AN ACT
RELATING TO STATE AFFAIRS AND GOVERNMENT -- HEALTH CARE--HEALTH INSURANCE

Introduced By: Senator Joshua Miller
Date Introduced: May 29, 2018
Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

SECTION 1. Title 42 of the General Laws entitled "STATE AFFAIRS AND GOVERNMENT" is hereby amended by adding thereto the following chapter:

CHAPTER 157.1
RHODE ISLAND MARKET STABILITY AND REINSURANCE ACT

(a) This chapter shall be known and may be cited as the "Rhode Island Market Stability and Reinsurance Act."
(b) The purpose of this chapter is to authorize the director to create the Rhode Island reinsurance program to stabilize health insurance rates and premiums in the individual market and provide greater financial certainty to consumers of health insurance in this state.
(c) Nothing in this chapter shall be construed as obligating the state to appropriate funds or make payments to carriers.

As used in this chapter:
(1) "Director" means the director of the Rhode Island health benefits exchange.
(2) "Exchange" means the Rhode Island health benefits exchange established within the department of administration by § 42-157-1.
(3) "Health insurance carrier" or "carrier" has the same meaning as it does in § 27-18.5-2.
(4) "Health insurance coverage" has the same meaning as it does in § 27-18.5-2.

(5) "Individual market" has the same meaning as it does in § 27-18.5-2.

(6) "Office of the health insurance commissioner" means the entity established by § 42-14.5-1 within the department of business regulation.

(7) "Program" means the Rhode Island reinsurance program established by § 42-157.1-3.

(8) "Program fund" or "fund" means the fund established by § 42-157.1-5.

(9) "State" means the state of Rhode Island.


(a) The director is authorized to establish and implement a state-based reinsurance program, to be known as the Rhode Island reinsurance program:

(1) To provide reinsurance to carriers that offer health insurance coverage on the individual market in the state;

(2) That meets the requirements of a waiver approved under 42 U.S.C. § 18052; and

(3) That is consistent with state and federal law.

(b) The program is intended to mitigate the impact of high-risk individuals on health insurance rates offered in the individual insurance market on and off of the exchange.

(c) The director is authorized to establish reinsurance payment parameters for calendar year 2020 and each subsequent calendar year that include:

(1) An attachment point;

(2) A coinsurance rate; and

(3) A coinsurance cap.

d) Carriers must provide the exchange and the office of the health insurance commissioner with data the director prescribes by rules and regulations as necessary to determine reinsurance payments in a time and manner determined by the director.

e) The director may alter the parameters established in accordance with §§ 42-157.1-3(c) and 42-157.1-3 (d) as necessary to secure federal approval for a waiver submitted in accordance with § 42-157.1-6.


(a) The director may:

(1) Contract with the federal government or another unit of government to ensure coordination of the program;

(2) Apply for any available federal funding for the program;

(3) Undertake, directly or through contracts with other persons or entities, studies or demonstration programs to develop awareness of the benefits of this chapter; and
(4) Formulate general policy and adopt rules and regulations that are reasonably necessary to administer this chapter, including regulations establishing a reinsurance program to mitigate the impact of high-risk individuals on health insurance rates.

42-157.1-5. Establishment of program fund.
(a) A fund shall be established to provide funding for the operation and administration of the program in carrying out the purposes of the program under this chapter.
(b) The director is authorized to administer the fund.
(c) The general assembly may appropriate general revenue to support the annual budget for the program.
(d) The fund shall consist of:
   (1) Any pass-through funds received from the federal government under a waiver approved under 42 U.S.C. § 18052;
   (2) Any funds designated by the federal government to provide reinsurance to carriers that offer individual health benefit plans in the state;
   (3) Any funds designated by the state to provide reinsurance to carriers that offer individual health benefit plans in the state; and
   (4) Any other money from any other source accepted for the benefit of the fund.
(c) A restricted receipt account shall be established for the fund which may be used for the establishment and operation of the program and shall be exempt from the indirect cost recovery provisions of § 35-4-27.
(f) Nothing in this chapter shall be construed as obligating the state to appropriate funds or make payments to carriers.

