

110TH CONGRESS  
2D SESSION

# S. 3559

To amend the Public Health Service Act to ensure that third party review is available whenever health insurance coverage in the individual market is terminated.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 24 (legislative day, SEPTEMBER 17), 2008

Mr. COLEMAN introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To amend the Public Health Service Act to ensure that third party review is available whenever health insurance coverage in the individual market is terminated.

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 “Continuing Coverage  
5 Act of 2008”.

1 **SEC. 2. AMENDMENT TO THE PUBLIC HEALTH SERVICE**  
2 **ACT.**

3 Subpart 2 of part B of title XXVII of the Public  
4 Health Service Act (42 U.S.C. 300gg–51 et seq.) is  
5 amended by adding at the end the following:

6 **“SEC. 2754. THIRD-PARTY REVIEW IN THE CASE OF TERMI-**  
7 **NATION.**

8 “(a) IN GENERAL.—A health insurance issuer offer-  
9 ing health insurance coverage in the individual market  
10 shall ensure that, with respect to an enrollee, independent,  
11 third-party review is provided through an appropriate enti-  
12 ty where the issuer seeks to discontinue the health insur-  
13 ance coverage of such enrollee. The cost of such a review  
14 shall be paid by the issuer.

15 “(b) NOTICE.—Not later than 30 days prior to the  
16 date on which a health insurance issuer discontinues  
17 health insurance coverage for an enrollee, the issuer shall  
18 provide such enrollee with notice of the discontinuance.  
19 Such notice shall contain a statement of the enrollees right  
20 to an external review as required under subsection (a).

21 “(c) SUBMISSION OF REVIEW TO INSURANCE COM-  
22 MISSIONER.—Upon completion of an external review pro-  
23 vided for under this section, the determination with re-  
24 spect to the review shall be submitted to the insurance  
25 commissioner for the State involved. Such commissioner

1 may approve the determination, overturn the determina-  
2 tion, or require an additional independent review.

3 “(d) PREEMPTION.—Nothing in this section shall be  
4 construed to preempt State laws that provide greater pro-  
5 tections to enrollees than the protections provided by this  
6 section.”.

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