

111TH CONGRESS
1ST SESSION

H. R. 1253

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.

IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 2009

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

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 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Health Insurance Re-
5 strictions and Limitations Clarification Act of 2009”.

1 **SEC. 2. DISCLOSURE REQUIREMENTS.**

2 (a) ERISA.—Section 702(a)(2)(B) of the Employee
3 Retirement Income Security Act of 1974 (29 U.S.C.
4 1182(a)(2)(B)) is amended by inserting before the period
5 at the end the following: “so long as—

6 “(i) such limitations and restrictions
7 are explicit and clear;

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

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

23 “(iv) the plan sponsor and the issuer
24 of the coverage provide such description to
25 participants and beneficiaries upon their
26 enrollment under the plan at the earliest

1 opportunity that other materials are pro-
2 vided.”.

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

7 “(i) such limitations and restrictions
8 are explicit and clear;

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

16 “(iii) the plan sponsor and the issuer
17 of the group health insurance coverage
18 make available, to participants and bene-
19 ficiaries in the plan in advance of the point
20 of their enrollment under the plan, a de-
21 scription of such limitations and restric-
22 tions in a form that is easily understand-
23 able by such participants and beneficiaries;
24 and

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

7 (c) INTERNAL REVENUE CODE.—Section
8 9802(a)(2)(B) of the Internal Revenue Code of 1986 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) the group health plan makes
14 available, to participants and beneficiaries
15 in the plan in advance of the point of their
16 enrollment under the plan, a description of
17 such limitations and restrictions in a form
18 that is easily understandable by such par-
19 ticipants and beneficiaries; and

20 “(iii) the plan provides such descrip-
21 tion to participants and beneficiaries upon
22 their enrollment under the plan at the ear-
23 liest opportunity that other materials are
24 provided.”.

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

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