



April 1, 2015

The Honorable Roger Hernandez
Member, California State Assembly
State Capitol, Room 5016
Sacramento, California

**SUBJECT: AB 248 (HERNANDEZ)—HEALTH INSURANCE: MINIMUM VALUE:
LARGE GROUP MARKET POLICIES – OPPOSE
ASSEMBLY HEALTH COMMITTEE
SCHEDULED FOR HEARING: APRIL 7, 2015**

Dear Assembly Member Hernandez:

The California Association of Health Underwriters (CAHU), the Independent Insurance Agents and Brokers of California (IIABCal), the National Association of Insurance and Financial Advisors of California (NAIFA California), and the California Association of Small Employer Health Plans (CASEHP) regret that we must **OPPOSE** your **AB 248 (Hernandez)**, as introduced, that would unnecessarily bar employers from combining health care insurance products to create a health benefit package for their workers unless the core plan meets at least 60 percent minimum value requirements of the Patient Protection and Affordable Care Act (ACA).

As introduced, **AB 248** would prohibit insurers from selling and large employers with 50 or more employees from purchasing health coverage that does not meet at least the 60 percent minimum value cost of medical services. It needs to be noted that Governor Brown vetoed similar legislation last session.

Today, large employers (those with over 50 full time or full time equivalent workers) may face ACA tax penalties of up to \$3000 per worker if their plan does not offer employees “affordable” coverage with an actuarial value of 60%, meaning the employee does not have to pay more than 40% of the costs of benefits under the plan. This cost calculation focuses on four core benefits including physician care; hospital and emergency room care; pharmacy benefits; and lab/imaging services.

However, it is important to note that nothing in the ACA dictates just how a large employer may construct their health benefit package in order to reach the 60 percent minimum value. There are a number of health care products of varying types that can be placed together to create a health care package that meets the minimum value requirements of the ACA. AB 248 inappropriately attempts to stop large employers from using legally permissible building blocks of coverage because the first building block is not a 60 percent minimum value plan.

Providing health care is expensive. Medical costs continue to increase. Nothing yet enacted seems to drive down the cost of providing health care benefits to workers, and our organizations believe that AB 248 would make providing health care even more expensive for large employers by insisting the employer-plan hit 60 percent minimum value before other products can be added. Similar employers in other states can utilize this process. California employers should retain that ability as well. AB 248 would also negatively impact employers with multi-state operations as they would have to have a different set health plan for one state versus all 49 other states.

The Honorable Roger Hernandez
AB 248 (Hernandez) –OPPOSE
April 1, 2015
Page 2

Our organizations believe that the policymakers should not put up unnecessary barriers to large employers doing their best to provide affordable care to their employees. Taking ACA-permitted tools away from California employers is not the right path towards ensuring affordable employee health care coverage.

Our organizations represent California's licensed health insurance agents. Our licensed members provide reliable insurance advice, act as the consumer's advocate when dealing with carriers and provide a number of essential services relating to the individual and group insurance coverage and obligations post-enrollment. Our members also act as a trusted and effective marketing and distribution channel for health insurance information for all consumers and potential consumers of health care insurance coverage.

For these reasons, our organizations must respectfully **OPPOSE AB 248 (Hernandez)**.

Please do not hesitate to contact us if you require further information: Juli Broyles (CAHU) at 916-441-5050; John Norwood (IIABCal and CASEHP) at (916) 447-5053, or Shari McHugh (NAIFA California) at (916) 930-1993.

Sincerely,



Julianne Broyles
CAHU



Shari McHugh
NAIFA-CA



John A. Norwood
IIABCal and CASEHP

cc: Office of Governor Brown
Members, Assembly Health Committee
Kelly Green, Assembly Health Committee
Peter Anderson and Bill Lewis, Assembly Republican Caucus