

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 151

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1  
2 RELATING TO HEALTH INSURANCE; AMENDING SECTION 41-6105, IDAHO CODE, TO PRO-  
3 VIDE THAT CERTAIN INFORMATION ABOUT HEALTH BENEFIT PLANS BE MADE AVAIL-  
4 ABLE TO USERS OF THE HEALTH INSURANCE EXCHANGE AND TO MAKE A TECHNICAL  
5 CORRECTION.

6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 41-6105, Idaho Code, be, and the same is hereby  
8 amended to read as follows:

9 41-6105. POWERS AND AUTHORITY OF THE EXCHANGE. (1) Unless otherwise  
10 required by this chapter, in the discretion of the board, the exchange shall  
11 have the powers and authority to:

12 (a) Perform all duties that are necessary and appropriate to implement  
13 a health insurance exchange and the provisions of this chapter;

14 (b) Adopt bylaws for the regulation of its affairs and the conduct of  
15 its business, subject to the review and approval by the director. The  
16 director's consent shall be required for any amendment to the bylaws;

17 (c) Assess and collect fees from participating health carriers, ex-  
18 change users and receive funds from any other source, that shall be used  
19 solely for the purposes of this chapter. The exchange shall not be sub-  
20 ject to income tax imposed by the state of Idaho under chapter 30, title  
21 63, Idaho Code;

22 (d) Appoint any advisory committees as deemed necessary by the board;

23 (e) Take any legal action to recover any amounts lawfully owed to the  
24 exchange or otherwise consistent with this chapter;

25 (f) Enter into contracts to effectuate and implement a health insur-  
26 ance exchange and shall accept requests for proposal to bid on such con-  
27 tracts; and

28 (g) Develop, adopt and implement a plan of operation and other govern-  
29 ing documents to fulfill the requirements of this chapter.

30 (2) The exchange powers and authority shall be subject to the following  
31 limitations:

32 (a) The exchange shall not have the power to alter its own legal struc-  
33 ture;

34 (b) The exchange shall be financially self-supporting and shall not re-  
35 quest any financial support from the state and shall not have the power  
36 to tax or encumber state assets;

37 (c) (i) The exchange shall be a voluntary marketplace with the purpose  
38 of preserving individual choice and facilitating the informed se-  
39 lection and purchase of health benefit plans by eligible individ-  
40 uals, eligible employers and eligible employees. To that end the  
41 exchange portal shall be constructed to permit health insurance  
42 shoppers to anonymously input information to comparison shop, and

1           only upon submission of an application require login names, pass-  
2           words and identifying information.

3           (ii) Neither the exchange nor any agency of the state of Idaho  
4           shall require any person to use or participate in the exchange,  
5           nor have the authority to impose upon or collect from a person any  
6           penalty for failure or refusal to participate in the exchange or to  
7           purchase a health benefit plan or stand-alone dental plan.

8           (iii) The exchange shall provide as part of the application  
9           process for any person qualifying for premium assistance through  
10          the exchange a prominent warning advising purchasers to estimate  
11          income for the year carefully, that underestimating income can  
12          result in an overpayment of premium assistance and that an over-  
13          payment of premium assistance will likely result in owing the  
14          overpayment back to the internal revenue service.

15         (d) The exchange shall not prohibit a health carrier from participating  
16         in the exchange or prohibit a health benefit plan or stand-alone den-  
17         tal plan from being sold in the exchange so long as the health carrier or  
18         health benefit plan or stand-alone dental plan meets all requirements  
19         of applicable law and any requirements of the exchange consistent with  
20         this chapter;

21         (e) The exchange shall not prohibit or preclude a health carrier from  
22         offering insurance or a stand-alone dental plan outside the exchange;

23         (f) The exchange shall not prohibit a producer from participating in  
24         the exchange, and any producer participating in the exchange shall be  
25         entitled to payment for his services through written fee agreements  
26         with the individuals or small employers utilizing the services of said  
27         producer or through commissions offered by health carriers participat-  
28         ing in the exchange;

29         (g) Before the exchange begins taking applications or collecting in-  
30         formation from exchange users, the board shall certify to the director  
31         and governor that personal information collected from and about any  
32         person who voluntarily uses the exchange including, but not limited to,  
33         health care records and income, is and will continue to be secure;

34         (h) The exchange shall not inquire about the use, ownership, possession  
35         or storage of any firearm or ammunition by anyone using the exchange;

36         (i) In the event the patient protection and affordable care act  
37         (PPACA), P.L. 111-148, or any section thereof or rule enacted thereto,  
38         is declared unconstitutional or otherwise invalid by any federal court,  
39         unless such ruling is stayed by the court, the exchange shall immedi-  
40         ately cease to enforce those affected provisions of the PPACA or rules;

41         (j) The state of Idaho shall not be liable for any obligations of the  
42         exchange; and

43         (k) The board shall not be liable for any obligations of the exchange.  
44         No member of the board shall be liable, and no cause of action of any  
45         nature may arise against them, for any act or omission related to the  
46         performance of their powers and duties under this chapter, unless such  
47         act or omission constitutes willful or wanton misconduct. The board may  
48         provide for indemnification of, and legal representation for, its mem-  
49         bers.

1       (3) To facilitate the informed selection and purchase of health bene-  
2 fit plans, the exchange through its board shall require participating health  
3 carriers to make available the following information about each plan offered  
4 on the exchange:

5       (a) The prescription drugs covered by the plan, including restrictions  
6 on use or quantity and associated cost sharing;

7       (b) Out-of-pocket expenses associated with the plan;

8       (c) Network providers under the plan;

9       (d) Coverage for out-of-network providers under the plan;

10       (e) Rights of appeal when coverage is denied under the plan; and

11       (f) Other information deemed pertinent by the exchange.

12 The required information shall be provided in a manner simple and concise as  
13 prescribed by rule of the exchange and shall be made available prior to the  
14 open enrollment period for 2016 and thereafter.