

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE DRS35014-ME-26* (01/03)

Short Title: No N.C. Exchange/No Medicaid Expansion. (Public)

Sponsors: Senators Apodaca, Brown, and Rucho (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT (1) TO CLARIFY THE STATE'S INTENT NOT TO OPERATE A STATE-RUN OR "PARTNERSHIP" HEALTH BENEFIT EXCHANGE, (2) TO PROVIDE THAT FUTURE MEDICAID ELIGIBILITY DETERMINATIONS WILL BE MADE BY THE STATE RATHER THAN THE FEDERALLY FACILITATED EXCHANGE, AND (3) TO REJECT THE AFFORDABLE CARE ACT'S OPTIONAL MEDICAID EXPANSION.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Section 23.3 of S.L. 2011-145, created by Section 49 of S.L. 2011-391, is repealed.

SECTION 1.(b) G.S. 58-2-40(10) is repealed.

SECTION 1.(c) The General Assembly reserves the authority to define the State's level of interaction, if any, with the federally facilitated Health Benefit Exchange that will operate in the State. No department, agency, or institution of this State shall enter into any contracts or commit any resources for the provision of any services related to the federally facilitated Health Benefit Exchange under a "Partnership" Exchange model, except as authorized by the General Assembly. No department, agency, or institution of this State shall take any actions not authorized by the General Assembly toward the formation of a State-run Health Benefit Exchange. It is not the intent of this section to prohibit State-federal interaction that does not pursue a State-run Exchange or "Partnership" Exchange model.

SECTION 1.(d) The Department of Insurance and Department of Health and Human Services shall cease all expenditures funded by the following Exchange-related grants from the federal government: (i) Exchange Planning Grant and (ii) Level One Cooperative Agreement Establishment Grant. Any contract between a third party and the State to provide services funded by such grants is hereby terminated on the grounds that funding no longer exists. The Departments shall review all grant-related expenditures that preceded the effective date of this act and shall draw down grant funds sufficient to reimburse the State for any unpaid expenditures allowed under the grants. The Department of Insurance shall notify the Secretary of United States Department of Health and Human Services that the State will no longer be drawing down Exchange-related grant funds. It is not the intent of this section to impact any grant funding for premium review.

SECTION 2. The Department of Health and Human Services shall ensure that the North Carolina Families Accessing Services through Technology (NC FAST) information technology system can provide Medicaid eligibility determinations for the federally facilitated Health Benefit Exchange that will operate in North Carolina and shall provide such determinations for the Exchange.



1 **SECTION 3.** The General Assembly reserves the authority to determine whether
2 or not to expand the State's Medicaid eligibility under the Medicaid expansion provided in the
3 Affordable Care Act, P.L. 111-148, as amended, but for which the enforcement was ruled
4 unconstitutional by the U.S. Supreme Court in *National Federation of Independent Business, et*
5 *al. v. Sebelius, Secretary of Health and Human Services, et al.*, 132 S. Ct. 2566 (2012). No
6 department, agency, or institution of this State shall attempt to expand the Medicaid eligibility
7 standards provided in S.L. 2011-145, as amended, or elsewhere in State law, unless directed to
8 do so by the General Assembly.

9 **SECTION 4.** This act is effective when it becomes law.