

## **Mandated Health Insurance Benefits**

### **Issue**

The West Virginia Chamber continues to be concerned about the affordability and availability of health insurance for its members and their employees. Legislation that would increase the affordability and availability of health insurance should be closely scrutinized to weigh the costs versus the benefits of the proposed legislation. The West Virginia Chamber also believes that the employer, who is the policyholder and who pays for the insurance, should determine based on the particular needs of his/her employees, the level and types of benefits which are provided in their health plan. These decisions should not be dictated, generally, by government.

### **Background**

Legislation that mandates new, additional benefits for health insurance coverage will in all likelihood increase the cost of health insurance for employers. Currently in the U.S. 62 percent of all people under the age of 65 are insured by their employers. Moreover, ERISA preempts a state legislature from passing legislation that will impact self-insured programs. Therefore, mandates prescribed for insurance plans will not apply to ERISA plans. Further, a state legislature cannot impact the Medicare program or the Medicaid program without the approval of the Federal Government but can impact PEIA and SCHIP through direct reference in legislation.

### **The Chamber's Position**

The West Virginia Chamber believes that the cost of any mandated health care benefits that address a societal problem should be shared equally by all members of society and not disproportionately by employers with insurance or any other group. Therefore, the West Virginia Chamber will consider supporting legislative proposals involving health care if the proposal addresses societal issues through imposition of costs on a balanced basis – among employers, employees and the Government. The West Virginia Chamber opposes legislation that requires the coverage of mandated benefits for an health insurance plan that are not also required for ERISA plans, PEIA, and the Children's Health Insurance Program.