

## **Model Statutory Authority for Health Insurance Affordability Standard**

To extend the Insurance Commissioner's authority to implement an affordability standard, a state could add the following text to the statutory provisions governing Commissioner's existing rate review authority.

### Powers and Duties of the Commissioner

- (A) With respect to health insurance as defined in [code section], the Commissioner shall discharge the powers and duties of office to:
- (1) Protect the public interest and the interests of consumers;
  - (2) Encourage the fair treatment of providers;
  - (3) View the health care system as a comprehensive entity and encourage and direct insurers towards policies that advance the welfare of the public through overall efficiency, affordability, improved health care quality, and appropriate access.

### Rate Filing Requirements

- (A) In discharging the duties of the Office, including but not limited to the Commissioner's decisions to approve, disapprove, modify or take any other action authorized by law with respect to a health insurer's filing of health insurance rates or rate formulas under [cite to code provisions], the Commissioner may consider whether the health insurer's products are affordable and whether the carrier has implemented effective strategies to enhance the affordability of its products.
- (B) The Insurance Commissioner may promulgate regulations to carry out the powers and duties of this Section, including without limitation, to implement rate filing requirements, establish affordability standards, impose penalties, and ensure compliance with this section.

*Note: States may want to add provisions to the rulemaking authorization to include other policy objectives related to affordability, including investments in primary care and alternative payment models.*