

HF 497

(Gottwalt (R-St. Cloud, MN))

Health Insurance Exchange created

Five Major Concerns

- **Federal Control Over Health Care**

- The federal “Affordable Care Act”—Obamacare—mentioned 38 times in the bill.
- Federal Secretary of Health & Human Services (HHS) listed 20 times in the bill.
- Federal agencies can examine all properties and data held by Exchange. (11.36)
- The MN Exchange must submit annual financial statements to HHS. (11.29)

- **New Government Bureaucracy Established**

- State Exchange established and authorized “to exist in perpetuity.” (4.21)
- Nine political appointees on Board of Directors. (2.33)
- Exempt from anti-trust law. (4.3)
- Authorized to operate in *and outside* Minnesota. (5.2)
- Department of Commerce has fiat control and oversight. (6.29, 12.11)
- All data, including on individuals, treated as state government data. (7.19, 14.27)

- **‘Command and Control’ Infrastructure of Obamacare**

- Follows Obamacare re: *qualified* health plans, individuals and employers. (2.28)
- Limits health insurers to *qualified health plans* (as defined by Obamacare). (7.25)
- Adopts insurance standards of Obamacare, *including individual mandate*. (8.3)
- Must offer Obamacare-defined bronze, silver, gold and platinum plans. (8.15)
- Prohibits catastrophic coverage over age 29, as required by Obamacare. (13.7)
- Police & surveillance powers to enforce insurance mandate. (9.33, 10.3)

- **Individual Privacy Rights Violated**

- Sends data on individuals to IRS and U.S. Treasury to enforce unconstitutional Obamacare mandate to buy government-prescribed insurance. (10.3, 10.21)
- Individuals not allowed to object to Rules or seek administrative remedies. (6.1)
- Private data shared with federal & state agencies, and other state exchanges. (7.4)
- No consent required for data-sharing. (7.12)
- Surveillance and reporting of employee insurance status to employers. (9.17)
- Government surveillance of insurers, doctors, clinics, patients, hospitals. (16.20)

- **Higher Costs**

- User fees (16.1)
- Other fees (16.12)
- Directors of Exchange reimbursed “for expenses incurred by them as directors” (such possible expenses not defined or limited). (3.8)
- Some States seeking “early innovator” federal implementation grants for **\$25M to \$100M** (Deloitte testimony, 2/15/11). No fiscal note on bill (Gottwalt, 2/15/11).