

1.1 ..... moves to amend H.F. No. 2380, the first engrossment, as follows:

1.2 Page 3, after line 4, insert:

1.3 "Sec. 2. **[62V.053] CIVIL ACTIONS FOR DAMAGES AUTHORIZED.**

1.4 (a) An applicant or enrollee injured by MNsure's action, delay, or failure to act  
1.5 related to the applicant's or enrollee's application for or enrollment in a qualified health  
1.6 plan or related health coverage or eligibility for advanced premium tax credits or  
1.7 cost-sharing reductions, may bring a civil action against the MNsure board in its official  
1.8 capacity and recover damages, costs, and disbursements, including reasonable attorney's  
1.9 fees, and a civil penalty of up to \$1,000. Actions for which civil damages may be sought  
1.10 include, but are not limited to:

1.11 (1) the actions listed in Minnesota Rules, part 7700.0105, subpart 1, item A;

1.12 (2) failure to transmit a 1095-A form to an enrollee by January 31 each year or  
1.13 earlier if required by federal law;

1.14 (3) transmitting a 1095-A form to an enrollee that contains material errors;

1.15 (4) a delay in terminating coverage from a qualified health plan or other appropriate  
1.16 health coverage;

1.17 (5) improperly enrolling an individual in a qualified health plan or other appropriate  
1.18 health coverage; and

1.19 (6) improperly transitioning an enrollee from one health coverage to another.

1.20 (b) A civil action under this section may be filed in the district court in the county in  
1.21 which the applicant or enrollee resides or in Ramsey County. An applicant or enrollee  
1.22 is not required to exhaust the administrative remedies available under this chapter and  
1.23 Minnesota Rules, chapter 7700 before filing suit under this section.

1.24 (c) The limits on claims in section 3.736 do not apply to claims under this section."

1.25 Renumber the sections in sequence and correct the internal references

1.26 Amend the title accordingly