

SB016_L.023

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 DEFRAID 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 DEFRAID 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 DEFRAID 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 DEFRAID 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 DEFRAID BY THE STATE."

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