

AMENDED IN ASSEMBLY APRIL 14, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 248

Introduced by Assembly Member Roger Hernández
(Coauthor: Assembly Member Gonzalez)

February 9, 2015

An act to add Section 1367.010 to the Health and Safety Code, and to add Section 10112.9 to the Insurance Code, relating to health care coverage.

LEGISLATIVE COUNSEL'S DIGEST

AB 248, as amended, Roger Hernández. Health insurance: minimum value: large group market policies.

Existing law, the federal Patient Protection and Affordable Care Act (PPACA), enacts various health care coverage market reforms that take effect January 1, 2014, and exempts health insurance coverage that provides excepted benefits from those reforms. PPACA requires each state to establish an American Health Benefits Exchange and allows qualified individuals to obtain premium assistance for coverage purchased through the Exchange. PPACA specifies that this premium assistance is not available if the individual is eligible for affordable employer-sponsored coverage that provides minimum value, as specified.

Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans by the Department of Managed Health Care and makes a willful violation of the act a crime. Existing law provides for the regulation of health insurers by the Insurance Commissioner. Existing law requires that health benefit plans issued by health insurers and health care service

plans in the small group market and the individual market comply with specified requirements. Existing law defines a health benefit plan for the purpose of health benefit plans issued by health insurers to exclude a policy or certificate of specified disease or hospital confinement indemnity if the insurer certifies to the commissioner that the policy is being offered as supplemental health insurance and not as a substitute for essential health benefits. Existing law requires an insurer issuing these policies in the small group market or the individual market to require that the persons to be covered are covered by coverage that is not designed to serve as supplemental coverage.

This bill would extend that requirement to a health care service plan that offers, amends, or renews a group health plan contract and an insurer issuing a policy, except a health care service plan or insurer issuing a specialized health care service plan or policy, that provides less than 60% minimum value in the large group market and would require that the persons to be covered are also covered by a contract or plan that provides at least 60% minimum value. The bill would not apply to limited wraparound coverage, as described in a specified federal regulation, from these provisions. This bill would exempt an insurer that is subject to specified disclosure requirements from these provisions. By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) The Legislature finds and declares that an
- 2 employee of a large employer who accepts health coverage from
- 3 his or her employer that is less than 60 percent minimum value is
- 4 barred by federal guidance from obtaining federal tax credits for
- 5 affordable health coverage through Covered California.
- 6 (b) It is the intent of the Legislature in enacting this act to ensure
- 7 that employees of large employers who are offered health coverage
- 8 by their employers are offered coverage that meets or exceeds 60

1 percent minimum value, the minimum standard for comprehensive
2 employer coverage under federal law. This requirement applies if
3 an employer purchases that health coverage from a health plan or
4 health insurer regulated by the State of California.

5 SEC. 2. Section 1367.010 is added to the Health and Safety
6 Code, to read:

7 1367.010. (a) (1) A health care service plan, except a health
8 care service plan offering a specialized health care service plan
9 contract, that offers, amends, or renews a large group health care
10 service plan contract shall not market, offer, amend, or renew a
11 large group plan contract that provides a minimum value of less
12 than 60 percent.

13 (2) This section shall not apply to limited wraparound coverage,
14 consistent with Section 146.145(b) of Title 45 of the Code of
15 Federal Regulations.

16 (b) For purposes of this section, a plan ~~provides~~ *shall provide*
17 a minimum value of at least 60 ~~percent if it complies with~~ *percent,*
18 *as described in* Section 36B(c)(2)(C) of the federal Internal
19 Revenue Code and any regulation or guidance adopted under that
20 section.

21 (c) The following definitions apply for purposes of this section:

22 (1) “Large group health care service plan contract” means a
23 group health care service plan contract other than a contract issued
24 to a ~~“small employer”~~, “*small employer*,” as defined in Section
25 1357, 1357.500, or 1357.600.

26 (2) “Plan year” has the meaning set forth in Section 144.103 of
27 Title 45 of the Code of Federal Regulations.

28 SEC. 3. Section 10112.9 is added to the Insurance Code, to
29 read:

30 10112.9. (a) (1) An insurer, except an insurer issuing a
31 specialized health insurance policy, issuing a policy or certificate
32 of health insurance shall not market, offer, amend, ~~issue~~ *issue*, or
33 renew a large group plan contract that provides a minimum value
34 of less than 60 percent.

35 (2) This section shall not apply to limited wraparound coverage,
36 that is consistent with Section 146.145(b) of Title 45 of the Code
37 of Federal Regulations.

38 (b) For purposes of this section, a plan ~~provides~~ *shall provide*
39 a minimum value of at least 60 ~~percent if it complies with~~ *percent,*
40 *as described in* Section 36B(c)(2)(C) of the federal Internal

1 Revenue Code and any regulations or guidance adopted under that
2 section.

3 (c) This section shall not apply to an insurer that is subject to
4 the disclosure requirements described in Section 10198.61.

5 (d) For purposes of this section, the following definitions apply:

6 (1) “Large group” means a group that is not a ~~“small employer”~~,
7 “*small employer*,” as defined in Section 10753.

8 (2) “Plan year” has the meaning set forth in Section 144.103 of
9 Title 45 of the Code of Federal Regulations.

10 SEC. 4. No reimbursement is required by this act pursuant to
11 Section 6 of Article XIII B of the California Constitution because
12 the only costs that may be incurred by a local agency or school
13 district will be incurred because this act creates a new crime or
14 infraction, eliminates a crime or infraction, or changes the penalty
15 for a crime or infraction, within the meaning of Section 17556 of
16 the Government Code, or changes the definition of a crime within
17 the meaning of Section 6 of Article XIII B of the California
18 Constitution.