

114TH CONGRESS  
2D SESSION

# H. R. 6018

To waive the essential health benefits requirements for certain States.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 13, 2016

Mr. YOUNG of Alaska introduced the following bill; which was referred to the  
Committee on Energy and Commerce

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## A BILL

To waive the essential health benefits requirements for  
certain States.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Ensuring Health Care  
5 Opportunities Act”.

6       **SEC. 2. WAIVER OF ESSENTIAL HEALTH BENEFITS RE-**  
7       **QUIREMENTS.**

8       (a) IN GENERAL.—In the case of a State in which  
9 the applicable State authority (as defined in section  
10 2791(d)(1) of the Public Health Service Act (42 U.S.C.  
11 300gg–91(d)(1))) certifies to the Secretary of Health and

1 Human Services that, with respect to at least one county  
2 (or, in the case of a State that does not have counties,  
3 equivalent municipality), only one health insurance issuer  
4 offers coverage in the individual market for a plan year,  
5 the following shall not apply to health plans in such State  
6 for such plan year:

7           (1) The requirement under section 1301(a)(1)  
8       of the Patient Protection and Affordable Care Act  
9       (42 U.S.C. 18021(a)(1)) that, to be a qualified  
10      health plan eligible to be offered through an Ex-  
11      change in the State, such plan provide the essential  
12      health benefits package described in section 1302(a)  
13      of such Act (42 U.S.C. 18022(a)).

14           (2) The requirement under section 2707(a) of  
15      the Public Health Service Act (42 U.S.C. 300gg-  
16      6(a)) that health insurance coverage offered in the  
17      individual or small group market in the State in-  
18      cludes the essential health benefits package required  
19      under section 1302(a) of the Patient Protection and  
20      Affordable Care Act (42 U.S.C. 18022(a)).

21       (b) STATE CERTIFICATION.—To be eligible for a  
22      waiver under subsection (a), a State shall make the certifi-  
23      cation described in subsection (a) not later than—

24           (1) 90 days after the date of enactment of this  
25      Act, in the case of a State in which, on the date of

1 enactment of this Act, at least one county in the  
2 State (or, in the case of a State that does not have  
3 counties, equivalent municipality), only one health  
4 insurance issuer offers coverage in the individual  
5 market for the plan year in effect on such date of  
6 enactment; and

7 (2) 90 days after the applicable State authority  
8 (as defined in section 2791(d)(1) of the Public  
9 Health Service Act (42 U.S.C. 300gg–91(d)(1)))  
10 first discovers, or reasonably should discover, that,  
11 in at least one county in the State (or, in the case  
12 of a State that does not have counties, equivalent  
13 municipality), only one health insurance issuer offers  
14 in the current plan year, or will offer in a future  
15 plan year, coverage in the individual market for the  
16 current plan year or a future plan year, as applica-  
17 ble, in the case of a State not described in para-  
18 graph (1).

19 (c) TERM OF WAIVER.—A waiver under this section  
20 may extend over a period of not more than 5 years, pro-  
21 vided that the State continues to meet the criteria for eli-  
22 gibility for the waiver under subsection (a). A State that  
23 continues to meet such criteria for more than 5 years may  
24 re-certify under subsection (a) every 5 years.

1       (d) PLANS OFFERING ESSENTIAL HEALTH BENE-  
2 FITS.—Nothing in this Act prevents a health insurance  
3 issuer from offering in a State to which a waiver under  
4 subsection (a) applies health insurance coverage that in-  
5 cludes the essential health benefits package described in  
6 section 1302(a) of the Patient Protection and Affordable  
7 Care Act (42 U.S.C. 18022(a)).

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