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Chairman Brinkman, Vice Chairman Lampton, and Ranking Member Miranda,

I want to thank you for providing us this opportunity to address the House's Insurance committee in support of House Bill 125, which my joint sponsor Rep. Mary Lightbody and I are referring to as the Pre-existing Condition Protection Act. For those that served on this committee in the last General Assembly, you may recall that this legislation is the former HB 390 from the 133rd G.A. When we testified over a year and a half ago, we explained that the initial motivation for this legislation was the ongoing litigation over the Affordable Care Act and the uncertainty that the litigation has caused both to individuals who need to be able to count on the care that they need and in the insurance marketplace itself.

If anything, the need for the protections offered by this legislation has become more apparent since the last time we testified in support of this bill. As the litigation to repeal the ACA and its protections for persons with pre-existing conditions has continued, we have been afflicted with a worldwide pandemic during which we have lost over 500,000 Americans from Covid-19 since last year. Millions more have lost their healthcare coverage due to job loss.

Prior to the Affordable Care Act, people that had pre-existing conditions often found themselves locked out of the market for healthcare coverage for their specific condition. If they got cancer, had diabetes, or were pregnant they were extremely unlikely to be able to secure healthcare at all, let alone affordable healthcare. As a result their options were limited. They could (1) incur an insurmountable mountain of debt, (2) file bankruptcy, or (3) simply skip the care they needed and face the consequences, which obviously includes death. These are not reasonable choices and we owe the people of Ohio an opportunity to live their lives, raise their families, and be able to retire with the security that healthcare offers.

This is not the creation or expansion of some social welfare program, it is merely a codification of what people in Ohio have come to expect healthcare plans in Ohio should offer—specifically that if they have a medical condition, they can find affordable coverage that meets their needs. This is why it is incumbent upon us to take action and codify these protections in Ohio law.

HB 125 would do the following:

- 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.*

Regardless of people’s opinions of the ACA itself, there are components that are broadly popular across the country and across the political spectrum. As time has passed since the creation of the ACA over a decade ago, public approval of the protections offered by the ACA has continued to strengthen according to recent research conducted by the Kaiser Family Foundation.¹ Asked whether respondents support protections for persons with pre-existing conditions, 72% of those surveyed affirmed their support. This includes 62% of Republicans and 73% of Independents asked. Similarly, 71% of respondents stated that they support prohibitions against health insurance companies denying medical coverage for pregnant women, and 64% supported prohibitions against charging sick people more for their insurance simply because they possessed a pre-existing condition. As mentioned above, HB 125 would codify these same protections into Ohio law.

Other states have taken note of the popularity of these protections. Since 2018, at least 19 states have incorporated at least some of these same protections into their state laws. These are not just “blue states” but states led by Republicans as well. In fact, Republican legislators in Missouri have proposed adopting protections for pre-existing conditions into their state constitution and offering a ballot referendum to do just that.²

HB 125 provides us, as state legislators, with an opportunity to ensure 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 like high blood pressure, 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.

By some estimates there are over 100 million Americans with pre-existing conditions that could be denied coverage. Six in ten respondents to the KFF survey stated that someone they know has such a condition. Millions of Ohioans are at risk for losing their health insurance coverage if we fail to act but we have an opportunity here to prove that we are a state that does not just talk about family values, but that we value families by passing this bill.

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

¹ <https://www.kff.org/health-reform/poll-finding/5-charts-about-public-opinion-on-the-affordable-care-act-and-the-supreme-court/>

² <https://www.usnews.com/news/best-states/missouri/articles/2021-02-02/missouri-gop-proposal-would-shield-pre-existing-conditions>