In accordance with § 42-157-5, the director may apply to the United States Secretary of Health and Human Services under 42 U.S.C. § 18052, for a state innovation waiver to implement the program and seek federal pass-through funding for calendar years beginning January 1, 2020, and future years, to maximize federal funding.

42-157.1-7. Program contingent on federal waiver and appropriation of state funding.
(a) The state shall not implement the program or provide reinsurance payments to eligible carriers, without a dedicated appropriation of state funding.
(b) If the state innovation waiver request in § 42-157.1-6 is not approved, the director shall not implement the program or provide reinsurance payments to eligible carriers.

SECTION 2. Section 35-4-27 of the General Laws in Chapter 35-4 entitled "State Funds"
is hereby amended to read as follows:

**35-4-27. Indirect cost recoveries on restricted receipt accounts.**

Indirect cost recoveries of ten percent (10%) of cash receipts shall be transferred from all restricted-receipt accounts, to be recorded as general revenues in the general fund. However, there shall be no transfer from cash receipts with restrictions received exclusively: (1) From contributions from non-profit charitable organizations; (2) From the assessment of indirect cost-recovery rates on federal grant funds; or (3) Through transfers from state agencies to the department of administration for the payment of debt service. These indirect cost recoveries shall be applied to all accounts, unless prohibited by federal law or regulation, court order, or court settlement. The following restricted receipt accounts shall not be subject to the provisions of this section:

- Executive Office of Health and Human Services
- Organ Transplant Fund
- HIV Care Grant Drug Rebates
- Department of Human Services
- Veterans' home -- Restricted account
- Veterans' home -- Resident benefits
- Pharmaceutical Rebates Account
- Demand Side Management Grants
- Veteran's Cemetery Memorial Fund
- Donations -- New Veterans' Home Construction
- Department of Health
- Pandemic medications and equipment account
- Miscellaneous Donations/Grants from Non-Profits
- State Loan Repayment Match
- Department of Behavioral Healthcare, Developmental Disabilities and Hospitals
- Eleanor Slater non-Medicaid third-party payor account
- Hospital Medicare Part D Receipts
- RICLAS Group Home Operations
- Commission on the Deaf and Hard of Hearing
- Emergency and public communication access account
- Department of Environmental Management
- National heritage revolving fund
- Environmental response fund II
1. Underground storage tanks registration fees
2. Rhode Island Historical Preservation and Heritage Commission
3. Historic preservation revolving loan fund
4. Historic Preservation loan fund -- Interest revenue
5. Department of Public Safety
6. Forfeited property -- Retained
7. Forfeitures -- Federal
8. Forfeited property -- Gambling
9. Donation -- Polygraph and Law Enforcement Training
10. Rhode Island State Firefighter's League Training Account
11. Fire Academy Training Fees Account
12. Attorney General
13. Forfeiture of property
14. Federal forfeitures
15. Attorney General multi-state account
16. Forfeited property -- Gambling
17. Department of Administration
18. OER Reconciliation Funding
19. RI Health Benefits Exchange
20. RI Health Benefits Exchange -- Rhode Island Reinsurance Program Fund
21. Information Technology Investment Fund
22. Restore and replacement -- Insurance coverage
23. Convention Center Authority rental payments
24. Investment Receipts -- TANS
25. OPEB System Restricted Receipt Account
26. Car Rental Tax/Surcharge-Warwick Share
27. Executive Office of Commerce
28. Housing Resources Commission Restricted Account
29. Department of Revenue
30. DMV Modernization Project
31. Jobs Tax Credit Redemption Fund
32. Legislature
33. Audit of federal assisted programs
34. Department of Children, Youth and Families
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This act would establish the Rhode Island reinsurance program that will provide reinsurance to insurance carriers that offer health insurance coverage on the individual market, to mitigate the impact of high-risk individuals on health insurance rates. The director of the Rhode Island health benefits exchange would be authorized to establish payment parameters for this program. A restricted receipt fund consisting of federal funds would be designated to provide reinsurance to carriers that offer individual health benefit plans that are established and administered by the director.

This act would take effect upon passage.