

Senator Lee,

As I mentioned this morning, NDBA worked with Representative Keiser to had the following amendment to SB 2130.

"Unless expressly provided otherwise, an accident and health insurance policy health coverage mandate under this chapter does not apply to an accident and health insurance policy that is a high-deductible health plan under 26 U.S.C. 223 if the mandate would cause the policy to fail to qualify as a high-deductible health plan under this federal law."

We are requesting that the Senate concur with the House amendments.

The purpose of the amendment is to preserve an HSA account owner's ability to continue to make contributions to their HSAs. That can't do that if their health insurance plan is disqualified because of a state insurance mandate that does not meet the definition of preventive care benefit as defined for the purpose of section 223.

To be a preventive care benefit as defined for purposes of section 223, the benefit must either be described as preventive care for purposes of section 1861 of the Social Security Act (SSA) or be determined to be preventive care in guidance issued by the Department of the Treasury and the Internal Revenue Service.

This is an important amendment so that the State does not inadvertently create a disqualifying health coverage mandate that would nullify an individuals high-deductible health plan for purposes of an individual's eligibility to make HSA contributions.

Please let me know if you have any questions.

Thank you,

Rick



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