

AMENDMENTS TO LB1014

Introduced by Lindstrom, 18.

1 1. Strike section 8 and insert the following new section:

2 Sec. 8. A multiple employer welfare arrangement that provides
3 health care coverage to self-employed individuals shall comply with the
4 Patient Protection and Affordable Care Act, Public Law 111-148, as
5 amended by the Health Care and Education Reconciliation Act of 2010,
6 Public Law 111-152, as such acts existed on January 1, 2020, and the
7 following protections for covered individuals that would otherwise be
8 required under the Employee Retirement Income Security Act of 1974:

9 (a) Fiduciary duties in section 404 of the Employee Retirement
10 Income Security Act of 1974, 29 U.S.C. 1104;

11 (b) Claims and appeal procedures in section 503 of the Employee
12 Retirement Income Security Act of 1974, 29 U.S.C. 1133;

13 (c) The Paul Wellstone and Pete Domenici Mental Health Parity and
14 Addiction Equity Act of 2008, 29 U.S.C. 1185a;

15 (d) The Newborns' and Mothers' Health Protection Act of 1996, 29
16 U.S.C. 1185; and

17 (e) The Genetic Information Nondiscrimination Act of 2008, 29 U.S.C.
18 1182.

19 (2) A multiple employer welfare arrangement that provides health
20 care coverage to covered individuals who are self-employed individuals
21 shall establish and maintain a surplus in the trust established pursuant
22 to section 44-7607 in an amount equal to at least seven hundred fifty
23 thousand dollars. The director may increase the amount required to be
24 deposited in the trust based on the director's determination that such an
25 increase is necessary after considering the level of aggregate and
26 specific stop-loss insurance provided with respect to such multiple
27 employer welfare arrangement and other factors related to solvency risk,

1 such as the multiple employer welfare arrangement's projected levels of
2 participation or claims, the nature of the multiple employer welfare
3 arrangement's liabilities, and the types of assets available to assure
4 that such liabilities are met.