

ACT 43

H.B. NO. 552

A Bill for an Act Relating to Health Insurance.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the Patient Protection and Affordable Care Act of 2010 (Affordable Care Act) has resulted in an estimated 20,000,000 Americans gaining health insurance coverage. The provisions under the Affordable Care Act that have afforded coverage to the uninsured include expanded medicaid coverage and changes in insurer requirements that permit young adults to remain on their parent's health insurance plans, require health insurance plans to cover people with preexisting health conditions, and prohibit gender-based discrimination in premiums and coverage. According to a report from the United States Department of Health and Human Services, 6,100,000 uninsured young adults ages nineteen to twenty-five have gained health insurance coverage thanks to the Affordable Care Act. This is especially important

as young adults were particularly likely to be uninsured before the law went into effect.

The federal Department of Health and Human Services recently reported that since the enactment of the Affordable Care Act, 54,000 residents of Hawaii have gained health insurance coverage. In addition to residents who would otherwise be uninsured, hundreds of thousands of Hawaii residents with employer, medicaid, individual market, or medicare coverage have also benefited from new protections under the Affordable Care Act. Even with the robust coverage of Hawaii's Prepaid Health Care Act and med-QUEST program, the benefits of the Affordable Care Act in Hawaii have been widespread. The Act expanded medicaid eligibility and strengthened the program for those already eligible. The State has saved millions in uncompensated care costs and has been able to improve behavioral health outcomes for various beneficiaries. For Hawaii residents, individual market coverage is now dramatically better than before the enactment of the Affordable Care Act.

Unfortunately, the future of the Affordable Care Act is now uncertain. The current presidential administration campaigned on the promise to repeal the Affordable Care Act. Republicans in Congress have also backed this promise. On January 12, 2017, Senate Republicans took their first major step toward repealing the Affordable Care Act, when they approved a budget blueprint that would allow Republicans to gut the Affordable Care Act without the threat of a Democratic filibuster. Although Congressional Republicans failed in their initial attempt to repeal and replace the Affordable Care Act with a largely unspecified plan that would have decimated the reforms that are critical to the Affordable Care Act's effective function, there have been consistent reports of further proposals to take even more extreme action. The White House has also threatened to circumvent Congress and deliberately sabotage the insurance market by withholding federal reimbursements due for subsidized costs incurred by low-income enrollees. The legislature finds that due to uncertainty over the Affordable Care Act's future, it is important to preserve certain important aspects of the Act for residents in Hawaii.

The repeal of the Affordable Care Act would have widespread ramifications. According to recent data from the Urban Institute, 86,000 fewer people in Hawaii would have health insurance in 2019 if the Affordable Care Act is repealed. States are poised to lose significant federal funds if marketplace subsidies and the medicaid expansion end. For Hawaii, a repeal of the Affordable Care Act would mean the loss of \$47,000,000 in federal marketplace spending in 2019 and a loss of \$532,000,000 between 2019 and 2028. Hawaii would also lose \$306,000,000 in federal medicaid funding in 2019 and \$3,700,000,000 between 2019 and 2028.

The Urban Institute estimates that repealing the Affordable Care Act without an adequate replacement plan that ensures affordable coverage would take health insurance coverage away from 29,800,000 people nationwide by 2019, more than doubling the total number of uninsured to 58,700,000.

Finally, the legislature notes that, because the issues surrounding health insurance and the potential repeal of the Affordable Care Act are far-reaching and complex, it is appropriate to convene a working group to further address these issues.

The purpose of this Act is to mitigate the potential damage to the State, its residents, and its health care system that is likely to occur if the Affordable Care Act is repealed by an act of Congress. Specifically, this Act establishes the affordable health insurance working group to address the complexities of the health care system in Hawaii and the related uncertainty over the future of the

Affordable Care Act and to ensure that certain benefits of the Affordable Care Act remain available to Hawaii residents under state law.

SECTION 2. (a) There is established the affordable health insurance working group to address the complexities of the health care system in Hawaii and the related uncertainty over the future of the federal Patient Protection and Affordable Care Act of 2010, Public Law No. 111-148 (Affordable Care Act), in light of the current Presidential administration's pledge to repeal and replace the Affordable Care Act. The working group shall consider and make recommendations on policy issues including:

- (1) Minimum standard coverage requirements for individuals;
 - (2) Essential health care benefits;
 - (3) Rate setting;
 - (4) Medicaid expansion;
 - (5) Financial requirements and financing options; and
 - (6) Other issues that may arise, pursuant to the discretion of the working group.
- (b) The working group shall consist of the following members:
- (1) The chairs of the senate committee on commerce, consumer protection, and health and house committee on health, who shall serve as chairs of the working group;
 - (2) The chairs of the senate and house committees on human services, who shall serve as vice-chairs of the working group; and
 - (3) Representatives from administrative departments and agencies who are currently involved in discussions regarding the repeal of the Affordable Care Act and the effect such a repeal would have in Hawaii, including but not limited to the:
 - (A) Director of labor and industrial relations;
 - (B) Director of human services;
 - (C) Administrator of the department of human services, med-QUEST division; and
 - (D) Insurance commissioner.

(c) The working group may hold informational briefings and listening sessions to gather input from the public on issues related to the potential repeal of the Affordable Care Act.

(d) The working group may request assistance and feedback from subject matter experts, as needed, to enable the working group to carry out its work.

(e) The working group shall provide periodic updates to the legislature and shall make recommendations for any legislative or administrative action the working group deems appropriate to address access to affordable health insurance in Hawaii in the event of a repeal of the Affordable Care Act. The working group shall submit a final report, including recommendations for further action, to the legislature no later than twenty days prior to the convening of the regular session of 2018.

(f) The legislative reference bureau is requested to provide staff, research, and drafting assistance to the working group.

(g) The working group shall be officially convened at the pleasure of the chairs and vice-chairs of the working group, depending upon Congressional action related to the federal Patient Protection and Affordable Care Act of 2010, Public Law No. 111-148, but no later than August 1, 2017.

SECTION 3. This Act shall take effect on July 1, 2017.

(Approved June 20, 2017.)