

FIRST REGULAR SESSION

# SENATE BILL NO. 2

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR RIDGEWAY.

Pre-filed December 1, 2010, and ordered printed.

TERRY L. SPIELER, Secretary.

0217S.011

## AN ACT

To repeal section 103.080, RSMo, and to enact in lieu thereof one new section relating to the offering of high deductible health plans in the Missouri consolidated health care plan.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 103.080, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 103.080, to read as follows:

103.080. 1. As used in this section, the following terms shall mean:

2 (1) "Health savings account" or "account", shall have the same meaning  
3 ascribed to it as in 26 U.S.C. Section 223(d), as amended;

4 (2) "High deductible health plan", a policy or contract of health insurance  
5 or health care plan that meets the criteria established in 26 U.S.C. Section  
6 223(c)(2), as amended, and any regulations promulgated thereunder.

7 2. Beginning with the open enrollment period for the 2009 plan year, the  
8 board shall offer to all qualified state employees and retirees, in addition to the  
9 plans currently offered including but not limited to health maintenance  
10 organization plans, preferred provider organization plans, copay plans, and  
11 participating public entities the option of receiving health care coverage through  
12 a high deductible health plan and the establishment of a health savings account.  
13 In no instance shall a qualified employee or retiree be required to enroll in a high  
14 deductible health plan with a deductible greater than the minimum allowed by  
15 law, however, a qualified employee or retiree shall have the option to enroll in a  
16 high deductible health plan up to the maximum allowed by law. The health  
17 savings account shall conform to the guidelines to be established by the Internal  
18 Revenue Service for the [2009] **current** tax year but in no case shall a qualified

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

19 employee or retiree be required to contribute more than the minimum amount  
20 allowed by law. A qualified employee or retiree may contribute up to the  
21 maximum allowed by law. In order for a qualified individual to obtain a high  
22 deductible health plan through the Missouri consolidated health care plan, such  
23 individual shall present evidence, in a manner prescribed by regulation, to the  
24 board that he or she has established a health savings account in compliance with  
25 26 U.S.C. Section 223, and any amendments and regulations promulgated thereto.

26 **3. Beginning with the open enrollment period for the 2012 plan**  
27 **year, the board shall offer a minimum of three high deductible plans**  
28 **with differing annual deductibles and annual out-of-pocket expenses,**  
29 **not to exceed the maximum high deductible health plan out-of-pocket**  
30 **amounts established by federal law, with an emphasis of offering high**  
31 **deductible health plans having lower monthly premiums.**

32 **4.** The board is authorized to promulgate rules and regulations for the  
33 administration and implementation of this section. Any rule or portion of a rule,  
34 as that term is defined in section 536.010, that is created under the authority  
35 delegated in this section shall become effective only if it complies with and is  
36 subject to all of the provisions of chapter 536 and, if applicable, section  
37 536.028. This section and chapter 536 are nonseverable and if any of the powers  
38 vested with the general assembly pursuant to chapter 536 to review, to delay the  
39 effective date, or to disapprove and annul a rule are subsequently held  
40 unconstitutional, then the grant of rulemaking authority and any rule proposed  
41 or adopted after August 28, 2007, shall be invalid and void.

42 **[4.] 5.** The board shall issue a request for proposals from companies  
43 interested in offering a high deductible health plan in connection with a health  
44 savings account.

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