

## Union Calendar No. 27

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1253

[Report No. 111-62, 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

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

MARCH 30, 2009

Reported from the Committee on Energy and Commerce

MARCH 30, 2009

Committees on Education and Labor and Ways and Means 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 Re-  
5 strictions and Limitations Clarification Act of 2009”.

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 in writing to the  
18                   plan sponsor in advance of the point of  
19                   sale to the plan;

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

1 restrictions in a form that is easily under-  
2 standable by such participants and bene-  
3 ficiaries; 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 at the earliest  
8 opportunity that other materials are pro-  
9 vided.”.

10 (b) PHSA.—Section 2702(a)(2)(B) of the Public  
11 Health Service Act (42 U.S.C. 300gg–1(a)(2)(B)) 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) in the case of such limitations  
17 and restrictions in health insurance cov-  
18 erage offered in connection with the group  
19 health plan, such limitations and restric-  
20 tions have been disclosed in writing to the  
21 plan sponsor in advance of the point of  
22 sale to the plan;

23 “(iii) the plan sponsor and the issuer  
24 of the group health insurance coverage  
25 make available, to participants and bene-

1            beneficiaries in the plan in advance of the point  
2            of their enrollment under the plan, a de-  
3            scription of such limitations and restric-  
4            tions in a form that is easily understand-  
5            able by such participants and beneficiaries;  
6            and

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

13          (c)      INTERNAL      REVENUE      CODE.—Section  
14          9802(a)(2)(B) of the Internal Revenue Code of 1986 is  
15          amended by inserting before the period at the end the fol-  
16          lowing: “so long as—

17                      “(i) such limitations and restrictions  
18                      are explicit and clear;

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

1                   “(iii) the plan provides such descrip-  
2                   tion to participants and beneficiaries upon  
3                   their enrollment under the plan at the ear-  
4                   liest opportunity that other materials are  
5                   provided.”.

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

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111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

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