



NATIONAL CONFERENCE *of* STATE LEGISLATURES

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Subject: Child Only Plans

Meredith,

I have summarized state action to require that health carriers issue individual policies to children (i.e. child-only policies) below. Some states have taken action through legislation (e.g., Arkansas and California) and in other states the Insurance Commissioner/Department of Insurance has taken action (e.g., Kentucky and Washington). New Hampshire used existing state law to require that all individual insurers, including those offering child-only plans, continue to provide such coverage. At least three states, including Alaska, are currently considering legislation related to this issue. Please note that this list may not be comprehensive of all state action or legislation.

I have also included several additional resources below. Please let me know if you have any additional questions.

Best regards,
Jennifer

Additional Resources

NCSL provides links to other websites and articles for information purposes only. Providing these links does not indicate NCSL's support or endorsement of the site.

NCSL's "Affordable Care Act: State Action Newsletter" article (April 8, 2011) about state action related to child-only policies: <http://www.ncsl.org/default.aspx?tabid=22524#Child>

Secretary Sebelius leads efforts to improve access to coverage for children with pre-existing conditions, urges states to take action

U.S. Department of Health and Human Services, Press Release, October 13, 2010

<http://www.hhs.gov/news/press/2010pres/10/20101013a.html>

Questions and Answers on Enrollment of Children Under 19 Under the New Policy That Prohibits Pre-Existing Condition Exclusions

The Center for Consumer Information and Insurance Oversight, Centers for Medicare and Medicaid Services, October 13, 2010

<http://cciio.cms.gov/resources/files/factsheet.html>

Frequently Asked Questions: Enrollment in Child-Only Plans Under ACA Requirement Prohibiting Pre-Existing Condition Exclusions

Center for Children and Families, Georgetown University Health Policy Institute

http://ccf.georgetown.edu/index/cms-filesystem-action?file=policy/health%20reform/faq_kid-onlyplansfinal92710.pdf

State Action Related to Child Only Policies

Please note that this list may not be comprehensive of all state action or legislation.

Arkansas

2011 /2011 Ark. Acts, Act 269

<http://www.arkleg.state.ar.us/assembly/2011/2011R/Acts/Act269.pdf>

The law requires child-only individual health insurance policies. Specifically, the law requires insurers to establish and administer an open enrollment period for the purpose of offering a child-only plan to each qualified individual. Until the end of the initial open enrollment period, the Arkansas Comprehensive Health Insurance Pool is required to provide health insurance to qualified individuals.

Arkansas also considered 2011 House Bill 1600 to provide health insurance for individuals under 19 years of age. Last action: 4/27/11 The bill died in House Committee. HB1600:

<http://www.arkansashouse.org/bill/2011R/HB1600>

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California

2010 Assembly Bill 2244/2010 Cal. Stats., Chap. 656 (Approved by Governor on September 30, 2010)

http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab_2201-2250/ab_2244_bill_20100930_chaptered.pdf

The law requires plans and insurers offering coverage in the individual market to offer coverage for a child. The law prescribes limits on the rates that may be imposed for coverage of a child and requires plans and insurers to apply standard risk rates to such coverage. A plan or carrier that does not or ceases to write new plan contracts or policies for children is prohibited from offering new individual contracts or policies in the state for five years. The law also prohibits the exclusion or limitation of coverage for children due to any pre-existing condition. The law authorizes the Department of Managed Health Care and the Department of Insurance to issue guidance to implement these provisions.

Colorado

2011 Colo., Sess. Laws, Chap. 133 (Senate Bill 128)

http://www.state.co.us/gov_dir/leg_dir/olls/sl2011a/sl_133.pdf

The law requires an insurance carrier that participates in the individual health insurance market in Colorado to issue child-only plans on a guaranteed-issue basis.

Kentucky

The Kentucky Insurance Commissioner ordered all insurers in the state to offer child-only policies.

