

106TH CONGRESS
1ST SESSION

H. R. 2044

To amend title I of the Employee Retirement Income Security Act of 1974 to provide to participants and beneficiaries of group health plans access to pediatric care.

IN THE HOUSE OF REPRESENTATIVES

JUNE 8, 1999

Mr. SHERWOOD introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend title I of the Employee Retirement Income Security Act of 1974 to provide to participants and beneficiaries of group health plans access to pediatric care.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Patient Right to Pedi-
5 atric Care Act of 1999”.

6 **SEC. 2. PATIENT ACCESS TO PEDIATRIC CARE.**

7 (a) IN GENERAL.—Subpart B of part 7 of subtitle
8 B of title I of the Employee Retirement Income Security

1 Act of 1974 is amended by adding at the end the following
2 new section:

3 **“SEC. 714. PATIENT ACCESS TO PEDIATRIC CARE.**

4 “(a) IN GENERAL.—In any case in which a group
5 health plan (or a health insurance issuer offering health
6 insurance coverage in connection with the plan) provides
7 benefits consisting of routine pediatric care provided by
8 a participating physician who specializes in pediatrics (or
9 consisting of payment for such care) and the plan requires
10 or provides for designation by a participant or beneficiary
11 of a participating primary care provider, the plan (or
12 issuer) shall provide that such a participating physician
13 may be designated, if available, by a parent or guardian
14 of any beneficiary under the plan is who under 18 years
15 of age, as the primary care provider with respect to any
16 such benefits.

17 “(b) CONSTRUCTION.—Nothing in subsection (a)
18 shall waive any requirements of coverage relating to med-
19 ical necessity or appropriateness with respect to coverage
20 of pediatric care.

21 “(c) TREATMENT OF MULTIPLE COVERAGE OP-
22 TIONS.—In the case of a plan providing benefits under two
23 or more coverage options, the requirements of this section
24 shall apply separately with respect to each coverage op-
25 tion.”.

1 (b) CONFORMING AMENDMENT.—The table of con-
2 tents in section 1 of such Act is amended by adding at
3 the end of the items relating to subpart B of part 7 of
4 subtitle B of title I of such Act the following new item:
“Sec. 714. Patient access to pediatric care.”.

5 **SEC. 3. EFFECTIVE DATE AND RELATED RULES.**

6 (a) IN GENERAL.—The amendments made by this
7 Act shall apply with respect to plan years beginning on
8 or after January 1 of the second calendar year following
9 the date of the enactment of this Act, except that the Sec-
10 retary of Labor may issue regulations before such date
11 under such amendments. The Secretary shall first issue
12 regulations necessary to carry out the amendments made
13 by this Act before the effective date thereof.

14 (b) LIMITATION ON ENFORCEMENT ACTIONS.—No
15 enforcement action shall be taken, pursuant to the amend-
16 ments made by this Act, against a group health plan or
17 health insurance issuer with respect to a violation of a re-
18 quirement imposed by such amendments before the date
19 of issuance of regulations issued in connection with such
20 requirement, if the plan or issuer has sought to comply
21 in good faith with such requirement.

22 (c) SPECIAL RULE FOR COLLECTIVE BARGAINING
23 AGREEMENTS.—In the case of a group health plan main-
24 tained pursuant to one or more collective bargaining
25 agreements between employee representatives and one or

1 more employers ratified before the date of the enactment
2 of this Act, the amendments made by this Act shall not
3 apply with respect to plan years beginning before the later
4 of—

5 (1) the date on which the last of the collective
6 bargaining agreements relating to the plan termi-
7 nates (determined without regard to any extension
8 thereof agreed to after the date of the enactment of
9 this Act); or

10 (2) January 1, 2002.

11 For purposes of this subsection, any plan amendment
12 made pursuant to a collective bargaining agreement relat-
13 ing to the plan which amends the plan solely to conform
14 to any requirement added by this Act shall not be treated
15 as a termination of such collective bargaining agreement.

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