

SECOND REGULAR SESSION

SENATE BILL NO. 849

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR EIGEL.

Read 1st time January 9, 2020, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4745S.011

AN ACT

To repeal section 103.080, RSMo, and to enact in lieu thereof one new section relating to 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Section A. Section 103.080, RSMo, is repealed and one new section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
13 account. The health savings account shall conform to the guidelines to be
14 established by the Internal Revenue Service for the current tax year but in no
15 case shall a qualified employee or retiree be required to contribute more than the
16 minimum amount allowed by law. A qualified employee or retiree may contribute
17 up to the maximum allowed by law. In order for a qualified individual to obtain
18 a high deductible health plan through the Missouri consolidated health care plan,
19 such individual shall present evidence, in a manner prescribed by regulation, to

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

20 the board that he or she has established a health savings account in compliance
21 with 26 U.S.C. Section 223, and any amendments and regulations promulgated
22 thereto.

23 3. Beginning with the open enrollment period for the 2012 plan year, the
24 high deductible health plan offered under subsection 2 of this section shall have
25 monthly subscriber premiums that are materially lower than non-high deductible
26 health plan monthly subscriber premiums with a goal of monthly subscriber
27 premiums being at least fifty percent lower than non-high deductible health plan
28 premiums. The amount of the annual deductible for the high deductible health
29 plan offered under subsection 2 of this section shall be no greater than two
30 hundred percent of the minimum annual deductible for self-only coverage and
31 family coverage as established by the Internal Revenue Service for the current
32 tax year. The coverage afforded by the high deductible health plan, after the
33 applicable deductible has been met, shall be substantially similar or better than
34 the average coverage provided by the non-high deductible health plans.

35 4. It is the intent of the Missouri general assembly to promote the use of
36 consumer-driven health care plans such as health savings account compatible
37 high deductible health plans by active state employees as an alternative to using
38 traditional managed care plans. If, after the completion of the open enrollment
39 period for the 2012 plan year, fewer than ten percent of Missouri's active state
40 employees have enrolled in a high deductible health plan described in this
41 section, then the board shall offer a more competitive high deductible health plan
42 with increased financial and coverage incentives, including but not limited to
43 alternative annual deductibles, out-of-pocket expenses, and other health plan
44 design features, all within the established federal guidelines, with the goal of
45 having forty percent of Missouri's active state employees enrolling in a health
46 savings account compatible high deductible health plan by the open enrollment
47 period for the 2015 plan year.

48 5. **Beginning with the open enrollment period for the 2021 plan**
49 **year, the board shall offer to all qualified state employees, retirees, and**
50 **participating public entities, in lieu of the other types of plans offered**
51 **in the previous plan year, the option of receiving health care coverage**
52 **through a high deductible health plan and the establishment of a health**
53 **savings account. The health savings account shall conform to the**
54 **guidelines to be established by the Internal Revenue Service for the**
55 **current tax year but in no case shall a qualified employee or retiree be**

56 **required to contribute more than the minimum amount allowed by law.**
57 **A qualified employee or retiree may contribute up to the maximum**
58 **allowed by law. The state or participating public entity shall**
59 **contribute an amount not less than the plan's deductible. In order for**
60 **a qualified individual to obtain a high deductible health plan through**
61 **the Missouri consolidated health care plan, such individual shall**
62 **present evidence, in a manner prescribed by regulation, to the board**
63 **that he or she has established a health savings account in compliance**
64 **with 26 U.S.C. Section 223, and any amendments and regulations**
65 **promulgated thereto.**

66 **6.** The board is authorized to promulgate rules and regulations for the
67 administration and implementation of this section. Any rule or portion of a rule,
68 as that term is defined in section 536.010, that is created under the authority
69 delegated in this section shall become effective only if it complies with and is
70 subject to all of the provisions of chapter 536 and, if applicable, section
71 536.028. This section and chapter 536 are nonseverable and if any of the powers
72 vested with the general assembly pursuant to chapter 536 to review, to delay the
73 effective date, or to disapprove and annul a rule are subsequently held
74 unconstitutional, then the grant of rulemaking authority and any rule proposed
75 or adopted after August 28, 2007, shall be invalid and void.

76 **[6.] 7.** The board shall issue a request for proposals from companies
77 interested in offering a high deductible health plan in connection with a health
savings account.

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