

UNFINISHED BUSINESS

Bill No: SB 1037
Author: Weber Pierson (D)
Amended: 8/18/26
Vote: 21

SENATE HEALTH COMMITTEE: 7-1, 4/15/26

AYES: Weber Pierson, Caballero, Durazo, Gonzalez, Padilla, Rubio, Smallwood-Cuevas

NOES: Grove

NO VOTE RECORDED: Valladares, Menjivar, Pérez

SENATE APPROPRIATIONS COMMITTEE: 5-1, 5/14/26

AYES: Cervantes, Cabaldon, Grayson, Richardson, Wahab

NOES: Seyarto

NO VOTE RECORDED: Dahle

SENATE FLOOR: 30-9, 5/27/26

AYES: Allen, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Cortese, Durazo, Gonzalez, Grayson, Hurtado, Laird, Limón, McGuire, McNerney, Menjivar, Padilla, Pérez, Reyes, Richardson, Rubio, Smallwood-Cuevas, Stern, Umberg, Wahab, Weber Pierson, Wiener

NOES: Alvarado-Gil, Choi, Grove, Jones, Niello, Ochoa Bogh, Seyarto, Strickland, Valladares

NO VOTE RECORDED: Dahle

ASSEMBLY FLOOR: 59-15, 8/24/26 - See last page for vote

SUBJECT: Health care coverage: rate review

SOURCE: Author

DIGEST: This bill (1) requires the Department of Managed Health Care and the Department of Insurance to include in an existing annual report on health insurance premiums if health plan and insurer rates meet the Affordable Care Act

affordability standard for an individual, a couple, and a family of four with household income, as specified; (2) requires health plans and insurers to demonstrate the impact of the Office of Health Care Affordability (OHCA) cost targets and whether a plan or insurers annual rate of growth exceeds or will exceed the cost target for the rating period; and, (3) requires, if rate growth is expected to exceed cost targets for the rating period, to include specified information in rate filings.

Assembly Amendments:

- Delete a requirement that regulators consider excessive tangible net equity as part of a determination about an unreasonable rate increase.
- Delete a requirement that health plans and insurers include information on medical trends, medical inflation, and medical administrative costs, as well as reconciling information with OHCA analyses.
- Permit regulators, as part of the rate review process, to consult with OHCA.
- Establish an affordability standard as the average gross premium and average deductible totals less than the percentage of income described in the Affordable Care Act and in the Revenue and Taxation Code for an individual, a couple, and a family of four with household incomes of 200%, 400% and 800% of the federal poverty level.
- Require plans and insurers to demonstrate whether annual rate growth exceeds or will exceed the OHCA cost target, and if expected to exceed, require a detailed list of proactive steps it is taking, or plans to take, for annual rate growth to meet the cost targets, and a delineation of factors driving rate increases to exceed the cost targets.
- Require a plan or insurer to respond to any requests for additional information from regulators.
- Make failure to provide all information an unreasonable rate.
- Require the Department of Managed Health Care (DMHC) and the Department of Insurance (CDI) to report on if rates, by plan and in aggregate meet the affordability standard as specified.
- Require the report to include the annual change in premiums and cost sharing for the prior five years.
- Permit regulators to implement, interpret, or make specific this bill by means of all plan letters, guidance, methodologies, rules, definitions, policies, forms, templates, information or data requests, or similar instructions, without taking regulatory action.

ANALYSIS:

Existing law:

