



Jeffrey A. Crossman
State Representative
15th House District

November 19, 2019

Chairman Brinkman, Vice Chairman Antani, and Ranking Member Boggs,

I want to thank you for providing us this opportunity to address the House's Insurance committee in support of House Bill 390, which my joint sponsor Rep. Randi Clites and I are referring to as the Preexisting Condition Protection Act. What precipitated this bill is the ongoing litigation over the Affordable Care Act and the fact that Ohio has no provisions in state law to protect the many people that may lose their healthcare if the plaintiffs in Texas v. U.S. succeed.

In this lawsuit, the State of Texas, along with 17 other states, have challenged the constitutionality of the ACA. In December 2018, the trial court judge sided with the Plaintiffs and the Defendants appealed to the Federal 5th Circuit Court of Appeals. Oral arguments were heard in July 2019 and we are awaiting a decision any day. No one can accurately forecast the outcome of this appeal, but we do know that the litigation and the prospect of its continuation on to the U.S. Supreme Court has created uncertainty in the marketplace along with tremendous anxiety for the approximately 2 million people in Ohio alone that will have their protections for preexisting conditions, along with their health care, jeopardized if we fail to act.

Regardless of people's opinions of the ACA itself, there are components that are broadly popular across the country and across the political spectrum. Chief among these components is the ACA's protection for persons suffering from preexisting conditions. Both Governor DeWine and Attorney General Yost, in his amicus brief filed in the litigation, have both publicly expressed support for preserving these protections. HB 390 provides a vehicle to preserve these protections for Ohioans.

Over the last decade since the ACA's inception, people have come to expect that they and their loved ones will have health care options even if they are suffering from a preexisting condition that, in prior years, might have precluded health care insurance. By passing HB 390, we can take action now that would preserve these popular protections for Ohioans.

HB 390 has four primary components:

- Prohibits insurance policies from excluding coverage for preexisting conditions;
- Place limitations on premium charges;
- Bans annual and lifetime limits on coverage;
- Requires policies to cover what the ACA describes as "essential health benefits" in addition to coverage for preventative health services.

- *It should be noted that we explored the possibility of mandating coverage for persons under the age of 26 as the ACA has done, but we have already adopted this component of the ACA into Ohio law.*

HB 390 provides us, as state legislators, with an opportunity to establish expectations of the marketplace that Ohioans will be able to have meaningful health insurance options at a price that they can afford, regardless of what happens with the ACA. If we fail to act, people suffering from manageable conditions such as high blood pressure or diabetes, chronic illnesses such as multiple sclerosis, or even cancer survivors will once again be faced with the prospect of being denied coverage from health insurers or forced into high risk pools where coverage is often outrageously expensive and of little value.

I trust that this committee will give this legislation full and fair consideration and I once again thank you all for your time.

