



STATE OF NEW HAMPSHIRE
OFFICE OF THE GOVERNOR

CHRISTOPHER T. SUNUNU
Governor

February 2, 2022

Senator Jeb Bradley
Senate Health and Human Services Committee
Legislative Office Building
Room 101
Concord, NH 03301

Dear Senator Bradley and Members of the Committee,

I write to you today in strong support of Senate Bill 287, relative to balance billing for certain health care services. New Hampshire has been at the forefront of protecting consumers against surprise bills. In 2018, at the urging of my administration and the New Hampshire Insurance Department (NHID), the legislature passed legislation prohibiting out-of-network anesthesiologists, pathologists, radiologists and emergency physicians from “surprise billing” a commercially insured patient when the care was provided at an in-network hospital.

In reaching consensus on a balance billing prohibition, we engaged in a collaborative effort that brought together legislators, providers, insurers and other stakeholders. We came together because we understood the real financial consequences that Granite Staters face when confronting a surprise medical bill. According to the American Journal of Public Health, nearly 67% of personal bankruptcies in the United States are tied to medical expenses.

Part of what makes surprise billing so pernicious is that patients often have no idea that the facility or provider is out-of-network until they receive the bill. In many cases, services are blended between providers who are in and out of network, or they occur in an emergency situation where care is required at the closest health care facility. In worst case scenarios, a patient might be incapable of choosing an in-network emergency care provider without risking health or life.

In 2020, the U.S. Congress followed New Hampshire’s lead by passing the federal No Surprises Act (NSA) which will extend state protections and end the practice of surprise billing in most aspects of commercial insurance. Between state law and the federal NSA, consumers with either a fully or self-insured health plan will have these new protections in place.

The federal government anticipates that states will be the predominant enforcement entity of the NSA and the New Hampshire Insurance Department is ready to undertake that responsibility. SB 287 simply seeks to have state law mirror the NSA, which provides NHID with the state level authority to undertake the responsibilities the federal government is seeking to delegate.

The regulation of insurance has traditionally and historically been a state function. Our state has the experience and expertise within the NHID to effectively and fairly implement and enforce the provisions of our state law and the NSA.

I therefore ask that you support SB287.

Sincerely,



Christopher T. Sununu
Governor