

# HOUSE RESEARCH

## Bill Summary

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**Subject:** Health Care Compact

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### Overview

This bill establishes a health care compact among member states and also establishes the Interstate Advisory Health Care Commission.

#### Article 1 - Definitions

Defines the following terms: commission, effective date, health care, member state, member state base funding level, member state current year funding level, member state current year population adjustment factor, and current year inflation adjustment factor.

#### Article 2 - Pledge

Requires member states to take action to secure the consent of the U.S. Congress to this compact, in order to return the authority to regulate health care to the member states. Also requires member states to improve health care policy within their respective jurisdictions.

#### Article 3 - Legislative Power

States that the legislatures of the member states have the primary responsibility to regulate health care in their respective states.

#### Article 4 - State Control

Allows each member state to suspend by legislation the operation of all federal laws, rules, regulations, and orders regarding health care that are inconsistent with state laws and regulations adopted by the member state pursuant to the compact. Provides that these federal requirements remain in place unless expressly suspended by the state, and provides that states are responsible for the associated funding obligations of any federal requirements that remain in effect.

#### Article 5 - Funding

(a) For each federal fiscal year, gives each member state the right to federal funding up to an amount equal to its current funding level for that fiscal year. Requires this to be funded as mandatory spending by the U.S. Congress and provides that the funding is not conditional on state action.

(b) Requires the U.S. Congress, by the start of each federal fiscal year, to establish an initial member state current year funding level based upon reasonable estimates. Requires the final member state current year funding level to be calculated and reconciled by the U.S. Congress, based upon information provided by each state and audited by the U.S. Government Accountability Office.

#### Article 6 - Interstate Advisory Health Care Commission

(a) Establishes the Interstate Advisory Health Care Commission and specifies membership and voting procedures.

(b) Allows the commission to select a chairperson from among its members and to adopt and publish bylaws and policies. Requires the commission to meet at least once a year.

(c) Allows the commission to study issues of health care regulation of concern to member states and make nonbinding regulations. Allows the legislatures of member states to consider these recommendations in determining appropriate state health care policy.

(d) Allows the commission to collect information and data to assist member states in regulating health care, and to make this information and data available to the legislatures of member states. Prohibits member states from disclosing to the commission the health information of any individual, and prohibits the commission from disclosing the health information of any individual.

(e) Requires the commission to be funded by the member states. Gives the commission the responsibilities and duties conferred upon it by the subsequent action of the legislatures of member states.

(f) Prohibits the commission from taking any action within a member state that contravenes state law.

#### Article 7 - Congressional Consent

States that the compact is effective on adoption by at least two member states and consent of the U.S. Congress. Provides that the compact is effective unless the U.S. Congress, in consenting to the compact, alters its fundamental purposes of: (1) securing the right of member states to regulate health care and to suspend the operation of any conflicting federal laws, rules, regulations, and orders; and (2) securing federal funding for member states.

#### Article 8 - Amendments

Allows member states, by unanimous agreement, to amend the compact without the prior consent or approval of the U.S. Congress. Provides that amendments are effective unless the U.S. Congress disapproves the amendment within one year. Allows states to join the compact, after the date the U.S. Congress consents to the compact, by adoption into law under its state constitution.

#### Article 9 - Withdrawal; Dissolution

Allows member states to withdraw from the compact by adopting a law to that effect, with the withdrawal effective six months after the governor of the withdrawing state has given notice other member states. States that a withdrawing state is liable for any obligations incurred prior to the effective date of withdrawal. Provides that the compact is dissolved upon the withdrawal of all but one of the member states.