

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, the Health Benefit Exchange Authority Establishment Act of 2011 to provide for the financial sustainability of the Health Benefit Exchange Authority by adopting an annual broad-based assessment of all health insurance carriers which will support its annual budget.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Health Benefit Exchange Authority Financial Sustainability Emergency Amendment Act of 2015”.

Sec. 2. The Health Benefit Exchange Authority Establishment Act of 2011, effective March 2, 2012 (D.C. Law 19-94; D.C. Official Code § 31-3171.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 31-3171.01) is amended as follows:

(1) New paragraph (3A) is added to read as follows:

“(3A) “Direct gross receipts” means all policy and membership fees and net premium receipts or consideration received in a calendar year on all health insurance carrier risks originating in or from the District of Columbia.”.

(2) New paragraph (8C) is added to read as follows:

“(8C) “Net premium receipts or consideration received” means gross premiums or

34 consideration received less the sum of premiums received for reinsurance assumed and
35 premiums or consideration returned on policies or contracts canceled or not taken.”.

36 (b) Section 4 (D.C. Official Code § 31-3171.03) is amended by adding a new subsection
37 (f) to read as follows:

38 “(f)(1) The Authority shall annually assess, through a “Notice of Assessment,” each
39 health carrier doing business in the District with direct gross receipts of \$50,000 or greater in the
40 preceding calendar year an amount based on a percentage of its direct gross receipts for the
41 preceding calendar year. These assessments shall be deposited in the Fund.

42 “(2) The Authority shall adjust the assessment rate in each assessable year. The
43 amount assessed shall not exceed reasonable projections regarding the amount necessary to
44 support the operations of the Authority.

45 “(3) Each health carrier shall pay to the Authority the amount stated in the Notice
46 of Assessment within 30 business days of receipt of the Notice of Assessment.

47 “(4) Any failure to pay the assessment in accordance with paragraph (3) of this
48 subsection shall subject the health carrier to section 5 of the Insurance Regulatory Trust Fund
49 Act of 1993, effective October 21, 1993 (D.C. Law 10-40; D.C. Official Code § 31-1204).”.

50 Sec. 3. Fiscal impact statement.

51 The Council adopts the fiscal impact statement in the committee report as the fiscal
52 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
53 approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

54 Sec. 4. Effective date.

55 This act shall take effect following approval by the Mayor, (or in the event of veto by the
56 Mayor, action by the Council of the District of Columbia to override the veto), and shall remain

57 in effect for no longer than 90 days, as provided for emergency acts of the Council of the District
58 of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December
59 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204(a)).

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