

110TH CONGRESS
2D SESSION

H. R. 6908

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 25 (legislative day, SEPTEMBER 17), 2008

Received

AN ACT

To require that limitations and restrictions on coverage under group health plans be timely disclosed to group health plan sponsors and timely communicated to participants and beneficiaries under such plans in a form that is easily understandable.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Health Insurance Re-
3 strictions and Limitations Clarification Act of 2008”.

4 **SEC. 2. DISCLOSURE REQUIREMENTS.**

5 (a) ERISA.—Section 702(a)(2)(B) of the Employee
6 Retirement Income Security Act of 1974 (29 U.S.C.
7 1182(a)(2)(B)) is amended by inserting before the period
8 at the end the following: “so long as—

9 “(i) such limitations and restrictions
10 are explicit and clear;

11 “(ii) in the case of such limitations
12 and restrictions in health insurance cov-
13 erage offered in connection with the group
14 health plan, such limitations and restric-
15 tions have been disclosed in writing to the
16 plan sponsor in advance of the point of
17 sale to the plan;

18 “(iii) the plan sponsor of the health
19 insurance coverage provide, to participants
20 and beneficiaries in the plan in advance of
21 the point of their enrollment under the
22 plan, a description of such limitations and
23 restrictions in a form that is easily under-
24 standable by such participants and bene-
25 ficiaries; and

1 “(iv) the plan sponsor and the issuer
2 of the coverage provide such description to
3 participants and beneficiaries upon their
4 enrollment under the plan at the earliest
5 opportunity that other materials are pro-
6 vided”.

7 (b) PHSA.—Section 2702(a)(2)(B) of the Public
8 Health Service Act (42 U.S.C. 300gg-1(a)(2)(B)) is
9 amended by inserting before the period at the end the fol-
10 lowing: “so long as—

11 “(i) such limitations and restrictions
12 are explicit and clear;

13 “(ii) in the case of such limitations
14 and restrictions in health insurance cov-
15 erage offered in connection with the group
16 health plan, such limitations and restric-
17 tions have been disclosed in writing to the
18 plan sponsor in advance of the point of
19 sale to the plan;

20 “(iii) the plan sponsor and the issuer
21 of the group health insurance coverage
22 make available, to participants and bene-
23 ficiaries in the plan in advance of the point
24 of their enrollment under the plan, a de-
25 scription of such limitations and restric-

1 tions in a form that is easily understand-
2 able by such participants and beneficiaries;
3 and

4 “(iv) the plan sponsor and the issuer
5 of the coverage provides such description
6 to participants and beneficiaries upon their
7 enrollment under the plan at the earliest
8 opportunity that other materials are pro-
9 vided”.

10 (c) INTERNAL REVENUE CODE.—Section
11 9802(a)(2)(B) of the Internal Revenue Code of 1986 is
12 amended by inserting before the period at the end the fol-
13 lowing: “so long as—

14 “(i) such limitations and restrictions
15 are explicit and clear;

16 “(ii) the group health plan makes
17 available, to participants and beneficiaries
18 in the plan in advance of the point of their
19 enrollment under the plan, a description of
20 such limitations and restrictions in a form
21 that is easily understandable by such par-
22 ticipants and beneficiaries; and

23 “(iii) the plan provides such descrip-
24 tion to participants and beneficiaries upon
25 their enrollment under the plan at the ear-

