

HOUSE COMMITTEE OF REFERENCE AMENDMENT  
Committee on Health & Insurance.

SB21-016 be amended as follows:

1 Amend reengrossed bill, page 3, line 7, after "(XI)" insert "(A)".

2 Page 3, after line 11 insert:

3        "(B) THE DIVISION SHALL SUBMIT TO THE FEDERAL DEPARTMENT  
4 OF HEALTH AND HUMAN SERVICES ITS DETERMINATION AS TO WHETHER  
5 THE BENEFIT SPECIFIED IN THIS SUBSECTION (18)(b)(XI) IS IN ADDITION TO  
6 ESSENTIAL HEALTH BENEFITS AND WOULD BE SUBJECT TO DEFRAYAL BY  
7 THE STATE PURSUANT TO 42 U.S.C. SEC. 18031 (d)(3)(B) AND A REQUEST  
8 THAT THE FEDERAL DEPARTMENT CONFIRM THE DIVISION'S  
9 DETERMINATION WITHIN SIXTY DAYS AFTER RECEIPT OF THE DIVISION'S  
10 REQUEST AND SUBMISSION OF ITS DETERMINATION.

11        (C) THIS SUBSECTION (18)(b)(XI) APPLIES TO LARGE EMPLOYER  
12 POLICIES OR CONTRACTS ISSUED OR RENEWED ON OR AFTER JANUARY 1,  
13 2022, AND TO INDIVIDUAL AND SMALL GROUP POLICIES AND CONTRACTS  
14 ISSUED ON OR AFTER JANUARY 1, 2023, AND THE DIVISION SHALL  
15 IMPLEMENT THE REQUIREMENTS OF THIS SUBSECTION (18)(b)(XI) IF THE  
16 DIVISION RECEIVES CONFIRMATION FROM THE FEDERAL DEPARTMENT OF  
17 HEALTH AND HUMAN SERVICES THAT THE COVERAGE SPECIFIED IN THIS  
18 SUBSECTION (18)(b)(XI) DOES NOT CONSTITUTE AN ADDITIONAL BENEFIT  
19 THAT REQUIRES DEFRAYAL BY THE STATE PURSUANT TO 42 U.S.C. SEC.  
20 18031 (d)(3)(B); THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN  
21 SERVICES HAS OTHERWISE INFORMED THE DIVISION THAT THE COVERAGE  
22 DOES NOT REQUIRE STATE DEFRAYAL PURSUANT TO 42 U.S.C. SEC. 18031  
23 (d)(3)(B); OR MORE THAN THREE HUNDRED SIXTY-FIVE DAYS HAVE PASSED  
24 SINCE THE DIVISION SUBMITTED ITS DETERMINATION AND REQUEST FOR  
25 CONFIRMATION THAT THE COVERAGE SPECIFIED IN THIS SUBSECTION  
26 (18)(b)(XI) IS NOT AN ADDITIONAL BENEFIT THAT REQUIRES STATE  
27 DEFRAYAL PURSUANT TO 42 U.S.C. SEC. 18031 (d)(3)(B), AND THE  
28 FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES HAS FAILED TO  
29 RESPOND TO THE REQUEST WITHIN THAT PERIOD, IN WHICH CASE THE  
30 DIVISION SHALL CONSIDER THE FEDERAL DEPARTMENT'S UNREASONABLE  
31 DELAY A PRECLUSION FROM REQUIRING DEFRAYAL BY THE STATE.".

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