

Rep. O'Brien, Hills. 4
Rep. Bettencourt, Rock. 4
Rep. Manuse, Rock. 5
February 1, 2012
2012-0527h
01/10



Amendment to HB 1297

1 Amend the title of the bill by replacing it with the following:

2
3 AN ACT relative to federal health care reform and health care exchanges.

4
5 Amend the bill by replacing all after the enacting clause with the following:

6
7 1 Federal Health Care Reform; Purpose and Scope. Amend RSA 420-N:1 to read as follows:
8 420-N:1 Purpose and Scope.

9 [I.] The intent of this chapter is to preserve the constitutional integrity and sovereignty of
10 the state of New Hampshire under the Tenth Amendment to the United States Constitution and
11 part I, article 7 of the New Hampshire constitution by creating a legislative oversight committee to
12 supervise the insurance commissioner's ~~[implementation]~~ **administration** of the insurance reforms
13 required under the Patient Protection and Affordable Care Act of 2009, Public Law 111-148, as
14 amended by the Health Care and Education Reconciliation Act of 2010, Public Law 111-152,
15 including any federal regulations, interpretations, standards, or guidance issued thereunder
16 (hereinafter "the Act").

17 ~~[II. Further, it is the intent of this chapter to prevent the state of New Hampshire from~~
18 ~~defaulting into federal oversight regarding the Act by not meeting certain federally mandated time~~
19 ~~frames for state implementation of the Act. It is the intent of this chapter to preserve the state's~~
20 ~~flexibility by allowing consideration of each state implementation requirement as it arises.]~~

21 2 Federal Health Care Reform; Consistency. Amend RSA 420-N:6 to read as follows:

22 420-N:6 Consistency. In order to ~~[prevent a default to federal regulation and to preserve the~~
23 ~~state's status as the sole regulator of]~~ **protect the state's rights and responsibilities to regulate**
24 the business of insurance within the state, the oversight committee shall have the authority to find,
25 with respect to any specific provision within Title XXXVII, that the provision is inconsistent with
26 and prevents the application of the Act. Upon such a finding, the ~~[commissioner may, on a~~
27 ~~provisional basis, implement this provision of the Act]~~ **oversight committee shall make a**
28 **recommendation to the legislature.** The ~~[commissioner's]~~ **commissioner and any other state**
29 **official in any agency, department and subdivision and any government in New Hampshire**
30 **shall not have** authority to implement this provision ~~[shall extend only]~~ until such time as the



1 general court can take legislative action to amend Title XXXVII as it deems appropriate.

2 3 New Section; Prohibition. Amend RSA 420-N by inserting after section 6 the following new
3 section:

4 420-N:7 Prohibition. The state of New Hampshire and all of its agencies, departments, and
5 subdivisions and any government in New Hampshire shall not plan, create, participate in or enable
6 a state exchange for health insurance including, but not limited to, the exchange requirements of the
7 Act. In addition, the state of New Hampshire and all of its agencies, departments, and subdivisions
8 and any government in New Hampshire shall not contract with any private entity to plan, create, or
9 enable a state exchange for health insurance including, but not limited to, the exchange
10 requirements of the Act.

11 4 Effective Date. This act shall take effect upon its passage.



2012-0527h

AMENDED ANALYSIS

This bill clarifies the implementation of certain provisions of the Patient Protection and Affordable care Act.

This bill also prohibits the state of New Hampshire from planning, creating, or participating in a state health care exchange.