



# NEW HAMPSHIRE LEGAL ASSISTANCE

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[www.nhla.org](http://www.nhla.org)

October 20, 2014

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24 Opera House Square  
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Fax: 603-542-3826

Jeffrey A. Meyers, Director  
Intergovernmental Affairs  
New Hampshire Department of Health and Human Services  
129 Pleasant Street – Thayer Building  
Concord, NH 03301-3857

Concord Office  
117 North State Street  
Concord, NH 03301  
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1-800-921-1115  
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***Via Hand Delivery at MCAC Meeting***

RE: New Hampshire Health Protection Program  
Premium Assistance Section 1115 Research and Demonstration Waiver

Manchester Office  
1850 Elm Street  
Suite 7  
Manchester, NH 03104  
603-668-2900  
1-800-562-3174  
Fax: 603-622-5576

Dear Mr. Meyers:

Thank you for the opportunity to comment on the proposed Section 1115 Research and Demonstration Waiver. New Hampshire Legal Assistance (NHLA) looks forward to reviewing the response of the Department of Health and Human Services (“DHHS”) and/or the Insurance Department to the following questions regarding the proposed Waiver:<sup>1</sup>

Portsmouth Office  
154 High Street  
Portsmouth, NH 03801  
603-431-7411  
1-800-334-3135  
Fax: 603-431-8025

I. Appeals.

- a. Under the existing managed care law, RSA 420-J, what percentage of internal appeals/grievances result in claim denials being reversed or otherwise resolved fully favorably to the enrollee?
- b. Under the existing managed care law, RSA 420-J, what percentage of independent external reviews result in claim denials being reversed or otherwise resolved fully favorably to the enrollee?
- c. What percentage of appeals to the DHHS Administrative Appeals Unit, addressing a Medicaid service for which coverage has been denied in whole or in part, result in the denial being reversed or otherwise resolved fully favorably to the enrollee?
- d. Will DHHS or the Insurance Department collect data on the success rate of internal appeals/grievances and independent external reviews filed by New Hampshire Health Protection Plan enrollees, as distinguished from other managed care plan enrollees, starting in 2016?

Berlin Office  
1131 Main Street  
Berlin, NH 03570  
603-752-1102  
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Administration  
117 North State Street  
Concord, NH 03301  
603-224-4107  
Fax: 603-224-2053

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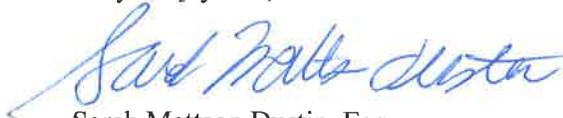
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<sup>1</sup> NHLA submits these questions without prejudice to our law firm’s right to submit additional questions and/or comments in advance of the October 31, 2014 public comment deadline, and without prejudice to the right of our law firm and/or our current or future clients to make any claims in any current or future litigation.

- e. Can you confirm that all New Hampshire Health Protection Plan enrollees will be entitled to an oral hearing on a claim denial?
2. Co-payments.
- a. How will DHHS and/or the Insurance Department track enrollees' co-payments so as to avoid exceeding the maximum quarterly obligation, and what, if any, duty will enrollees have to track their own co-payments? If enrollees will have a duty to track their own co-payments, how will DHHS, the Insurance Department, or carriers instruct them about that process?
  - b. Will DHHS and/or the Insurance Department be able to make within-quarter adjustments to an enrollee's quarterly cost-sharing obligations, including lowering quarterly cost-sharing obligations based on reduced income or ceasing cost-sharing obligations immediately if the enrollee's income falls below 100 percent of the federal poverty level?
  - c. How will refunds be processed if an enrollee exceeds his or her maximum quarterly cost-sharing obligation?
3. Retroactivity.
- a. Can you confirm that New Hampshire Health Protection Plan coverage will be retroactive to the date that a person submits an initial application using any of the various application mediums available (such as in-person paper application, NH Easy application, et al.), even if any documents required to verify eligibility have not yet been submitted by the applicant?
4. Health Literacy and Reading Level.
- a. How will DHHS and the Insurance Department ensure that their own communications and those of carriers, including paper and electronic correspondence and websites, are appropriate to the typical language ability, reading level, and health literacy of New Hampshire Health Protection Plan enrollees?

Thank you for your consideration of these questions and for the extensive work you and your colleagues are doing on this crucially important proposal. If you need clarification, please call me at 206-2214.

Very truly yours,



Sarah Mattson Dustin, Esq.  
Policy Director