



General Assembly

Amendment

February Session, 2014

LCO No. 3756

SB0001103756SR0

Offered by:
SEN. FASANO, 34th Dist.

To: Subst. Senate Bill No. 11

File No. 8

Cal. No. 44

**"AN ACT CONCERNING THE DUTIES OF THE CONNECTICUT
HEALTH INSURANCE EXCHANGE."**

1 In line 186, after "exchange." insert the following: "Participation in
2 such negotiations shall be voluntary."

3 After the last section, add the following and renumber sections and
4 internal references accordingly:

5 "Sec. 501. Subsection (b) of section 38a-1086 of the general statutes is
6 repealed and the following is substituted in lieu thereof (*Effective from*
7 *passage*):

8 (b) The exchange shall not refuse to certify a health benefit plan as a
9 qualified health plan:

10 (1) On the basis that (A) the plan is a fee-for-service plan, or (B) the
11 health benefit plan provides treatments necessary to prevent patients'
12 deaths in circumstances the exchange determines are inappropriate or
13 too costly; or

14 (2) By conditioning such certification on the imposition of premium
15 price controls by the exchange or on a health carrier's participation in
16 premium negotiations under subsection (b) of section 38a-1084, as
17 amended by this act.

18 Sec. 502. Subsection (c) of section 38a-1083 of the 2014 supplement to
19 the general statutes is repealed and the following is substituted in lieu
20 thereof (*Effective from passage*):

21 (c) The exchange is authorized and empowered to:

22 (1) Have perpetual successions as a body politic and corporate and
23 to adopt bylaws for the regulation of its affairs and the conduct of its
24 business;

25 (2) Adopt an official seal and alter the same at pleasure;

26 (3) Maintain an office in the state at such place or places as it may
27 designate;

28 (4) Employ such assistants, agents, managers and other employees
29 as may be necessary or desirable;

30 (5) Acquire, lease, purchase, own, manage, hold and dispose of real
31 and personal property, and lease, convey or deal in or enter into
32 agreements with respect to such property on any terms necessary or
33 incidental to the carrying out of these purposes, provided all such
34 acquisitions of real property for the exchange's own use with amounts
35 appropriated by this state to the exchange or with the proceeds of
36 bonds supported by the full faith and credit of this state shall be
37 subject to the approval of the Secretary of the Office of Policy and
38 Management and the provisions of section 4b-23;

39 (6) Receive and accept, from any source, aid or contributions,
40 including money, property, labor and other things of value;

41 (7) Charge assessments or user fees to health carriers that are

42 capable of offering a qualified health plan through the exchange or
43 otherwise generate funding necessary to support the operations of the
44 exchange and impose interest and penalties on such health carriers for
45 delinquent payments of such assessments or fees;

46 (8) Procure insurance against loss in connection with its property
47 and other assets in such amounts and from such insurers as it deems
48 desirable;

49 (9) Invest any funds not needed for immediate use or disbursement
50 in obligations issued or guaranteed by the United States of America or
51 the state and in obligations that are legal investments for savings banks
52 in the state;

53 (10) Issue bonds, bond anticipation notes and other obligations of
54 the exchange for any of its corporate purposes, and to fund or refund
55 the same and provide for the rights of the holders thereof, and to
56 secure the same by pledge of revenues, notes and mortgages of others;

57 (11) Borrow money for the purpose of obtaining working capital;

58 (12) Account for and audit funds of the exchange and any recipients
59 of funds from the exchange;

60 (13) Make and enter into any contract or agreement necessary or
61 incidental to the performance of its duties and execution of its powers.
62 The contracts entered into by the exchange shall not be subject to the
63 approval of any other state department, office or agency, provided
64 copies of all contracts of the exchange shall be maintained by the
65 exchange as public records, subject to the proprietary rights of any
66 party to the contract;

67 (14) To the extent permitted under its contract with other persons,
68 consent to any termination, modification, forgiveness or other change
69 of any term of any contractual right, payment, royalty, contract or
70 agreement of any kind to which the exchange is a party;

71 (15) Award grants to trained and certified individuals and
 72 institutions that will assist individuals, families and small employers
 73 and their employees in enrolling in appropriate coverage through the
 74 exchange. Applications for grants from the exchange shall be made on
 75 a form prescribed by the board;

76 (16) Limit the number of plans offered, and use selective criteria in
 77 determining which plans to offer, through the exchange, provided (A)
 78 individuals and employers have an adequate number and selection of
 79 choices, and (B) a health carrier's participation or lack thereof in
 80 premium negotiations under subsection (b) of section 38a-1084, as
 81 amended by this act, shall not be considered as a factor for purposes of
 82 this subdivision;

83 (17) Evaluate jointly with the SustiNet Health Care Cabinet the
 84 feasibility of implementing a basic health program option as set forth
 85 in Section 1331 of the Affordable Care Act;

86 (18) Sue and be sued, plead and be impleaded;

87 (19) Adopt regular procedures that are not in conflict with other
 88 provisions of the general statutes, for exercising the power of the
 89 exchange; and

90 (20) Do all acts and things necessary and convenient to carry out the
 91 purposes of the exchange, provided such acts or things shall not
 92 conflict with the provisions of the Affordable Care Act, regulations
 93 adopted thereunder or federal guidance issued pursuant to the
 94 Affordable Care Act."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	<i>from passage</i>	38a-1086(b)
Sec. 502	<i>from passage</i>	38a-1083(c)