

From: [Lee, Judy E.](#)
To: [-Grp-NDLA Senate Human Services](#); [Lahr, Pat](#); [Wolf, Sheldon](#)
Subject: FW: SB 2140- Insulin Caps
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Attachments: [image001.png](#)

FYI -

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From: Bartuska, Chrystal A. <cabartuska@nd.gov>
Sent: Tuesday, January 17, 2023 2:11 PM
To: Lee, Judy E. <jlee@ndlegis.gov>; Cleary, Sean <scleary@ndlegis.gov>
Subject: SB 2140- Insulin Caps

Good Afternoon Senators,

During the testimony presented last week on this bill there were questions regarding insulin caps on high deductible health plans and overall coverage for these benefits on these plans. I wanted to provide you with this guidance from the IRS that allows for diabetes treatments and diagnosis (see appendix) to be treated and categorized as preventative care. This means that the consumer does not have to meet the deductible prior to preventative care benefits to apply on HDHP's. However, there is more to this bill than just deductibles and application of caps, so this may not catch all of the questions.

<https://www.irs.gov/pub/irs-drop/n-19-45.pdf>

Also, there was testimony from the insurer's that stated there is a federal executive order or even federal initiatives on this topic, but the executive order to cap insulin is for Medicare only. I just wanted to clarify that.

Again, please note the department is neutral on this and I just wanted to clarify something from the hearing and provide some education on HDHP.

Thank you

Chrystal Bartuska

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