CHRISTOPHER T. SUNUNU
Governor

STATE OF NEW HAMPSHIRE
OFFICE OF THE GOVERNOR

STATE OF NEW HAMPSHIRE
BY HIS EXCELLENCY
CHRISTOPHER T. SUNUNU, GOVERNOR

Emergency Order #34 Pursuant to Executive Order 2020-04 as Extended by Executive Order 2020-05

Further temporary requirements regarding health insurer coverage of health care services related to the coronavirus

Pursuant to Section 18 of Executive order 2020-04, as Extended by Executive Order 2020-05, it is hereby ordered, effective immediately, that:

1. In order to further improve the insurance industry's response to the coronavirus pandemic, all health carriers, as defined in RSA 420-J:3, XXIII, and all Pharmacy Benefit Managers (PBMs), as defined in RSA 402-N:1, VIII, are directed as follows:

a) Carriers and PBMs shall ensure that there are no signature requirements in place for in-person prescriptions receipts or in-home prescription deliveries, except when federal signature requirements for controlled substances exist.

b) Carriers and PBMs are prohibited from performing pharmacy desk audits, field audits or other routine audits that may consume considerable pharmacist or pharmacy staff resources under short deadlines. Carriers and PBMs are permitted to continue with audits focused on fraud, waste, and abuse, as long as those audits can be performed (a) without person-to-person contact with pharmacy staff or (b) without requiring a pharmacy response within the time frame of this Order.

c) For health carriers writing group health coverage, if the employer wishes to place a number of employees on furlough or temporary layoff during the coronavirus emergency period and, at the same time, continue to keep the employee (and family, as applicable) enrolled in the group coverage plan, the carrier shall allow such continuation of employer sponsored coverage notwithstanding any requirements that may otherwise apply with respect to hours worked per week or any minimum participation requirements.

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d) For health carriers writing either individual or group coverage, all such carriers shall take all reasonable steps to inform members and plan sponsors who may be having difficulty paying premiums of any assistance that may be available to them under the CARES Act, the Families First Coronavirus Response Act, or the carrier's own policies with respect to extended grace periods for premium payment under the coronavirus emergency.

2. The requirements contained in this Order shall be effective beginning today, April 24th, 2020 and shall remain in effect until rescinded, or until the State of Emergency is terminated, whichever happens first.

3. The Insurance Department shall provide further guidance to health carriers and PBMs regulated by the Department as necessary to effectuate the purposes of this Order and shall be authorized to enforce this Order as it affects such entities.

Given under my hand and seal at the Executive Chambers in Concord, this 24th day of April, in the year of Our Lord, two thousand and twenty, and the independence of the United States of America, two hundred and forty-four.

Chris T. Sununu

GOVERNOR OF NEW HAMPSHIRE

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