

Chairman Klein and members of the North Dakota Senate Industry, Business and Labor Committee,

My name is Dylan Wheeler, and on behalf of Sanford Health Plan, I address the committee today in regard to SB 2029, Guaranteed Issue/Pre-Existing Conditions bill draft. Sanford Health Plan strives to provide North Dakotans with access to affordable, comprehensive coverage. Moreover, Sanford Health Plan generally supports measures that provide stability, accessibility, and affordability. With that in mind, we do have a couple comments or concerns with the current bill and would respectfully oppose in its current form.

Importantly, SB 2029 is being heard at a point in time where the US Supreme Court has heard oral argument in *Texas v. United States* (court challenge regarding the constitutionality of the Affordable Care Act (ACA)), but, a decision will not likely come until later this year. The ACA addresses much more than pre-existing conditions; should the Supreme Court strike down the ACA—this would be a major disruption—and will require a substantial effort to codify or reinforce its provisions at the State level, and/or the Federal level. We suggest that a prudent approach would be to await any future Court ruling to determine State-level action on this topic.

Respectfully, Sanford Health Plan would oppose this bill at this time due primarily to the uncertainty surrounding the ACA and magnitude of State and Federal action necessary should an adverse court decision be issued. To be clear, opposition to this bill should not imply opposition to the Affordable Care Act or its foundational provisions, but rather opposition due to questioning whether this is the appropriate time and mechanism to address it.

Additionally, this bill does not address other important safeguards of the ACA – such as enrollment periods, underwriting and rating criteria, and other foundational concepts that help stabilize health insurance. Moreover, this bill lacks a contingent effective date – meaning, this bill would become effective in June of this year if passed. A more appropriate approach would be to clarify that this would only become effective should the ACA be struck down or invalidated by the Courts.

We appreciate the opportunity to give brief comments on this issue.

Respectfully Submitted,

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