- 1) Establishes OHCA, within the Department of Health Care Access and Information (HCAI), to, among other things, be responsible for: analyzing the health care market for cost trends and drivers of spending; developing data-informed policies for lowering health care costs for consumers and purchasers; creating a state strategy for controlling the cost of health care and ensuring affordability for consumers and purchasers; and, enforcing cost targets, including those established by the OHCA board. The HCAI director also serves as the OHCA director. [Health and Safety Code (HSC) §127501]
- 2) Requires the OHCA board to establish a statewide health care cost target, and specific targets by health care sector, including fully integrated delivery systems, geographic regions, and individual health care entities, as appropriate. Permits the OHCA board to adjust cost targets, when warranted, to account for the baseline costs in comparison to other health care entities in the health care sector and geographic region. [HSC §127502]
- 3) Establishes DMHC to regulate health plans under the Knox-Keene Health Care Service Plan Act of 1975 (Knox-Keene Act) and CDI to regulate health insurance. [HSC §1340, et seq. and INS §106, et seq.]
- 4) Requires health plans and health insurers, for the group and individual markets, to file with DMHC and CDI, at a specified minimum length of time prior to implementing any rate change (generally 120 days prior), specified rate information so that the departments can review the information for unreasonable and unjustified rate increases. [HSC §1385.03 and INS §10181.3]
- 5) States legislative intent to ensure enrollees and insureds benefit from reductions in the health care growth rates resulting from OHCA cost targets and requires in submitting health plans and insurer rates for review, health plans and insurers to demonstrate the impact of any changes in the growth rate because of the targets, and requires the DMHC director and CDI commissioner to consider the impact of targets in premium rate reviews. [HSC §1385.035 and INS §10181.35]

This bill:

- 1) Codifies the meaning of “unreasonable rate increase” as defined in federal law and clarifies that the DMHC director or CDI commissioner determines if the rate increase is excessive, unjustified, or unfairly discriminatory, or otherwise

unreasonable (which are the terms used in the federal law).

- 2) Permits DMHC and CDI, as part of the existing rate review process, to consult with OHCA to consider information pursuant to the law, as specified.
- 3) Requires health plans and insurers to demonstrate the impact of OHCA cost targets and whether its annual rate growth exceeds or will exceed the cost target for the rating period. If rate growth is expected to exceed cost targets for the rating period the following shall be included in a rate filing:
 - a) A detailed list of any proactive steps it is taking, or plans to take, for annual rate growth to meet the cost targets.
 - b) A delineation of factors driving rate increases to exceed the cost targets described in this bill.
 - c) Response to any requests for additional information deemed necessary by regulators.
- 4) Makes a failure to sufficiently provide all information, an unreasonable rate increase.
- 5) Requires in existing aggregate rate reports, DMHC and CDI to report on if rates, by plan and in aggregate, meet the affordability standard for an individual, a couple, and a family of four. Requires the report to include the annual change in premiums and cost-sharing for the prior five years.
- 6) Requires health plans and insurers to provide, in a manner and format specified by the regulators, information on premiums, deductibles, cost-sharing, and any other factors specified by regulators necessary to complete the reports required in 5) above.
- 7) Establishes the affordability standard as the average gross premium and average deductible totals less than the percent of income described in the Revenue and Taxation Code (Affordable Care Act standard), for an individual, a couple, a family of four with household incomes at 200%, 400%, and 800% of the federal poverty level.
- 8) Exempts a specialized health plan or policy.
- 9) Permits DMHC and CDI to implement, interpret, or make specific this bill by means of all plan letters, guidance, methodologies, rules, definitions, policies, forms, templates, information or data requests, or similar instructions, without

taking regulatory action.

Background

According to the author of this bill:

Health care costs are growing at unsustainable rates. Federal policies are putting even more pressure on state budgets and more importantly the budgets of California families and small businesses. Federal tax subsidies to help offset health insurance premiums and other policies that contributed to coverage rates in California of 94% are being rolled back. At the same time new federal policies are creating more bureaucratic hurdles that will also result in coverage losses. More has to be done in all health care sectors to control health care costs and health insurance premiums. California's OHCA was created to rein in health care spending growth and has adopted health cost growth targets to limit growth in line with median household incomes and families' food and housing budgets. This bill will require health insurance regulators to focus their reviews of proposed rate increases with an eye toward affordability for Californians. This bill will require regulators to connect their health plan and insurer rate reviews with the work of OHCA and require retrospective reviews of medical trends and cost-sharing requirements reported by health plans and insurers and take into account plan and insurer financial indicators that are well in excess of minimum standards.

