2023 HOUSE HUMAN SERVICES

HCR 3011

2023 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee
Pioneer Room, State Capitol

HCR 3011
2/1/2023

A concurrent resolution urging the Insurance Commissioner to facilitate a change in the essential health benchmark plan for future Affordable Care Act health plans.

Chairman Weisz called the meeting to order at 10:26 AM

Chairman Robin Weisz, Mike Beltz, Clayton Fegley, Kathy Frelich, Dawson Holle, Dwight Kiefert, Carrie McLeod, Todd Porter, Brandon Prichard, Karen M. Rohr, Jayme Davis, and Gretchen Dobervich present. Vice Chairman Matthew Ruby, and Rep. Karen A. Anderson not present.

Discussion Topics:

- Determining central health benefits
- EHB Benchmark plan
- Diabetes awareness
- Opioid awareness

Representative Weisz introduced HCR 3011, speaking in favor of bill.

Chrystal Bartuska, Life and Health Division Director of the North Dakota Insurance, testimony in support of the house resolution (#18280).

Dylan Wheeler, Government and Veterans Affairs for Sanford Health Plan, spoke in favor of bill.

Chairman Weisz closed the hearing on HCR 3011 10:50 AM

Chrystal Bartuska, Life and Health Division Director of the North Dakota Insurance, answered questions from the committee.

Representative Porter moved a DO PASS on HCR 3011.

Seconded by Representative Dobervich.

Chrystal Bartuska, answered questions from the committee.

Roll Call Vote:

Representatives	Vote
Representative Robin Weisz	Y
Representative Matthew Ruby	AB
Representative Karen A. Anderson	AB
Representative Mike Beltz	Y

Representative Jayme Davis	Y
Representative Gretchen Dobervich	Y
Representative Clayton Fegley	Y
Representative Kathy Frelich	Y
Representative Dawson Holle	Y
Representative Dwight Kiefert	Y
Representative Carrie McLeod	Y
Representative Todd Porter	Y
Representative Brandon Prichard	N
Representative Karen M. Rohr	Y

Motion carries: 11-1-2 Bill carrier: Rep. Fegley.

Chairman Weisz adjourned the meeting at 11:05 AM

Phillip Jacobs, Committee Clerk By: Leah Kuball

REPORT OF STANDING COMMITTEE

HCR 3011: Human Services Committee (Rep. Weisz, Chairman) recommends **DO PASS** (11 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HCR 3011 was placed on the Eleventh order on the calendar.

2023 SENATE HUMAN SERVICES

HCR 3011

2023 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Lincoln Room, State Capitol

HCR 3011
2/14/2023

A concurrent resolution urging the Insurance Commissioner to facilitate a change in the essential health benchmark plan for future Affordable Care Act health plans.

11:01 AM **Madam Chair Lee** called the hearing to order. **Senators Lee, Cleary, Clemens, K. Roers, Weston, Hogan** are present.

Discussion Topics:

- Input health benefits
- Health care reform
- Cost adjustments
- Revised benchmark plan
- Criteria benefits

11:02 AM **Representative Robin Weisz** introduced the HCR 3011 in favor verbal

11:21 AM **Chrystal Bartuska, Life Health and Medicare Division Director, ND Insurance Department, provided** additional information in favor verbal #20802

11:38 AM **Dylan Wheeler, Head of Government Affairs, Sanford Health** provided additional information in favor verbal

11:40 AM **Senator Lee** closed the hearing

11:41 AM **Senator Lee** reconvened the hearing

Senator Lee calls for discussion.

11:43 AM **John Arnold Insurance Commissioner,** provides additional information verbal

11:48 **AM Chrystal Bartuska**, provides additional information verbal

11:57 AM **Madam Chair Lee** closed the hearing.

Patricia Lahr, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Lincoln Room, State Capitol

HCR 3011
2/14/2023

A concurrent resolution urging the Insurance Commissioner to facilitate a change in the essential health benchmark plan for future Affordable Care Act health plans.

4:13 PM **Madam Chair Lee** called the meeting to order. **Senators Lee, Cleary, Clemens, K. Roers, Weston, Hogan** are present.

Discussion Topics:

- Requiring coverage

4:14 PM **Mark Hardy**, **Executive Director North Dakota Board of Pharmacy** proposed amendment #20838

Senator K. Roers moved to adopt amendment 23.3060.01001.

Senator Hogan seconded the motion.

Roll call vote.

Senators	Vote
Senator Judy Lee	Y
Senator Sean Cleary	Y
Senator David A. Clemens	Y
Senator Kathy Hogan	Y
Senator Kristin Roers	Y
Senator Kent Weston	Y

The motion passed 6-0-0.

Senator K. Roers moved **DO PASS** as **AMENDED.**

Senator Hogan seconded.

Roll call vote.

Senators	Vote
Senator Judy Lee	Y
Senator Sean Cleary	Y
Senator David A. Clemens	N
Senator Kathy Hogan	Y
Senator Kristin Roers	Y
Senator Kent Weston	Y

The motion passed 5-1-0.

Senator K. Roers will carry HCR 3011.

4:19 PM **Madam Chair Lee** closed the meeting.

Patricia Lahr, Committee Clerk

23.3060.01001
Title.02000

Adopted by the Senate Human Services Committee

February 14, 2023

BR
1/1
2-14-23

PROPOSED AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3011

Page 1, line 8, replace "prescribed" with "covered"

Page 1, line 9, replace "prescribed" with "covered"

Page 2, line 6, after "limiting" insert "the first fill of"

Page 2, line 7, remove "such as prior authorization"

Page 2, line 8, replace "a prescription" with "coverage"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3011: Human Services Committee (Sen. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HCR 3011 was placed on the Sixth order on the calendar. This resolution does not affect workforce development.

