

HB1276_L.004

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Health & Insurance.

HB21-1276 be amended as follows:

1 Amend printed bill, page 6, after line 21 insert:

2 "(d) (I) WITHIN ONE HUNDRED TWENTY DAYS AFTER THE
3 EFFECTIVE DATE OF THIS SUBSECTION (24), THE DIVISION SHALL SUBMIT
4 TO THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES:

5 (A) ITS DETERMINATION AS TO WHETHER THE COST-SHARING
6 BENEFIT SPECIFIED IN THIS SUBSECTION (24) IS IN ADDITION TO ESSENTIAL
7 HEALTH BENEFITS AND WOULD BE SUBJECT TO DEFRAYAL BY THE STATE
8 PURSUANT TO 42 U.S.C. SEC. 18031 (d)(3)(B); AND

9 (B) A REQUEST THAT THE FEDERAL DEPARTMENT CONFIRM THE
10 DIVISION'S DETERMINATION WITHIN SIXTY DAYS AFTER RECEIPT OF THE
11 DIVISION'S REQUEST AND SUBMISSION OF ITS DETERMINATION.

12 (II) THIS SUBSECTION (24) APPLIES TO LARGE EMPLOYER POLICIES
13 OR CONTRACTS ISSUED OR RENEWED ON OR AFTER JANUARY 1, 2022, AND
14 TO INDIVIDUAL AND SMALL GROUP POLICIES AND CONTRACTS ISSUED ON
15 OR AFTER JANUARY 1, 2023, AND THE DIVISION SHALL IMPLEMENT THE
16 REQUIREMENTS OF THIS SUBSECTION (24), IF:

17 (A) THE DIVISION RECEIVES CONFIRMATION FROM THE FEDERAL
18 DEPARTMENT OF HEALTH AND HUMAN SERVICES THAT THE COVERAGE
19 SPECIFIED IN THIS SUBSECTION (24) DOES NOT CONSTITUTE AN
20 ADDITIONAL BENEFIT THAT REQUIRES DEFAYAL BY THE STATE PURSUANT
21 TO 42 U.S.C. SEC. 18031 (d)(3)(B); OR

22 (B) MORE THAN THREE HUNDRED SIXTY-FIVE DAYS HAVE PASSED
23 SINCE THE DIVISION SUBMITTED ITS DETERMINATION AND REQUEST FOR
24 CONFIRMATION THAT THE COVERAGE SPECIFIED IN THIS SUBSECTION (24)
25 IS NOT AN ADDITIONAL BENEFIT THAT REQUIRES STATE DEFAYAL
26 PURSUANT TO 42 U.S.C. SEC. 18031 (d)(3)(B), AND THE FEDERAL
27 DEPARTMENT OF HEALTH AND HUMAN SERVICES HAS FAILED TO RESPOND
28 TO THE REQUEST WITHIN THAT PERIOD, IN WHICH CASE THE DIVISION
29 SHALL CONSIDER THE FEDERAL DEPARTMENT'S UNREASONABLE DELAY A
30 PRECLUSION FROM REQUIRING DEFAYAL BY THE STATE."

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