



June 9, 2020

The Honorable Tom Brinkman  
Chair, House Insurance Committee  
Ohio House of Representatives  
77 S. High St.  
Columbus, OH 43215

Dear Chair Brinkman,

On behalf of the Ohio Chamber of Commerce, I would like to express our opposition to House Bill 390, legislation that would put into state law the major consumer protection provisions of the federal Affordable Care Act (ACA). Specifically, the bill codifies the ACA provisions that: limit the factors by which insurers can vary premium rates; ban annual and lifetime limits; require a health plan to accept any individual or employer that applies for coverage; mandate health plans cover specific “essential health benefits”; require health plans to cover preventive services without any patient cost-sharing; and require that the benefits paid by the health plan are at least 60% of the actuarial value of the benefits provided.

When the ACA was originally enacted, the law also included requirements that everyone buy insurance and provided subsidies to make that insurance affordable. These two requirements, combined with the consumer protections, were designed to function together in an effort to keep coverage affordable. This was commonly referred to as the ACA’s “three-legged stool” approach to health care reform.

HB 390 does not, however, seek to mirror federal law with respect to the other two legs of the three-legged stool.

Only enacting the consumer protection provisions is certain to cause health insurance premiums to skyrocket. Even the liberal, national public policy research organization Center for American Progress wrote, shortly after the law’s enactment in 2010, “retaining the law’s insurance reforms, but repealing the subsidies as well as the requirement to purchase insurance, would further discourage people from buying insurance when they’re healthy. Premiums in 2019 would cost twice as much as projected under the law as a result.”

It is also clear that the ACA did not make coverage affordable in the first place. Overall, average individual market health insurance premiums have more than doubled when compared to 2013. Further, studies have shown that the largest effect on premium increases is due specifically to the ACA’s guaranteed-issue requirement and the prohibitions on medical underwriting (i.e. rate factor limitations).

The likely health insurance premium cost spikes from HB 390 are just one reason the Ohio Chamber opposes the legislation, however.

The sponsors of HB 390 have stated that the reason this bill is necessary is because of the challenge to the law's constitutionality currently being considered by the U.S. Supreme Court in *California v. Texas*.

The Ohio Chamber believes that, in the event the Supreme Court finds the ACA unconstitutional, automatically adopting only isolated provisions of the ACA is not the best option. Ohio would be better served to preserve the flexibility to craft its own plan for ensuring access to quality, affordable health care, specific to Ohio and the needs of Ohioans. Such a comprehensive strategy would necessarily address more than just insurance reforms.

For these reasons, we urge opposition to HB 390. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Keith Lake". The signature is written in a cursive, slightly slanted style.

Keith Lake  
Vice President, Government Affairs

cc: Members of the House Insurance Committee  
Rep. Randi Clites  
Rep. Jeff Crossman