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HOUSE JOINT MEMORIAL

**50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

INTRODUCED BY

DISCUSSION DRAFT

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

A JOINT MEMORIAL

URGING THE NEW MEXICO CONGRESSIONAL DELEGATION TO ACTIVELY SEEK TO AMEND THE FEDERAL PATIENT PROTECTION AND AFFORDABLE CARE ACT TO REMOVE THE 2017 DATE FOR STATES TO REQUEST WAIVERS OF INNOVATION.

WHEREAS, on March 23, 2010, the federal Patient Protection and Affordable Care Act was signed into law; and

WHEREAS, the Patient Protection and Affordable Care Act contains many provisions, including funding for many of those provisions, that will benefit New Mexicans in significant ways; and

WHEREAS, two critical goals of the Patient Protection and Affordable Care Act are to increase access to health care coverage and to contain rising health care costs; and

WHEREAS, New Mexico has a long history of being committed

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1 to these goals; and

2 WHEREAS, requiring states to set up health insurance  
3 exchanges by 2014 is one mechanism in the Patient Protection  
4 and Affordable Care Act that is intended to achieve these  
5 goals; and

6 WHEREAS, although the Patient Protection and Affordable  
7 Care Act requires a state to implement health insurance  
8 exchanges by 2014 or the federal government will establish such  
9 an exchange for a state, the state must demonstrate readiness  
10 to implement a health insurance exchange by January 1, 2013;  
11 and

12 WHEREAS, the Patient Protection and Affordable Care Act  
13 acknowledges that implementation of a health insurance exchange  
14 may not be in the best interest of all states; and

15 WHEREAS, Section 1332 of the Patient Protection and  
16 Affordable Care Act provides for a waiver for state innovation,  
17 which can serve as an alternative to implementation of a health  
18 insurance exchange; and

19 WHEREAS, states are required to set up health insurance  
20 exchanges by 2014 but are not eligible to apply for a waiver  
21 for state innovation until 2017; and

22 WHEREAS, states have always been laboratories for  
23 experimentation and innovation and should be allowed to  
24 continue in that role by working to find solutions to the  
25 problems of rising health care costs and reducing the numbers

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1 of uninsured residents; and

2 WHEREAS, waivers for state innovation allow states to  
3 develop approaches that are not based on the federally required  
4 health insurance exchange model, provided that the approach  
5 still provides comprehensive coverage for its residents, is  
6 affordable and has a neutral impact on the federal budget; and

7 WHEREAS, if states are able to demonstrate that these  
8 criteria are met, states should be allowed to implement these  
9 alternative approaches; and

10 WHEREAS, a state should not be required to go through a  
11 long, expensive, complex and time-consuming process of setting  
12 up and implementing a federally required health insurance  
13 exchange when a different approach may be more appropriate and  
14 more effective for the state's circumstances; and

15 WHEREAS, the 2017 three-year waiting period to apply for a  
16 waiver for state innovation is not a reasonable requirement,  
17 and states should be allowed to request a waiver for state  
18 innovation by January 1, 2013, the date by which a state is  
19 otherwise required to demonstrate readiness to implement a  
20 health insurance exchange; and

21 WHEREAS, allowing states to experiment with alternative  
22 approaches to achieving the goals of increasing access to  
23 health care services and containing health care costs can only  
24 strengthen the goals of the Patient Protection and Affordable  
25 Care Act;

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