

# HOUSE BILL 909

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CF SB 571

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By: Delegates Pena-Melnyk, Anderson, Angel, ~~Arentz~~, Atterbeary, ~~Aumann~~, Barkley, B. Barnes, D. Barnes, Barron, Barve, Beidle, Branch, Bromwell, Brooks, Busch, Carey, Carr, Chang, Clippinger, Conaway, Cullison, Davis, Dumais, Ebersole, Fennell, Fraser-Hidalgo, Frick, Frush, Gaines, Gilchrist, Glenn, Gutierrez, Hayes, Haynes, Healey, Hettleman, Hill, Hixson, Holmes, C. Howard, Jackson, Jalisi, Jameson, Jones, Kaiser, Kelly, Knotts, Korman, Kramer, Krimm, Lafferty, Lam, R. Lewis, Lierman, Lisanti, Luedtke, McCray, McIntosh, ~~Metzgar~~, ~~Miele~~, A. Miller, ~~W. Miller~~, Moon, Morales, Morhaim, Mosby, Oaks, Patterson, Pendergrass, Platt, Proctor, Queen, Reznik, Robinson, Rosenberg, Sample-Hughes, Sanchez, Sophocleus, Stein, Sydnor, ~~Szeliga~~, Tarlau, Turner, Valderrama, Valentino-Smith, Vallario, Waldstreicher, Walker, A. Washington, M. Washington, ~~West~~, Wilkins, C. Wilson, K. Young, and P. Young

Introduced and read first time: February 6, 2017

Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 21, 2017

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Maryland Health Insurance Coverage Protection Act**

3 FOR the purpose of establishing the Maryland Health Insurance Coverage Protection  
4 Commission; providing for the composition, ~~chair~~ cochairs, and staffing of the  
5 Commission; prohibiting a member of the Commission from receiving certain  
6 compensation, but authorizing the reimbursement of certain expenses; requiring the  
7 Commission to ~~study~~ monitor and assess the impact of certain changes to certain  
8 laws and programs and make recommendations regarding certain matters; requiring  
9 the duties of the Commission to include a certain study; authorizing the Commission  
10 to hold public meetings across the State for a certain purpose; ~~requiring the~~  
11 ~~Commission to convene certain workgroups~~; requiring the Commission to report its  
12 findings and recommendations to the Governor and the General Assembly on or  
13 before a certain date each year; providing for the termination of this Act; defining a

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 certain term; and generally relating to the Maryland Health Insurance Coverage  
2 Protection Commission.

3 Preamble

4 WHEREAS, The Congressional Budget Office estimates that a repeal of the Patient  
5 Protection and Affordable Care Act (ACA) may result in 22 million individuals becoming  
6 uninsured in the United States; and

7 WHEREAS, With a health insurance market collapse potentially resulting from a  
8 repeal of the ACA, an additional 7.3 million individuals could lose insurance coverage,  
9 leading to a total of nearly 30 million individuals losing health care coverage nationwide;  
10 and

11 WHEREAS, In Maryland, more than 350,000 people may become uninsured in the  
12 aftermath of a repeal of the ACA; and

13 WHEREAS, A repeal or weakening of the ACA, Medicaid, or Medicare could more  
14 than double the number of individuals without health insurance by 2019; and

15 WHEREAS, One in five of the nonelderly population in the State could become  
16 uninsured, which would be more individuals uninsured than before the implementation of  
17 the ACA in 2009; and

18 WHEREAS, About 12.9 million individuals in the United States could lose Medicaid  
19 or Children's Health Insurance Program coverage as a result of a repeal or weakening of  
20 the ACA or Medicaid, including more than 200,000 individuals in our State; and

21 WHEREAS, A repeal or weakening of the ACA, Medicaid, or Medicare ~~would~~ could  
22 disproportionately affect working and retired individuals and families; and

23 WHEREAS, Millions of American seniors, including ~~hundreds of~~ thousands of  
24 Maryland seniors, could see their prescription drug costs rise substantially as a result of a  
25 repeal or weakening of the ACA or Medicare; and

26 WHEREAS, It is prudent for Maryland to study and develop a plan to mitigate these  
27 negative effects of a repeal or weakening of the ACA, Medicaid, or Medicare, address  
28 economic impacts, help save lives, and protect public health by recommending and  
29 implementing solutions to this broad-scale loss of health coverage; and

30 WHEREAS, The United States Congress should not repeal or weaken the ACA,  
31 Medicaid, or Medicare; now, therefore,

32 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
33 That:

1 (a) In this section, “ACA” means the federal Patient Protection and Affordable  
2 Care Act.

3 (b) There is a Maryland Health Insurance Coverage Protection Commission.

