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**HOUSE BILL NO. 87**

Offered January 13, 2016

Prefiled December 10, 2015

*A BILL to amend and reenact § 30-343 of the Code of Virginia, relating to the Health Insurance Reform Commission; assessments of legislation.*

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 Patron—Byron
 

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 Referred to Committee on Commerce and Labor
 

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**Be it enacted by the General Assembly of Virginia:****1. That § 30-343 of the Code of Virginia is amended and reenacted as follows:****§ 30-343. (Expires July 1, 2017) Standing committees to request Commission assessment.**

A. Whenever a legislative measure containing a mandated health insurance benefit or provider is proposed that is not identical or substantially similar to a legislative measure previously reviewed by the Commission within the three-year period immediately preceding the then-current session of the General Assembly, the Chairman of the House or Senate Committee on Commerce and Labor having jurisdiction over the proposal shall request that the Commission assess the proposal. The Commission shall be given a period of 24 months to complete and submit its assessment. A report summarizing the Commission's assessment shall be forwarded to the Chairman of the standing committee that requested the assessment.

B. Upon receipt of such a request, the Commission shall request the Bureau of Insurance of the State Corporation Commission (the Bureau) to prepare an analysis of the extent to which the proposed mandate is currently available under qualified health plans in the Commonwealth and advise the Commission as to whether, on the basis of that analysis, the ~~Exchange~~ *Centers for Medicare and Medicaid Services or other appropriate federal agency* would likely determine, in accordance with applicable federal rules, that the proposed mandate exceeds the scope of the essential health benefits. The Bureau's analysis shall be advisory only and not binding upon the Commission, the ~~Exchange~~ *Centers for Medicare and Medicaid Services or other appropriate federal agency*, the Bureau, the State Corporation Commission, or any other parties.

C. Upon request of the Commission, the Bureau and the Joint Legislative Audit and Review Commission shall jointly assess the social and financial impact and the medical efficacy of the proposed mandate, which assessment shall include an estimate of the effects of enactment of the proposed mandate on the costs of health coverage in the Commonwealth, including any estimated additional costs that the Commonwealth may be responsible for pursuant to § 1311(d)(3)(B) of the Patient Protection and Affordable Care Act should the proposed mandate ultimately be determined by the ~~Exchange~~ *Centers for Medicare and Medicaid Services or other appropriate federal agency* to be a benefit that exceeds the scope of the essential health benefits. Upon completion of the assessment by the Bureau and the Joint Legislative Audit and Review Commission, the Commission may make a recommendation regarding its support of or opposition to the enactment of the proposed mandate. The Commission's recommendation may address whether the proposed mandate should be provided under health care plans offered through a health benefit exchange or outside a health benefit exchange.

The Commission shall be given a period of 24 months to complete and submit its assessment. A report summarizing the Commission's study shall be forwarded to the Governor and the General Assembly.

D. Whenever a legislative measure containing a mandated health insurance benefit or provider is identical or substantially similar to a legislative measure previously reviewed by the Commission within the three-year period immediately preceding the ~~then current~~ *then-current* session of the General Assembly, the standing committee may request the Commission to study *the measure* as provided in subsection A.

INTRODUCED

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