

SENATE BILL 571

C3, J1

(7lr1927)

ENROLLED BILL

— Finance/Health and Government Operations —

Introduced by **Senators Middleton, Rosapepe, Astle, Benson, Conway, Currie, DeGrange, Feldman, Ferguson, Guzzone, Kagan, Kasemeyer, Kelley, King, Klausmeier, Lee, Madaleno, Manno, Mathias, McFadden, Miller, Muse, Nathan-Pulliam, Peters, Pinsky, Ramirez, Robinson, Smith, Young, Zirkin, ~~and Zucker~~ Zucker, and Oaks**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

President.

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; authorizing the
11 Commission to convene certain workgroups; requiring the Commission to report its

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.

Italics indicate opposite chamber/conference committee amendments.



1 findings and recommendations to the Governor and the General Assembly on or
2 before a certain date each year; providing for the termination of this Act; defining a
3 certain term; and generally relating to the Maryland Health Insurance Coverage
4 Protection Commission.

5 Preamble

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

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

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

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

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

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

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

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

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

32 WHEREAS, The United States Congress should not diminish any of the benefits of
33 the ACA, Medicaid, or Medicare; now, therefore,

34 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
35 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 a hospital, appointed jointly by the~~
17 ~~President of the Senate and the Speaker of the House;~~

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

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

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

23 ~~(iv) one representative of a health insurance carrier, appointed by~~
24 ~~the Governor;~~

25 (iv) one representative of a nonprofit health service plan that has
26 continuously offered plans in all jurisdictions and in all fully insured markets in the State
27 both before and after the enactment of the ACA, appointed by the Governor health insurance
28 carrier, appointed jointly by the President of the Senate and the Speaker of the House;

29 (v) one representative who is an employer, appointed by the
30 Governor;

1 (vi) one representative of the nursing home industry, appointed by
2 the Governor; ~~and~~

3 (vii) one representative of MedChi;

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

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

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

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

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

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

17 (f) A member of the Commission:

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

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

21 (g) (1) The Commission shall:

22 (i) monitor potential and actual federal changes to the ACA,
23 Medicaid, the Maryland Children's Health Program, ~~and Medicare~~ Medicare, and the
24 Maryland All-Payer Model;

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

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

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

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

5 (ii) an estimate of the costs to the State and State residents of
6 adverse effects from ~~a repeal or weakening of~~ changes to the ACA, Medicaid, the Maryland
7 Children's Health Program, ~~or~~ Medicare, or the Maryland All-Payer Model and the
8 resulting loss of health coverage;

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

14 (iv) recommendations for laws that:

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

18 2. will assist residents in obtaining and maintaining
19 affordable health coverage.

20 (h) The Commission may:

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

23 (2) convene workgroups to solicit input from stakeholders.

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

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
29 1, 2017. It shall remain effective for a period of ~~1 year~~ 3 years and 1 month and, at the end
30 of June 30, ~~2018~~ 2020, with no further action required by the General Assembly, this Act
31 shall be abrogated and of no further force and effect.