A BILL FOR AN ACT

CONCERNING THE REPEAL OF THE "COLORADO HEALTH BENEFIT EXCHANGE ACT".

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://leg.colorado.gov.)

In 2010, pursuant to the enactment of federal law that allowed each state to establish a health benefit exchange option through state law or opt to participate in a national exchange, the general assembly enacted the "Colorado Health Benefit Exchange Act" (act). The act created the state exchange, a board of directors (board) to implement the exchange, and a legislative health benefits exchange implementation review
committee to make recommendations to the board. The bill repeals the act, effective January 1, 2018, and allows the exchange to continue for one year for the purpose of winding up its affairs. The bill also requires the board, on the last day of the wind-up period, to transfer any unencumbered money that remains in the exchange to the state treasurer, who shall transfer the money to the general fund.

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Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, add 10-22-113 as follows:

10-22-113. Repeal of article - transfer of funds. (1) (a) This article 22 is repealed, effective January 1, 2018.

(b) Upon the repeal of this article 22, the exchange will continue until December 31, 2018, for the purpose of winding up its affairs. During the wind-up period, the repeal of this article 22 does not limit the powers and duties of the board, committee, or exchange.

(2) On December 31, 2018, the board shall transfer any unencumbered money that remains in the exchange to the state treasurer, who shall transfer the money to the general fund.

SECTION 2. In Colorado Revised Statutes, 10-16-102, repeal (26) as follows:

10-16-102. Definitions - repeal. As used in this article, unless the context otherwise requires:

(26) "Exchange" means the Colorado health benefit exchange created in article 22 of this title.

SECTION 3. In Colorado Revised Statutes, 10-16-105.7, amend (3)(a)(II)(C) and (3)(c); and repeal (3)(a)(II)(E) as follows:

10-16-105.7. Health benefit plan open enrollment periods -
special enrollment periods - rules - repeal. (3) (a) (II) A triggering event occurs when:

(C) An individual's enrollment or nonenrollment in a health benefit plan is unintentional, inadvertent, or erroneous and is the result of an error, misrepresentation, or inaction of the carrier or producer; or exchange established pursuant to article 22 of this title;

(E) The exchange established pursuant to article 22 of this title determines an individual to be newly eligible or newly ineligible for the federal advance payment tax credit or cost-sharing reductions available through the exchange pursuant to federal law;

(c) The commissioner shall adopt rules in accordance with federal law for the implementation of this section. The commissioner may adopt rules to allow individuals enrolled in a health benefit plan through an exchange established under article 22 of this title to enroll in or change from one health benefit plan to another under circumstances specified in the rules.

SECTION 4. In Colorado Revised Statutes, 10-16-107, amend (5)(c)(I) and (5)(c)(II) as follows:


(5) (c) (I) A carrier shall consider all individuals in all individual health benefit plans, other than grandfathered health benefit plans, offered by the carrier including those individuals who do not enroll in the plans through an exchange established under article 22 of this title; to be members of a single risk pool.

(II) A carrier shall consider all covered persons in all small employer health benefit plans, other than grandfathered health benefit plans, offered by the carrier including those covered persons who do not
enroll in the plans through an exchange established under article 22 of this title, to be members of a single risk pool.

SECTION 5. In Colorado Revised Statutes, 10-16-119, amend (3)(a)(IV)(D) and (3)(a)(IV)(E) as follows:

10-16-119. Requirements for excess loss or stop-loss health insurance used in conjunction with self-insured employer benefit plans under the federal "Employee Retirement Income Security Act" - data collection 2013-18 - rules - repeal. (3) (a) For calendar years 2013 through 2018, an insurer that sells excess loss or stop-loss health insurance policies shall file with the commissioner annually, in the form and manner required by the commissioner by rule, information including the following:

(IV) The source of prior coverage for the groups specified in subparagraph (I) of this paragraph (a), including:

(D) Groups previously fully insured outside the Colorado health benefit exchange, created in article 22 of this title before its repeal on January 1, 2018; and

(E) Groups previously fully insured inside the Colorado health benefit exchange, created in article 22 of this title before its repeal on January 1, 2018; and

SECTION 6. Act subject to petition - effective date. This act takes effect January 1, 2018; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the
general election to be held in November 2018 and, in such case, will take
effect on the date of the official declaration of the vote thereon by the
governor.