

# Union Calendar No. 566

110TH CONGRESS  
2D SESSION

# H. R. 6908

**[Report No. 110-870, Part I]**

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.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 16, 2008

Mr. BURGESS (for himself and Mr. STUPAK) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

SEPTEMBER 23, 2008

Reported from the Committee on Energy and Commerce

SEPTEMBER 23, 2008

Committees on Ways and Means and Education and Labor discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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## A BILL

To require that limitations and restrictions on coverage under group health plans be timely disclosed to group health plan sponsors and timely communicated to partici-

pants 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,*

3 **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Health Insurance  
5 Source of Injury Clarification Act of 2008”.

6 **SEC. 2. DISCLOSURE REQUIREMENTS.**

7       (a) ERISA.—Section 702(a)(2)(B) of the Employee  
8 Retirement Income Security Act of 1974 (29 U.S.C.  
9 1182(a)(2)(B)) is amended by inserting before the period  
10 at the end the following: “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 to the plan spon-  
18                   sor in advance of the point of sale to the  
19                   plan;

20                   “(iii) the plan sponsor and the issuer  
21                   of the health insurance coverage make  
22                   available, to participants and beneficiaries  
23                   in the plan in advance of the point of their  
24                   enrollment under the plan, a description of

1 such limitations and restrictions in a form  
2 that is easily understandable by such par-  
3 ticipants and beneficiaries; and

4 “(iv) the plan sponsor and the issuer  
5 of the coverage provide such description to  
6 participants and beneficiaries upon their  
7 enrollment under the plan”.

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

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

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

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

1 description of such limitations and restric-  
2 tions in a form that is easily understand-  
3 able by such participants and beneficiaries;  
4 and

5 “(iv) the plan sponsor and the issuer  
6 of the coverage provides such description  
7 to participants and beneficiaries upon their  
8 enrollment under the plan”.

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

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

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

22 “(iii) the plan provides such descrip-  
23 tion to participants and beneficiaries upon  
24 their enrollment under the plan”.

1           (d) **EFFECTIVE DATE.**—The amendments made by  
2 this Act shall apply with respect to plan years beginning  
3 after 1 year after the date of the enactment of this Act.

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