Rate Review. DMHC regulates health plans, including preferred provider organizations (PPOs) offered in the individual and group markets (covering approximately 13 million Californians) and another 16 million in public coverage (mostly Medi-Cal). CDI regulates health insurance (only PPOs) also in the individual and group markets for approximately 800,000 Californians (mostly in large group coverage). As part of their regulatory responsibilities, both departments have similar requirements to review prospective rate filings submitted by plans for products sold in the individual and group markets. Rate filings submitted by plans include total premiums, incurred claims, average rate increases, enrollee cost sharing and benefit changes, medical trend assumptions, fees, prices paid in comparison to Medicare, and variation in trends by geography. The regulators do not have authority to deny a rate increase, but they can declare a rate "unjustified" or "unreasonable," which triggers disclosure requirements to purchasers. CDI reports that since 2011, the total savings for major medical policies is almost \$400 million due to their premium rate reviews. DMHC reports

that their premium rate reviews in the individual and small group markets have saved Californians almost \$300 million since 2011. Generally, the departments have actuaries perform an in-depth review of the proposed premium rate changes and require health plans and insurers to demonstrate the changes are supported by data, including underlying medical costs and trends. In their 2024 Annual Report, DMHC indicates that its rate review efforts hold health plans accountable through transparency. If DMHC finds a health plan rate change is not supported, it negotiates with the health plan to reduce the rate, called a modified rate. If the health plan refuses to modify its rate, DMHC can find the rate to be unreasonable. When DMHC finds a proposed rate change to be unreasonable, the health plan must notify impacted members of the unreasonable findings. Additionally, health plans that offer individual, small group and large group coverage must file annual aggregated rate information with the DMHC. The DMHC holds a public meeting every other year to increase transparency of health plan premium rate changes. CDI also participates in this meeting. Health plans and insurers in the commercial market must also file certain prescription drug cost information with their regulators. DMHC and CDI summarize the data and the impact of prescription drug costs on health care premiums into annual reports and share this information at the biennial public meeting. DMHC also has a premium rate review section on its public website that makes it easy for the public to view and submit public comments on health plan proposed rate changes.

OHCA. OHCA was established by the enactment of SB 184 (Committee on Budget and Fiscal Review, Chapter 47, Statutes of 2022) with a focus on slowing the growth of health care spending, promoting high value health care, and assessing the impact of market consolidations on health care costs and access. According to the OHCA 2025 Annual Report, per capita spending in California in 2020 was \$10,299 compared with \$7,998 in 2015, a 28.8% increase. While 75% of low-income households report they have skipped or delayed care, many Californians are having difficulty affording and accessing health care. Approximately 25% of White, 36% of Latino, and 40% of Black Californians report having difficulty paying medical bills. High health care costs contribute to increases in health care premiums. California's per capita total health care expenditures increased by 8.4% for the baseline period from 2022 to 2023. Growth in spending varied across markets, payers, regions, and service categories between 2022 and 2023. Total health care expenditures per-member/per-year growth for Medi-Cal and Medicare averaged 2.9% and 5.4%, respectively, compared with an average of 6.4% for commercial payers. Retail pharmacy, professional services, and hospital outpatient services contributed to the largest increases in spending growth across service categories for both commercial and Medicare markets,

similar to trends observed in other states. In April 2024, OHCA announced a statewide health care spending target of 3%. The spending target will be phased in over time, initially starting at 3.5% for 2025 and 2026, lowered to 3.2% for 2027 and 2028 before reaching 3% beginning in 2029. In April of 2025, the OHCA board voted to define high-cost hospitals and set high-cost hospital targets for seven hospitals at 1.8% in 2026, 1.7% in 2027 and 2028, and 1.6% in 2029. Enforcement on cost targets will begin with the 2026 target but enforcement actions will not take place until sometime in 2028 after data collection in 2027 and public reporting in 2028. Because OHCA's spending target is a shared expectation to meet annual rates of growth for health care spending, slowed spending growth will require cost-reducing strategies by health care entities, while maintaining or improving quality and equity.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Assembly Appropriations Committee DMHC estimates the total cost of this bill to be approximately \$461,000 for two staff positions in fiscal year (FY) 2026-27 and \$1.2 million for four positions in FY 2027-28, and annually thereafter. The costs would be for additional workload to conduct legal review, promulgate complex regulations and draft legal memoranda to clarify the requirements in this bill, revise rate filing templates and review premium rate filings for compliance (Managed Care Fund).

