



SPONSOR: Rep. Schwartzkopf & Rep. Longhurst & Rep. Viola &  
Rep. D. Short & Rep. Hudson & Rep. Bentz &  
Rep. B. Short & Sen. McBride & Sen. Henry &  
Sen. Poore & Sen. Simpson & Sen. Lavelle &  
Sen. Bushweller & Sen. Townsend

HOUSE OF REPRESENTATIVES  
149th GENERAL ASSEMBLY

HOUSE JOINT RESOLUTION NO. 13

REQUIRING ANY INSURANCE COMPANY OR HEALTH SERVICE CORPORATION SELLING INDIVIDUAL AND SMALL GROUP MARKET INSURANCE PRODUCTS IN DELAWARE TO FILE A REPORT DETAILING HOW THEY DISTRIBUTED SAVINGS TO DELAWARE CONSUMERS IN PLAN YEAR 2019 FROM THE FEDERAL GOVERNMENT'S ONE YEAR MORATORIUM OF THE INSURANCE COMPANY FEE CREATED BY THE PATIENT PORTABILITY AND AFFORDABLE CARE ACT OF 2010 TO DELAWARE CONSUMERS IN PLAN YEAR 2019.

WHEREAS, almost 25,000 Delawareans receive insurance through the federal health insurance exchange created by the Patient Portability and Affordable Care Act of 2010 (ACA); and

WHEREAS, there has been a premium increase in each of the last three years that health plans have been offered on the exchange, and

WHEREAS, it in the best interest of the State for Delawareans to have affordable health insurance; and

WHEREAS, the federal government passed a moratorium on the fee imposed on health insurers under Section 9010 of the ACA for calendar year 2019; and

WHEREAS, the State of Delaware believes that Delawareans should benefit from the savings that health insurers are receiving in 2019 through reduced premiums in the individual insurance market both on and off the ACA exchanges.

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives and the Senate of the 149<sup>th</sup> General Assembly of the State of Delaware, with the approval of the Governor, that any health insurance company or health service corporation selling individual and small group insurance products in Delaware, who receives a moratorium for calendar year 2019 from the fees assessed by the ACA, under Section 9010, shall file a report with the Secretary of the Department of Health and Social Services as well as the Insurance Commissioner for the State of Delaware no later than January 2, 2019. The report shall outline how the company has distributed the savings received through the fee moratorium to Delaware consumers through lower premiums for plan year 2019. Additionally, the report should include detailed information about the company's marketing activities for the open enrollment period for calendar year 2019 health plans.

19 BE IT FURTHER RESOLVED that the submitted plans shall be reviewed by actuaries employed or contracted by  
20 the State of Delaware. If the actuaries can show that the savings to Delaware consumers are not substantial, then the State  
21 shall consider imposing a fee on the insurers, not to exceed the amount of the fee waived by the federal government.

#### SYNOPSIS

In January of 2018 the federal government passed the Federal Register Printing Savings Act, which included a moratorium in calendar year 2019 on a fee paid by health insurance companies or health service corporations to the federal government. The State of Delaware wants to ensure that savings received by the health insurers are passed along to Delaware consumers who buy health insurance plans in the individual market both on and off the health exchanges created by the Patient Portability and Affordable Care Act of 2010. This resolution requires health insurers who received this moratorium to file a report with the Secretary of the Department of Health and Social Services and the Insurance Commissioner of Delaware no later than January 2, 2019 outlining how they passed along savings to Delaware consumers.