4 (c) The Commission consists of the following members:

5 (1) ~~two~~ three members of the Senate of Maryland, appointed by the  
6 President of the Senate;

7 (2) ~~two~~ three members of the House of Delegates, appointed by the Speaker  
8 of the House;

9 (3) the Secretary of Health and Mental Hygiene, or the Secretary’s  
10 designee;

11 (4) the Maryland Insurance Commissioner, or the Commissioner’s  
12 designee; and

13 (5) the Attorney General, or the Attorney General’s designee; and

14 ~~(5) (6) five the following members of the public, appointed jointly by the~~  
15 ~~President of the Senate and the Speaker of the House;~~

16 (i) one representative of the Maryland Hospital Association;

17 (ii) one representative of a managed care organization, appointed  
18 jointly by the President of the Senate and the Speaker of the House;

19 (iii) one consumer of health care services, appointed jointly by the  
20 President of the Senate and the Speaker of the House;

21 (iv) one representative of a ~~nonprofit health service plan that has~~  
22 ~~offered plans in all jurisdictions and in all fully-insured markets in the State both before~~  
23 ~~and after the enactment of the ACA, appointed by the Governor~~ health insurance carrier,  
24 appointed jointly by the President of the Senate and the Speaker of the House;

25 (v) one representative who is an employer, appointed by the  
26 Governor;

27 (vi) one representative of the nursing home industry, appointed by  
28 the Governor; and

29 (vii) one representative of MedChi;

30 (viii) one representative of behavioral health providers, appointed  
31 jointly by the President of the Senate and the Speaker of the House; and

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1 ~~(vii)~~ (ix) two members of the public:

2 1. one of whom shall be appointed jointly by the President of  
3 the Senate and the Speaker of the House; and

4 2. one of whom shall be appointed by the Governor.

5 (d) ~~The chair of the Commission shall be designated jointly by the~~ President of  
6 the Senate and the Speaker of the House of Delegates shall designate a member who is a  
7 Senator and a member who is a Delegate, respectively, to serve as cochairs of the  
8 Commission.

9 (e) The Department of Legislative Services, the Department of Health and  
10 Mental Hygiene, and the Maryland Insurance Administration jointly shall provide staff for  
11 the Commission.

12 (f) A member of the Commission:

13 (1) may not receive compensation as a member of the Commission; but

14 (2) is entitled to reimbursement for expenses under the Standard State  
15 Travel Regulations, as provided in the State budget.

16 (g) (1) The Commission shall:

17 (i) monitor potential and actual federal changes to the ACA,  
18 Medicaid, the Maryland Children's Health Program, Medicare, and the Maryland  
19 All-Payer Model;

20 ~~(i) (ii) conduct a study to~~ assess the impact of potential and actual  
21 federal changes to the ACA, Medicaid, the Maryland Children's Health Program, and  
22 Medicare, and the Maryland All-Payer Contract; and

23 ~~(ii) (iii)~~ provide recommendations for State and local action to  
24 protect access of residents of the State to affordable health coverage.

25 (2) ~~The study conducted~~ duties of the Commission under paragraph (1) of  
26 this subsection shall include a study that includes:

27 (i) an assessment of the current and potential adverse effects of the  
28 loss of health coverage on the residents, public health, and economy of the State resulting  
29 from ~~a repeal or weakening of~~ changes to the ACA, Medicaid, the Maryland Children's  
30 Health Program, or Medicare Medicare, or the Maryland All-Payer Model;

31 (ii) an estimate of the costs to the State and State residents of  
32 adverse effects from ~~a repeal or weakening of~~ changes to the ACA, Medicaid, the Maryland

1 Children's Health Program, or Medicare Medicare, or the Maryland All-Payer Model and  
 2 the resulting loss of health coverage;

3 (iii) an examination of measures that may prevent or mitigate the  
 4 adverse effects of ~~a repeal or weakening of changes to~~ the ACA, Medicaid, the Maryland  
 5 Children's Health Program, or Medicare Medicare, or the Maryland All-Payer Model and  
 6 the resulting loss of health coverage on the residents, public health, and economy of the  
 7 State; and

8 (iv) recommendations for laws that:

9 1. may be warranted to minimize the adverse effects  
 10 associated with ~~a repeal or weakening of changes to~~ the ACA, Medicaid, the Maryland  
 11 Children's Health Program, or Medicare Medicare, or the Maryland All-Payer Model; and

12 2. will assist residents in obtaining and maintaining  
 13 affordable health coverage.

14 (h) The Commission ~~may~~ may:

15 (1) ~~may~~ hold public meetings across the State to ~~conduct the study~~ carry  
 16 out the duties of the Commission; and

17 (2) ~~shall~~ convene workgroups to solicit input from stakeholders.

18 (i) On or before December 31, ~~2017~~ each year, the Commission shall submit a  
 19 report on its findings and recommendations, including any legislative proposals, to the  
 20 Governor and, in accordance with § 2-1246 of the State Government Article, the General  
 21 Assembly.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
 23 1, 2017. It shall remain effective for a period of ~~1 year~~ 3 years and 1 month and, at the end  
 24 of June 30, ~~2018~~ 2020, with no further action required by the General Assembly, this Act  
 25 shall be abrogated and of no further force and effect.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.