

HB21-1068

HOUSE FLOOR AMENDMENT

Second Reading

BY REPRESENTATIVE Michaelson Jenet

- 1 Amend the Health and Insurance Committee Report, dated May 5, 2021,
2 page 1, line 9, strike "PREMIUMS." and substitute "PREMIUMS.
- 3 (III) WITHIN ONE HUNDRED TWENTY DAYS AFTER THE EFFECTIVE
4 DATE OF THIS SUBSECTION (18)(b.7), THE DIVISION SHALL SUBMIT TO THE
5 FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES:
- 6 (A) ITS DETERMINATION AS TO WHETHER THE COVERAGE
7 SPECIFIED IN THIS SUBSECTION (18)(b.7) IS IN ADDITION TO ESSENTIAL
8 HEALTH BENEFITS AND WOULD BE SUBJECT TO DEFRAID BY THE STATE
9 PURSUANT TO 42 U.S.C. SEC. 18031 (d)(3)(B); AND
- 10 (B) A REQUEST THAT THE FEDERAL DEPARTMENT CONFIRM THE
11 DIVISION'S DETERMINATION WITHIN SIXTY DAYS AFTER RECEIPT OF THE
12 DIVISION'S REQUEST AND SUBMISSION OF ITS DETERMINATION.
- 13 (IV) THIS SUBSECTION (18)(b.7) APPLIES TO LARGE EMPLOYER
14 POLICIES OR CONTRACTS ISSUED OR RENEWED ON OR AFTER JANUARY 1,
15 2022, AND TO INDIVIDUAL AND SMALL GROUP POLICIES AND CONTRACTS
16 ISSUED ON OR AFTER JANUARY 1, 2023, AND THE DIVISION SHALL
17 IMPLEMENT THE REQUIREMENTS OF THIS SUBSECTION (18)(b.7), IF:
- 18 (A) THE DIVISION RECEIVES CONFIRMATION FROM THE FEDERAL
19 DEPARTMENT OF HEALTH AND HUMAN SERVICES THAT THE COVERAGE
20 SPECIFIED IN THIS SUBSECTION (18)(b.7) DOES NOT CONSTITUTE AN
21 ADDITIONAL BENEFIT THAT REQUIRES DEFRAID BY THE STATE PURSUANT
22 TO 42 U.S.C. SEC. 18031 (d)(3)(B);
- 23 (B) THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES
24 HAS INFORMED THE DIVISION THAT THE COVERAGE DOES NOT REQUIRE
25 STATE DEFRAID; OR
- 26 (C) MORE THAN THREE HUNDRED SIXTY-FIVE DAYS HAVE PASSED
27 SINCE THE DIVISION SUBMITTED ITS DETERMINATION AND REQUEST FOR
28 CONFIRMATION THAT THE COVERAGE SPECIFIED IN THIS SUBSECTION
29 (18)(b.7) IS NOT AN ADDITIONAL BENEFIT THAT REQUIRES STATE
30 DEFRAID PURSUANT TO 42 U.S.C. SEC. 18031 (d)(3)(B), AND THE
31 FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES HAS FAILED TO
32 RESPOND TO THE REQUEST WITHIN THAT PERIOD, IN WHICH CASE THE
33 DIVISION SHALL CONSIDER THE FEDERAL DEPARTMENT'S UNREASONABLE
34 DELAY A PRECLUSION FROM REQUIRING DEFRAID BY THE STATE.".

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