Page 1, line 8, replace "prescribed" with "covered"

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TESTIMONY

HCR 3011

HOUSE CONCURRENT RESOLUTION 3011

Presented by: **Chrystal Bartuska**
Life / Health Division Director
North Dakota Insurance Department

Before: **House Human Services Committee**
Representative Weisz, Chairman

Date: **February 1, 2023**

Good morning, Chairman Weisz and members of the committee. My name is Chrystal Bartuska and I am the Life and Health Division Director of the North Dakota Insurance. I am here today in support of House Concurrent Resolution 3011.

This resolution directs the Commissioner to work with CMS on determining any changes to our North Dakota essential health benefits (EHB) benchmark plan which is a set of benefits required to be offered by all individual and small group Affordable Care Act (ACA) plans in the state of North Dakota. Under the federal law the insurance commissioners of states are directed to select EHB benchmark plans however with the long-standing tradition, the resolution works through the policy making branch. This resolution is a confirmation of the work done in the interim Health Care Reform committee and our EHB benchmark study.

Some background on what our EHB benchmark plan for the committee. In 2012 the state was tasked with determining the benchmark plan based on various federal requirement outlined under the ACA. This was completed via vote from the interim Health Care Reform Committee, at that time chaired by Rep. Keiser. Then in 2015 we were able to change our EHB benchmark which we did again under Rep. Keiser's direction of the interim Health Care Reform committee. We have had our current EHB benchmark for over ten years and we again have the option to reviewing and revising our benchmark plan.

In order to complete this process, we need to have the application process completed and to CMS by May 6, 2023. We would then work with CMS on the various changes to

determine what benefits and criteria of benefits that are allowed and what price threshold they fall into. By changing the EHB benchmark we are required to offer these plans in the individual and small group ACA market.

The Insurance Department was awarded a federal grant to evaluate and determine the cost and process of changing our EHB Benchmark plan. The analysis requires the most generous plan compared to our current EHB Benchmark plan. It was determined the 2017 Federal Employees Health Benefit Plan (FEHBP) was the most generous available in our state. We have determined that the difference between the most generous plan FEHBP and the current EHB Benchmark plan is $2.42 PMPM. Therefore, the value of any additional benefits to the EHB Benchmark plan cannot exceed $2.42 PMPM.

The Insurance Department went through various complaints over the years and many legislative bills over the past ten years that were considered mandated benefits We then provided those benefits to the consultants that completed the analysis and determined the following benefits would cost as follows:

Alternative EHBs for Consideration in the Benchmark plan					
		NovaRest Estimate		Issuer PMPM Range	
		PMPM Estimate	% of Premium	Minimum	Maximum
Alternative EHBs for Consideration in the Benchmark plan	Restricted Cost Sharing for Diabetes	$0.43	0.09%	$0.00	$1.49
	Infertility	$2.38	0.48%	$1.98	$24.85
	Hearing Loss/Aids-all ages	$0.55	0.11%	$0.00	$0.50
	Nutritional Counseling and Therapy	$0.03	0.01%	$0.00	$0.50

	Periodontal disease in med plan	$0.10	0.02%	$0.00	$31.35
	Private Duty Home Nursing	$1.15	0.23%	$0.00	$9.00
	PET scans for prostate cancer	$0.13	0.03%	$0.00	$0.50
	Combating opioid epidemic	$0.05	0.01%	$0.00	$0.50
	Medication Optimization	$0.00	0.00%	$0.00	$0.50
	Total estimated impact to premium	$4.82	0.97%		

You will see in HCR 3011 that infertility and private duty nursing were not included as those benefits would bring the cost of the EHB Benchmark Plan close to or over the $2.42 threshold for changes. As with any policy decision we will implement what the legislative body recommends within the allowed $2.42 threshold. Once this resolution passes, we will start the work with a consultant to complete the process of changing the benefits under our EHB Benchmark plan. Once we receive the full approval from CMS of any changes to the EHB Benchmark plan, we will implement those plan changes for plan years starting in 2025.

Updating the EHB Benchmark Plan is about a year long process with CMS, and HCR 3011 is the start of that process, so therefore we ask that you support this resolution.

Thank you for your time today and I am happy to answer any questions.

HOUSE CONCURRENT RESOLUTION 3011

Presented by: **Chrystal Bartuska**
Life / Health Division Director
North Dakota Insurance Department

Before: **Senate Human Services Committee**
Senator Lee, Chairwoman

Date: **February 14, 2023**

Good morning, Chair Lee and members of the committee. My name is Chrystal Bartuska and I am the Life and Health Division Director of the North Dakota Insurance. I am here today in support of House Concurrent Resolution 3011.

This resolution directs the Commissioner to work with CMS on determining any changes to our North Dakota essential health benefits (EHB) benchmark plan which is a set of benefits required to be offered by all individual and small group Affordable Care Act (ACA) plans in the state of North Dakota. Under the federal law the insurance commissioners of states are directed to select EHB benchmark plans however with the long-standing tradition, the resolution works through the policy making branch. This resolution is a confirmation of the work done in the interim Health Care Reform committee and our EHB benchmark study.

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In order to complete this process, we need to have the application process completed and to CMS by May 6, 2023. We would then work with CMS on the various changes to determine what benefits and criteria of benefits that are allowed and what price threshold they fall into. By changing the EHB benchmark we are required to offer these plans in the individual and small group ACA market.

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Prepared by the
North Dakota Insurance Department
February 14, 2023

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