CDI estimates costs of \$2.4 million in FY 2027-28 and \$459,000 in FY 2028-29 and annually thereafter. These costs would be for actuarial work, to coordinate rate review work with OHCA, develop regulations in coordination with DMHC, analyze filings, assess affordability, request clarifications from insurers, and develop written findings (Insurance Fund).

Department of Health Care Access and Information anticipates minor and absorbable costs.

SUPPORT: (Verified 8/24/26)

California Alliance for Retired Americans
California Hospital Association
California LGBTQ Health and Human Services Network
California Federation of Teachers
California Pan-Ethnic Health Network
California Teachers Association
Courage California

Health Access California
Healthy California Now
National Union of Healthcare Workers

OPPOSITION: (Verified 8/24/26)

Association of California Life & Health Insurance Companies
California Association of Health Plans

ARGUMENTS IN SUPPORT: Health Access California writes that despite California's progress to expand health care coverage in the last two decades, rising health care costs have prevented many Californians from getting the care they need and forced many into crushing debt. According to Health Access California, health care costs have risen faster than wages, inflation and what Californians can afford for decades. Health Access California writes with the health care affordability crisis being exacerbated by HR 1 and the loss of the subsidies, it's even more critical the state scrutinizes health insurance and plan rate increases with consumer affordability in mind. Health Access writes this bill requires enhanced rate review to include the annual change in premiums and cost-sharing for the last five years to consider what rate increases mean for consumers, and this bill ensures that rate review aligns with OHCA's cost growth targets. The California Hospital Association writes that this bill would provide a necessary and logical framework to ensure OHCA and other state regulators can examine root causes of excessive premium growth and instability. The California Pan Ethnic Health Network writes, "adding a consumer affordability factor will increase rate transparency and accountability by requiring plans to consider the extent to which rate increases will lead to massive disenrollments. Instead of justifying rate increases based solely on medical costs or utilization, plans would now be required to estimate how those increases affect people's ability to stay enrolled including how many members might drop coverage, which groups are most at risk and how premiums compare to wages or household budget. This will discourage excessive or poorly justified rate hikes." The California Teachers Association (CTA) believes health care should be a bridge to well-being, not a barrier to financial security. CTA says hard-won wage increases are frequently eroded by double-digit hikes in medical costs. CTA writes even if a union secures a 4% or 5% annual raise for its members, a 10% or more hike in health care premiums effectively neutralizes that increase in take-home pay.

ARGUMENTS IN OPPOSITION:

The California Association of Health Plans (CAHP) and the Association of California Life and Health Insurance Companies (ACLHIC) write that this

increases administrative costs instead of tackling cost drivers. CAHP and ACLHIC believe the bill conflates prospective rate review and retrospective OHCA targets and is unworkable. CAHP and ACLHIC write that California already operates some of the most transparent rate review processes in the country. They believe this bill risks destabilizing the insurance market while doing little to control underlying costs.

ASSEMBLY FLOOR: 59-15 8/24/26

AYES: Addis, Aguiar-Curry, Ahrens, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Connolly, Elhawary, Fong, Gabriel, Garcia, Gipson, Mark González, Haney, Harabedian, Hart, Irwin, Jackson, Kalra, Krell, Lee, Lowenthal, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Valencia, Ward, Wicks, Wilson, Zbur, Rivas

NOES: Alanis, Castillo, Chen, Davies, DeMaio, Ellis, Flora, Jeff Gonzalez, Hadwick, Hoover, Johnson, Macedo, Patterson, Sanchez, Tangipa

NO VOTE RECORDED: Dixon, Lackey, McKinnor, Ta, Wallis

Prepared by: Teri Boughton / HEALTH / (916) 651-4111
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**** END ****