



## The State of New Hampshire Insurance Department

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Roger A. Sevigny  
Commissioner

August 24, 2015

Elizabeth Lepene  
466 Hornetown Rd.  
Farmington NH 03835

Re:  
Case #: 130673

Dear Ms. Lepene,

Thank you for your inquiry regarding the non-discrimination provisions of the ACA (Section 2706 (a), CFR 45 Sec. 155; <https://www.cms.gov/CCIIO/Resources/Regulations-and-Guidance/Downloads/508-CMS-9949-F-OFR-Version-5-16-14.pdf>).

Please be advised that the non-discrimination provisions do not require a carrier to contract with any willing provider. More specifically, if certain services are not covered under a compliant policy, it is not necessary for that carrier to contract for those services. Similarly, if certain services are covered under a compliant policy, carriers still do not have to contract with any willing provider, so long as the carrier establishes a network of providers that ensures reasonable access to those services covered under the policy.

With regard to the State of New Hampshire's application of these provisions, compliant Qualified Health Plans sold in NH - which are approved by CMS - meet the non-discrimination provisions not only with respect to network adequacy but with respect to the other non-discrimination provisions applicable to benefit plan design and eligibility.

Unfortunately, not the response you were hoping for, I wish I could have provided a more favorable response.

Sincerely,

Barbara Anderson  
Consumer Services Officer