

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to state the intent of the General Assembly to create and operate a health benefits exchange.*

3 [H 2434]

4 Approved

5 **Be it enacted by the General Assembly of Virginia:**

6 **1. § 1.** *That it is the intent of the General Assembly that the Commonwealth create and operate its own*
7 *health benefits exchange or exchanges, hereafter referred to collectively as the "Virginia Exchange," to*
8 *preserve and enhance competition in the health insurance market. The purpose of the Virginia Exchange*
9 *shall be to facilitate the purchase and sale of qualified health plans in the individual market and to*
10 *assist qualified small employers in facilitating the enrollment of their employees in qualified health plans*
11 *offered in the small group market. To accomplish this purpose, the Virginia Exchange shall, at a*
12 *minimum, meet the relevant requirements of the Patient Protection and Affordable Care Act (P.L.*
13 *111-148), as amended by the Health Care and Education Reconciliation Act of 2010 (P.L. 111-152)*
14 *(collectively referred to as the Affordable Care Act), regarding the establishment of an American Health*
15 *Benefit Exchange or Small Business Health Options Program by the prescribed deadline imposed by the*
16 *Affordable Care Act in order to avoid development and implementation of a federal exchange in the*
17 *Commonwealth.*

18 § 2. *The General Assembly requests the Governor, through the Secretary of Health and Human*
19 *Resources and with the State Corporation Commission's Bureau of Insurance, to work with the General*
20 *Assembly, relevant experts, and stakeholders generally to provide recommendations for consideration by*
21 *the 2012 Session of the General Assembly regarding the structure and governance of the Virginia*
22 *Exchange. The Governor's recommendations shall address, at a minimum, the following: (i) whether to*
23 *create the Virginia Exchange within an existing governmental agency, as a new governmental agency,*
24 *or as a not-for-profit private entity; (ii) the make-up of a governing board for the Virginia Exchange;*
25 *(iii) an analysis of resource needs and sustainability of such resources for the Virginia Exchange; (iv) a*
26 *delineation of specific functions to be conducted by the Virginia Exchange; and (v) an analysis of the*
27 *potential effects of the interactions between the Virginia Exchange and relevant insurance markets or*
28 *health programs, including Medicaid. These recommendations shall be presented to the General*
29 *Assembly by October 1, 2011, in order that any necessary amendments to the Code of Virginia and any*
30 *appropriation necessary for establishment of the Virginia Exchange may be considered during the 2012*
31 *Session of the General Assembly.*

32 **2. That the provisions of this act shall expire on July 1, 2014.**