date, that outlines what might be happening here in NH.

It is our position that, while the issue of out-of-network balance billing may be a larger issue in other areas of the country, it remains a question to NHHA if this is a significant issue in our state. Having said that, we would expect States with more limited networks to see an increase in the practice of balance billing. If NH was to see an increase in limited networks (few providers under contract with insurer) for patients, we believe this could end up becoming a network adequacy issue.

Ultimately, we believe the patient should not be caught in the middle with a balance bill if the insurance product they purchased does not have an out-of-network benefit. However, we have concerns about the approach of HB 1809. As an alternative, we would encourage you to consider the National Association of Insurance Commissioners (NAIC) Model Act, which provides a uniform basis in which states can implement a framework to ensure a comprehensive approach. You can review the NAIC Model Act at <http://www.naic.org/store/free/MDL-074.pdf>.

I appreciate the opportunity to share our comments with you. I am happy to answer any questions you may have.