



# A PIANH conversation with New Hampshire Insurance Commissioner Roger Sevigny

**PROFESSIONAL  
INSURANCE  
AGENTS**

---

25 CHAMBERLAIN ST.  
P. O. BOX 997  
GLENMONT, NY 12077-0997  
800/424-4244  
FAX: 888/225-6935  
WEB: [www.pianh.org](http://www.pianh.org)  
E-MAIL: [pia@piaonline.org](mailto:pia@piaonline.org)

PIANH President Judy George, CIC, Past President Jeff Foy, Director Lisa Nolan, CPCU, and Government Affairs Counsel Steve Imbriaco, Esq. met with New Hampshire Insurance Commissioner Roger Sevigny and several of his staff members May 16, 2007. Topics of discussion ranged from credit scoring to the softening market, but the main purpose of the meeting was to continue an ongoing conversation about various workers' compensation issues.

In particular, PIANH representatives voiced concerns with the inconsistent practices employed by some insurers when determining a worker's status for workers' compensation purposes. Despite not being required to carry workers' compensation insurance by statute, some workers nonetheless find themselves in situations where they must purchase the insurance if they even want to be considered for certain jobs. Ordinarily, this requirement emanates from the insurance company that insures the entity hiring subcontractors. Simply put, the carriers often take the position that subcontractors must either purchase their own workers' compensation insurance or be considered an employee of the entity that hires the subcontractors; thereby rendering an independent contractor's or sole proprietor's status meaningless.

These sorts of inconsistencies occur in every state, everyone in attendance agreed, and unfortunately it is not likely that any of the proposals the legislature currently have before it will do much to remedy the situation. This includes Senate Bill 92, which seeks to refine the definition of an employee by adding more determinative criteria to the relevant statute. House Bill 471, on the other hand, may be more of a step in the right direction. In part, the bill will require all contractors, including subcontractors and independent contractors, to provide certification of their workers' compensation coverage and compliance with all applicable workers' compensation safety provisions before beginning work on state transportation or public works projects. If enacted, this bill may add more certainty to workers' status determinations in connection with state projects.

The department also reminded that all instances of double-charging, where a person with workers' compensation insurance is also treated as an employee for the purposes of another entity's workers' compensation policy, should be reported to the department. The department works in conjunction with a fraud prosecutor in the attorney general's office on these kinds of matters. PIANH will continue to work on the subject and next plans to meet with Labor Department in order to see what can be done to reduce the frequency of workers' compensation disputes.

Finally, PIANH thanked the insurance department for accepting some of the association's suggestions for improvements to the department's Safeguarding Customer Information rule proposal. The initial proposal of the rule called for businesses, including insurance agencies, to provide an extensive notice to affected customers in the event that the businesses' suffer a security breach involving the computerized personal information they maintain about their customers. The final proposal dramatically simplifies the required notice for all businesses except insurance companies. This change recognizes the better position an insurance company is in to provide the kinds of information called for by the initial proposal. PIANH will continue to provide updates on the status of this rule proposal.