

Superseded 5/12/2015

31A-30-116 Essential health benefits.

- (1) For purposes of this section, the "Affordable Care Act" is as defined in Section 31A-2-212 and includes federal rules related to the offering of essential health benefits.
- (2) The state chooses to designate its own essential health benefits rather than accept a federal determination of the essential health benefits required to be offered in the individual and small group market for plans renewed or offered on or after January 1, 2014.
- (3)
 - (a) Subject to Subsections (3)(b) and (c), to the extent required by the Affordable Care Act, and after considering public testimony, the Legislature's Health System Reform Task Force shall recommend to the commissioner, no later than September 1, 2012, a benchmark plan for the state's essential health benefits based on:
 - (i) the largest plan by enrollment in any of the three largest small employer group insurance products in the state's small employer group market;
 - (ii) any of the largest three state employee health benefit plans by enrollment;
 - (iii) the largest insured commercial non-Medicaid health maintenance organization operating in the state; or
 - (iv) other benchmarks required or permitted by the Affordable Care Act.
 - (b) Notwithstanding the provisions of Subsection 63M-1-2505.5(2), based on the recommendation of the task force under Subsection (3)(a), and within 30 days of the task force recommendation, the commissioner shall adopt an emergency administrative rule that designates the essential health benefits that shall be included in a plan offered or renewed on or after January 1, 2014, in the small employer group and individual markets.
 - (c) The essential health benefit plan:
 - (i) shall not include a state mandate if the inclusion of the state mandate would require the state to contribute to premium subsidies under the Affordable Care Act; and
 - (ii) may add benefits in addition to the benefits included in a benchmark plan described in Subsection (3)(b) if the additional benefits are mandated under the Affordable Care Act.