



SPONSOR: Sen. Henry & Rep. Baumbach  
Sens. Marshall, Townsend; Reps. Bentz, Keeley,  
Kowalko, Osienski

DELAWARE STATE SENATE  
149th GENERAL ASSEMBLY

SENATE CONCURRENT RESOLUTION NO. 70

CREATING A MEDICAID BUY-IN STUDY GROUP.

1 WHEREAS, access to quality, affordable health care is a cornerstone not only of a healthy life, but of a healthy  
2 economy and middle-class; and

3 WHEREAS, more than 24,000 Delawareans are enrolled in Marketplace plans via ChooseHealthDE.com or  
4 Healthcare.gov; and

5 WHEREAS, only one commercial insurer currently sells health plans on Delaware's Marketplace; and

6 WHEREAS, health insurance premiums on an average "Silver" level Marketplace plan in Delaware increased by  
7 25% last year; and

8 WHEREAS, consumers would benefit from greater competition in the individual insurance marketplace; and

9 WHEREAS, research from the Urban Institute shows that per-enrollee health care spending is 22% less under  
10 Medicaid than under private insurance; and

11 WHEREAS, health care spending in Delaware grew by 7.2% between 1991 and 2014, the fourth highest rate in the  
12 nation, according to the Kaiser Family Foundation; and

13 WHEREAS, from 1987 to 2015, Medicaid spending grew by 4.1% annually versus 6.9% annual growth for private  
14 insurance, according to the Centers for Medicare and Medicaid Services; and

15 WHEREAS, Delaware has taken steps to rein in the growth of health care spending, including establishing a health  
16 care benchmark; and

17 WHEREAS, under Medicaid expansion, Delawareans making 138% or less of the Federal Poverty Level ("FPL")  
18 are eligible for Medicaid; and

19 WHEREAS, Marketplace consumers over 138% of FPL are limited to commercial insurers; and

20 WHEREAS, Congress enacted the Medicaid Buy-In option for states in the Balanced Budget Act of 1997 (§ 4733)  
21 and enhanced the option in the Ticket to Work and Work Incentive Improvement Act of 1999 (P.L. 106-170, 42 USC 1396  
22 et seq.); and

23 WHEREAS, Delaware has a Medicaid Buy-In program known as “Medicaid for Workers with Disabilities  
24 (MWD)” which is available to current and new Medicaid beneficiaries with disabilities who meet MWD eligibility  
25 requirements; and

26 WHEREAS, creating a Medicaid Buy-In program that allows Delawareans above 138% FPL the ability to  
27 purchase Medicaid coverage would provide an affordable, high-quality coverage alternative with premiums set by the State;  
28 and

29 WHEREAS, Delaware’s small size gives it a unique opportunity for innovation in public policy, including health  
30 care policy; and

31 WHEREAS, every American deserves affordable health care.

32 NOW, THEREFORE:

33 BE IT RESOLVED by the Senate of the 149<sup>th</sup> General Assembly of the State of Delaware, the House of  
34 Representatives concurring therein, that a Medicaid Buy-In Study Group (“Study Group”) is hereby created.

35 BE IT FURTHER RESOLVED that the Study Group is composed of the following voting members serving by  
36 virtue of position, or a designee appointed by the member:

37 (1) A State Senator from the majority caucus, appointed by the President Pro Tem of the Senate, who serves  
38 as Co-Chair.

39 (2) A State Representative from the majority caucus, appointed by the Speaker of the House of  
40 Representatives, who serves as Co-Chair.

41 (3) A State Senator from the minority caucus, appointed by the President Pro Tem.

42 (4) A State Representative from the minority caucus, appointed by the Speaker of the House.

43 (5) The Insurance Commissioner.

44 (6) The Secretary of the Department of Health and Social Services.

45 (7) The Director of the Office of Management and Budget.

46 (8) The Controller General.

47 (9) The Director of the Division of Medicaid and Medical Assistance.

48 (10) The Chair of the Delaware Health Care Commission.

49 (11) Two representatives from the insurance industry, 1 appointed by the President Pro Tem and 1 appointed  
50 by the Speaker of the House.

51 (12) Two physicians, appointed by the Medical Society of Delaware.

52 (13) Two representatives from hospitals, appointed by the Delaware Healthcare Association.

53 (14) Three members of the public representing consumers, appointed by the Governor.

54 BE IT FURTHER RESOLVED that the Study Group shall study the adoption of an expanded Medicaid Buy-In  
55 program in Delaware, including federal requirements and approvals, eligibility criteria for individuals, potential premiums  
56 and levels of coverage, and potential positive and negative consequences of creating an expanded Medicaid Buy-In  
57 Program.

58 BE IT FURTHER RESOLVED that the Governor and the Secretary of Health and Social Services may apply to  
59 the Secretary of the U.S. Department of Health and Human Services for a waiver for state innovation under Section 1332 of  
60 the Patient Protection and Affordable Care Act (42 USCS § 18052), and if approved, may implement a state plan of  
61 innovation that meets the waiver requirements established under federal law and as approved by the United States Secretary  
62 of Health and Human Services.

63 BE IT FURTHER RESOLVED that quorum of the Study Group is a majority of its members.

64 BE IT FURTHER RESOLVED that:

65 (1) Official action by the Study Group, including making findings and recommendations, requires the  
66 approval of a quorum of the Study Group.

67 (2) The Study Group may adopt rules necessary for its operation.

68 BE IT FURTHER RESOLVED that the Co-Chairs of this Study Group are responsible for guiding the  
69 administration of the Study Group by doing, at a minimum, all of the following:

70 (1) Setting a date, time, and place for the initial organizational meeting.

71 (2) Notifying the individuals listed in lines 43 through 53 of the formation of the Study Group and the need to  
72 appoint a member.

73 (2) Supervising the preparation and distribution of meeting notices, agendas, minutes, correspondence, and  
74 reports of the Study Group.

75 (3) Sending to the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the  
76 Director of the Division of Research of Legislative Council, after the first meeting of the Study Group, a list of the  
77 members of the Study Group and the person who appointed them.

78 (4) Providing meeting notices, agendas, and minutes to the Director of the Division of Research of Legislative  
79 Council.

80 (5) Ensuring that the final report of the Study Group is submitted to the President Pro Tempore of the Senate  
81 and the Speaker of the House of Representatives, with copies to all members of the General Assembly, the

82 Governor, the Director and the Librarian of the Division of Research of Legislative Council, and the Delaware  
83 Public Archives.

84 BE IT FURTHER RESOLVED that the Study Group shall hold its first meeting no later than September 10, 2018.

85 BE IT FURTHER RESOLVED that the General Assembly is responsible for providing reasonable and necessary  
86 support staff, including a legislative attorney, and materials for the Study Group to carry out its mission.

87 BE IT FURTHER RESOLVED that the General Assembly will appropriate funding to the Department of Health  
88 and Social Services for the Study Group to use to hire experts to assist in this research.

89 BE IT FURTHER RESOLVED that the Co-chairs of the Study Group shall compile a report containing a  
90 summary of the Study Group's work regarding the issues assigned to it in lines 54 through 57 of this resolution, including  
91 any findings and recommendations, and submit the report to all members of the General Assembly and the Governor no  
92 later than January 31, 2019.

#### SYNOPSIS

This Senate Concurrent Resolution creates a Medicaid Buy-In Study Group to study the adoption of an expanded Medicaid Buy-In program that would allow Delawareans with incomes above 138% of the Federal Poverty Level to purchase insurance coverage through the Medicaid program.

Author: Senator Henry