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STATE OF CONNECTICUT

INSURANCE DEPARTMENT

Testimony

Insurance and Real Estate Committee

February 5, 2015

S.B. No. 21 AN ACT CONCERNING HEALTH INSURANCE COVERAGE OF ABUSE-DETERRENT OPIOID ANALGESICS.

Senator Crisco, Representative Megna, and members of the Insurance and Real Estate Committee, the Insurance Department appreciates the opportunity to submit written testimony on raised **Senate Bill No. 21: An Act Concerning Health Insurance Coverage of Abuse-Deterrent Opioid Analgesics.** If enacted, S.B. 21, would require health insurance policies that provide coverage for prescription drugs to provide coverage for abuse-deterrent opioid analgesics on a basis no less favorable than for covered nonabuse-deterrent opioid analgesics.

Section 1311(d)(3)(B) of the Affordable Care Act permits a state to require Qualified Health Plans (to be sold through the Exchange) to offer benefits in addition to the Essential Health Benefits already selected by Connecticut, but it requires the state to defray the cost of these additional benefits.

The Department of Health and Human Services (HHS) issued a final rule on February 25, 2013 that recognizes only those mandated benefits that were enacted on or before December 31, 2011 to be considered part of the Essential Health Benefits. The state would be required to make payment to the enrollee or insurance carrier to defray the cost of any new benefits specific to care, treatment and services which are enacted this session.

The Insurance Department submitted Committee Bill No. 21 to the Center for Consumer Information and Insurance Oversight (CCIIO), the primary federal office within Health and Human Services ("HHS") overseeing implementation of the Affordable Care Act to determine if CCIIO would consider this a new mandate for which the state would need to defray the cost; CCIIO has advised us they would not consider this a new mandate that must be defrayed. Therefore S.B. 21 would not create a new fiscal liability for the State of Connecticut.

The Connecticut Insurance Department will continue to monitor the evolution of the Exchange and Essential Health Benefits and will keep the Insurance and Real Estate Committee apprised and any new developments.

The Department thanks the Insurance Committee Chairs and members for the opportunity to submit testimony on S.B. 7.