

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Health & Insurance.

SB21-016 be amended as follows:

1 Amend reengrossed bill, page 3, after line 19 insert:

2 (d)(I) THE DIVISION SHALL SUBMIT TO THE FEDERAL DEPARTMENT
3 OF HEALTH AND HUMAN SERVICES:

4 (A) ITS DETERMINATION AS TO WHETHER THE BENEFIT SPECIFIED
5 IN THIS SUBSECTION (18.1) IS IN ADDITION TO ESSENTIAL HEALTH BENEFITS
6 AND WOULD BE SUBJECT TO DEFRAYAL BY THE STATE PURSUANT TO 42
7 U.S.C. SEC. 18031 (d)(3)(B); AND

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

11 (II) THIS SUBSECTION (18.1) 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 (18.1), IF:

16 (A) THE DIVISION RECEIVES CONFIRMATION FROM THE FEDERAL
17 DEPARTMENT OF HEALTH AND HUMAN SERVICES THAT THE COVERAGE
18 SPECIFIED IN THIS SUBSECTION (18.1) DOES NOT CONSTITUTE AN
19 ADDITIONAL BENEFIT THAT REQUIRES DEFAYAL BY THE STATE PURSUANT
20 TO 42 U.S.C. SEC. 18031 (d)(3)(B);

21 (B) THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES
22 HAS OTHERWISE INFORMED THE DIVISION THAT THE COVERAGE DOES NOT
23 REQUIRE STATE DEFAYAL PURSUANT TO 42 U.S.C. SEC. 18031 (d)(3)(B);
24 OR

25 (C) MORE THAN THREE HUNDRED SIXTY-FIVE DAYS HAVE PASSED
26 SINCE THE DIVISION SUBMITTED ITS DETERMINATION AND REQUEST FOR
27 CONFIRMATION THAT THE COVERAGE SPECIFIED IN THIS SUBSECTION (18.1)
28 IS NOT AN ADDITIONAL BENEFIT THAT REQUIRES STATE DEFAYAL
29 PURSUANT TO 42 U.S.C. SEC. 18031 (d)(3)(B), AND THE FEDERAL
30 DEPARTMENT OF HEALTH AND HUMAN SERVICES HAS FAILED TO RESPOND
31 TO THE REQUEST WITHIN THAT PERIOD, IN WHICH CASE THE DIVISION
32 SHALL CONSIDER THE FEDERAL DEPARTMENT'S UNREASONABLE DELAY A
33 PRECLUSION FROM REQUIRING DEFAYAL BY THE STATE."

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