Press Release, November 18, 2010:

<http://insurance.ky.gov/Documents/ChildOnlyOrderPressRel111810.pdf>

Additional information is provided on this Department of Insurance webpage under "Related Publications": http://insurance.ky.gov/Static_Info.aspx?Static_ID=111

WKYT News article, November 18, 2010:

http://www.wkyt.com/home/headlines/Insurers_told_they_must_offer_child-only_policies_in_Kentucky_108955719.html;

Nebraska

In 2011, the Nebraska Comprehensive Health Insurance Pool (NECHIP) board voted to start accepting children who cannot get insured because there are no "child-only" policies available in the state.

NECHIP webpage: <http://www.nechip.com/whatsnew> (Scroll to the bottom of the page, see: CHILD-ONLY COVERAGE)

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Omaha World-Herald, April 21, 2011 article:

<http://www.omaha.com/article/20110421/NEWS01/704219873>

In 2011, Nebraska introduced LR 138. The bill would create an interim study to find a solution to the exit of insurers from the health insurance marketplace for stand-alone health insurance policies for children. The bill was introduced on March 23, 2011 and failed at adjournment.

http://www.nebraskalegislature.gov/bills/view_bill.php?DocumentID=14000

New Hampshire

New Hampshire used existing state law to require that all individual insurers, including those offering child-only plans, continue to provide such coverage.

Bulletin issued by the Department of Insurance in September 2010:

http://www.nh.gov/insurance/media/bulletins/2010/documents/ins_10_041_ab.pdf

Related legal information: <http://www.nh.gov/insurance/legal/index.htm>

See the Order on Hearing regarding Individual Market Child-Only Policies:

http://www.nh.gov/insurance/media/bulletins/2011/documents/ins_10-044-AP.pdf

North Carolina

2011 N.C. Sess. Laws, Chap. 196 (House Bill 298)

<http://www.ncga.state.nc.us/Sessions/2011/Bills/House/PDF/H298v5.pdf>

The law “requires prior approval of small group health insurance rates and encourages the sale of child-only health insurance policies.” The law requires an insurer who offers nondependent child coverage to offer open enrollment either continuously throughout the year or for the months of January and July of each year.

Washington

The Insurance Commissioner prohibited Regence Blue Shield from eliminating its child-only policies.

Washington State Office of the Insurance Commissioner, Press Release, October 15, 2010:

<http://www.insurance.wa.gov/news/2010/10-15-2010.shtml>

The Commissioner also issued a related emergency rule:

http://www.insurance.wa.gov/laws_regs/documents/2010-14103E.pdf

Legislation Related to Child Only Policies

In general, state legislation related to federal health reform can be found in NCSL’s “Federal Health Reform: State Legislative Tracking Database”: <http://www.ncsl.org/?TabId=22123>

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Alaska

2012 House Bill 326

Introduced 2/17/12 (Pending)

The bill would require health care insurers to offer a child-only policy.

http://www.legis.state.ak.us/basis/get_bill.asp?bill=HB%20326&session=27

Illinois

2011 Senate Bill 1812

Introduced 2/9/2011 (Pending)

The bill would require a health insurance issuer offering individual health insurance to offer a child-only plan and accept applications for child-only plans and offer coverage without limitations or riders based on health status according to specified provisions.

<http://www.ilga.gov/legislation/BillStatus.asp?DocNum=1812&GAID=11&DocTypeID=SB&LegId=57866&SessionID=84&GA=97>

Oklahoma

Senate Bill 1181

Introduced 2/6/12 (Pending)

The bill would require an insurer to issue at least one child-only plan as a condition of issuing coverage in the individual market.

<http://www.oklegislature.gov/BillInfo.aspx?Bill=SB1181>

Senate Bill 1208

Introduced 2/6/12 (Pending)

The bill would require an insurer to issue at least one child-only plan as a condition of issuing coverage in the individual market.

<http://www.oklegislature.gov/BillInfo.aspx?Bill=SB1208>

Texas

According to an article published in the New York Times on March 31, 2011, Texas Representative Garnet Coleman planned to introduce legislation in 2011 related to child only policies: <http://www.nytimes.com/2011/04/01/us/01tinsurance.html>

However, I was not able to find relevant legislation.

BCBSTX Announces New Child-Only Coverage Policy, July 13, 2011

http://www.pages02.net/bluecrossblueshield/nftb_tx_prod_071311_child-only_policy/