

SENATE COMMITTEE OF REFERENCE REPORT

March 11, 2020

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Chair of Committee

Date

Committee on Health & Human Services.

After consideration on the merits, the Committee recommends the following:

HB20-1086 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend reengrossed bill, page 3, line 14, strike "THE" and substitute  
2 "(I) SUBJECT TO SUBSECTION (18)(b.7)(III) OF THIS SECTION, THE".

3 Page 3, after line 20 add:

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

14 (III) THIS SUBSECTION (18)(b.7) APPLIES TO POLICIES OR  
15 CONTRACTS ISSUED OR RENEWED IN THIS STATE THAT ARE SUBJECT TO  
16 THIS SUBSECTION (18), AND THE DIVISION SHALL IMPLEMENT THE  
17 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 DEFAYAL BY THE STATE PURSUANT  
22 TO 42 U.S.C. SEC. 18031 (d)(3)(B); OR

1 (B) MORE THAN THREE HUNDRED SIXTY-FIVE DAYS HAVE PASSED  
2 SINCE THE DIVISION SUBMITTED ITS DETERMINATION AND REQUEST FOR  
3 CONFIRMATION THAT THE COVERAGE SPECIFIED IN THIS SUBSECTION  
4 (18)(b.7) IS NOT AN ADDITIONAL BENEFIT THAT REQUIRES STATE  
5 DEFRAIDAL PURSUANT TO 42 U.S.C. SEC. 18031 (d)(3)(B), AND THE  
6 FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES HAS FAILED TO  
7 RESPOND TO THE REQUEST WITHIN THAT PERIOD, IN WHICH CASE THE  
8 DIVISION SHALL CONSIDER THE FEDERAL DEPARTMENT'S UNREASONABLE  
9 DELAY A PRECLUSION FROM REQUIRING DEFRAIDAL BY THE STATE."

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