

## Advertising Filing Guidelines

- I. Requirements for Medicare Supplement and Long-Term Care Advertising Filings
- a. Advertisements for the following products must always be filed with NHID for “Review & Approval” prior to use.

Line Of Insurance	Reference
Medicare Supplement	<a href="#">RSA 415-F:7</a> ; <a href="#">Ins 2603</a> ; <a href="#">Bulletin Ins. 22-003-AB</a>
Long-Term Care	<a href="#">Ins 3601.21</a>

- II. Requirements for Accident and Health Advertising Filings
- a. Advertisements for Qualified Health Plans (QHP) and Stand-Alone Dental Plans (SADP) that are certified by CMS, as well as all HMO products per RSA 420-B:8, VI, must be submitted to NHID per the following guidelines:
- i. Advertisements containing specific plan benefit descriptions or cost-sharing must be filed for Review & Approval prior to use.
  - ii. Webpages, social media, or institutional advertisements that do not contain specific plan benefit descriptions or cost-sharing must be submitted as “Informational”.
    1. NHID reserves the right to assess if these advertisements include information requiring submission for Review & Approval
- b. Assessment Tool

Line of Insurance	Question 1: Is the product certified by CMS for sale on Healthcare.gov?	Question 2: Does the advertisement contain plan description or cost-sharing detail?
Major Medical POS/PPO/EPO or State-Alone Dental Plans	If <u>NO</u> : File Informational	If <u>NO</u> : File Informational
	If <u>YES</u> : Continue to Question 2	If <u>YES</u> : File Review & Approval
Major Medical HMO	Whether yes <u>OR</u> no continue to Question 2	If <u>NO</u> : File Informational If <u>YES</u> : File Review & Approval

- III. Guidance for Advertising Filings that should NOT be filed with NHID
- a. The commissioner, at their discretion, has elected not to require the filing of certain accident and health insurance advertisements for review prior to use, unless explicitly stated herein. [See Ins 2601.19](#)
- i. Examples: Off-exchange only PPOs/EPOs, non-certified dental, vision or hearing plans, or other ancillary health products
- b. The commissioner reserves the right to review all advertisements for compliance with applicable law to protect consumers from misleading or inaccurate statements. In the event an advertisement presents information that would lead a reasonable consumer to believe a policy confers a greater benefit than stated in the approved policy or certificate, NHID will take enforcement action as necessary. [See Bulletin Ins 14-015](#)
- IV. Annual Certification
- a. An authorized representative must file annually a statement certifying compliance with advertising rules via SERFF, mail, or email. [See Ins 2601.18 \(b\), 2602.09 \(c\), and 2603.16 \(b\)](#)