

As Introduced

**128th General Assembly
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H. B. No. 287

Representatives Burke, Sears

**Cosponsors: Representatives Adams, J., Baker, Balderson, Blair, Boose,
Goodwin, Grossman, Lehner, Morgan, Snitchler, Wachtmann**

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A B I L L

To amend section 3901.71 and to enact section 1
5111.0210 of the Revised Code to require the 2
Medicaid program to cover, subject to federal 3
approval, all health benefits established as 4
mandated health benefits under the state's 5
insurance laws and to preclude application of 6
additional mandated health benefits under those 7
laws until the Medicaid program covers the health 8
benefits. 9

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 3901.71 be amended and section 10
5111.0210 of the Revised Code be enacted to read as follows: 11

Sec. 3901.71. (A) As used in this section, "mandated health 12
benefits" means any required coverage, or required offering of 13
coverage, for the expenses of specified services, treatments, or 14
diseases under any policy, contract, plan, or other arrangement 15
providing sickness and accident or other health benefits to 16
policyholders, subscribers, or members. 17

(B) Any provision for mandated health benefits contained in a 18

law enacted by the general assembly after January 14, 1993, shall 19
not be applied to any policy, contract, plan, or other arrangement 20
~~providing sickness and accident or other~~ health benefits until the 21
superintendent of insurance determines, pursuant to a hearing 22
conducted in accordance with Chapter 119. of the Revised Code, 23
that the provision can be applied fully and equally in all 24
respects to employee benefit plans subject to regulation by the 25
federal "Employee Retirement Income Security Act of 1974," 88 26
Stat. 832, 29 U.S.C.A. 1001, as amended, and to employee benefit 27
plans established or modified by the state or any political 28
subdivision of the state, or by any agency or instrumentality of 29
the state or any political subdivision of the state. 30

(C) Any provision for a mandated health benefit contained in 31
a law enacted by the general assembly after the effective date of 32
this amendment shall not be applied to any policy, contract, plan, 33
or other arrangement providing sickness and accident or other 34
health benefits until the medicaid program covers the health 35
benefit. 36

Sec. 5111.0210. (A) Except as provided by division (C) of 37
this section, the medicaid program shall cover all health benefits 38
that law enacted by the general assembly requires any policy, 39
contract, plan, or other arrangement providing sickness and 40
accident or other health benefits to cover or offer to cover. 41

(B) The director of job and family services shall do either 42
or both of the following as necessary to obtain federal financial 43
participation for the health benefits specified in division (A) of 44
this section: 45

(1) Submit one or more medicaid state plan amendments to the 46
United States secretary of health and human services; 47

(2) Request that the United States secretary of health and 48
human services issue one or more federal medicaid waivers. 49

(C) If the United States secretary of health and human 50
services refuses to approve a medicaid state plan amendment or 51
federal medicaid waiver that is necessary for the state to obtain 52
federal financial participation for a health benefit specified in 53
division (A) of this section, the medicaid program shall not cover 54
the health benefit. 55

Section 2. That existing section 3901.71 of the Revised Code 56
is hereby repealed. 57