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March 2, 2022

To: The Honorable Delores G. Kelley
Chair, Finance Committee

From: The Office of the Attorney General's Health Education and Advocacy Unit

Re: Senate Bill 728 (Health Insurance - Qualified Resident State Subsidy Program
(Access to Care Act): Support

The Office of the Attorney General supports the Access to Care Act which would establish the eligibility to purchase plans on the Maryland Health Benefit Exchange of "qualified residents" regardless of immigration status. The bill also establishes a subsidy program for qualified residents. Current law allows lawfully present noncitizens who are Maryland residents to enroll in a qualified health plan and qualify for subsidies on the Exchange. The Act would extend these benefits to other noncitizen immigrants who meet the definition of qualified residents and would require the Maryland Health Benefit Exchange (MHBE), in consultation with the Insurance Commissioner and as approved by the MHBE Board, to submit a federal State Innovation Waiver application by July 1, 2023. The waiver application must seek to establish a Qualified Resident State Subsidy Program and request federal pass-through funding to allow "qualified residents" to obtain coverage, including State premium assistance and cost-sharing reductions (CSRs), through MHBE. If the waiver is approved, MHBE, in consultation with the Commissioner and as approved by the MHBE Board, must establish and implement the program. Beginning January 1, 2024, funding for the program would be made using any federal pass-through funds received under the federal waiver and any funds designated by the federal or State government to provide health coverage for qualified residents.

"Qualified resident" means an individual, including a minor, regardless of immigration status, who at the time of enrollment (1) is seeking to enroll in a qualified health plan (QHP) through the exchange; (2) resides in the State; (3) is not incarcerated, other than incarceration pending disposition of charges; and (4) is not eligible for the federal advanced premium tax credit (APTC), Medicaid or the Maryland Children's Health Program, Medicare, or employer-sponsored minimum essential coverage.

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The Act would effectively provide qualified residents essential access to healthcare services, reduce inequities, decrease emergency care costs and ultimately would improve the health of all Maryland residents.

We ask the committee for a favorable report.

cc: Senator Lam, Sponsor