

114TH CONGRESS
2D SESSION

S. 3320

To waive the essential health benefits requirements for certain States.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 13, 2016

Mr. SULLIVAN (for himself and Ms. MURKOWSKI) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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.

1 300gg–91(d)(1))) certifies to the Secretary of Health and
 2 Human Services that, with respect to at least one county
 3 (or, in the case of a State that does not have counties,
 4 equivalent municipality), only one health insurance issuer
 5 offers coverage in the individual market for a plan year,
 6 the following shall not apply to health plans in such State
 7 for such plan year:

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

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

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

1 (1) 90 days after the date of enactment of this
2 Act, in the case of a State in which, on the date of
3 enactment of this Act, at least one county in the
4 State (or, in the case of a State that does not have
5 counties, equivalent municipality), only one health
6 insurance issuer offers coverage in the individual
7 market for the plan year in effect on such date of
8 enactment; and

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

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

1 continues to meet such criteria for more than 5 years may
2 re-certify under subsection (a) every 5 years.

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

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