

113TH CONGRESS
2^D SESSION

H. R. 5321

To amend the Public Health Service Act to limit rescissions of coverage under health plans in the individual and group market, contingent on the enactment of legislation repealing the Patient Protection and Affordable Care Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 31, 2014

Mr. BENISHEK introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Public Health Service Act to limit rescissions of coverage under health plans in the individual and group market, contingent on the enactment of legislation repealing the Patient Protection and Affordable Care Act, and for other purposes.

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 “Protecting Insurance
5 Coverage for Sick Americans Act of 2014”.

1 **SEC. 2. PROHIBITION ON RESCISSIONS.**

2 (a) GROUP MARKET.—Subpart 1 of part A of title
3 XXVII of the Public Health Service Act (42 U.S.C. 300gg
4 et seq.) is amended by adding at the end the following:

5 **“SEC. 2703. PROHIBITION ON RESCISSIONS.**

6 “A group health plan and a health insurance issuer
7 offering group health insurance coverage shall not rescind
8 such plan or coverage with respect to an enrollee once the
9 enrollee is covered under such plan or coverage involved,
10 except that this section shall not apply to a covered indi-
11 vidual who has performed an act or practice that con-
12 stitutes fraud or makes an intentional misrepresentation
13 of material fact as prohibited by the terms of the plan
14 or coverage. Such plan or coverage may not be cancelled
15 except with prior notice to the enrollee, and only as per-
16 mitted under section 2712(b).”.

17 (b) INDIVIDUAL MARKET.—Subpart 1 of part B of
18 title XXVII of the Public Health Service Act (42 U.S.C.
19 300gg–41 et seq.) is amended by adding at the end the
20 following:

21 **“SEC. 2747. PROHIBITION ON RESCISSIONS.**

22 “The provisions of section 2703 shall apply to health
23 insurance coverage offered to individuals by a health in-
24 surance issuer in the individual market in the same man-
25 ner as it applies to health insurance coverage offered by
26 a health insurance issuer in the group market.”.

1 (c) EFFECTIVE DATE CONTINGENT ON REPEAL OF
2 PPACA.—

3 (1) IN GENERAL.—Subsections (a) and (b) and
4 the amendments made by such subsections shall take
5 effect upon the enactment of PPACA repeal legisla-
6 tion described in paragraph (2) and such subsections
7 and amendments shall have no force or effect if such
8 PPACA repeal legislation is not enacted.

9 (2) PPACA REPEAL LEGISLATION DE-
10 SCRIBED.—For purposes of paragraph (1), PPACA
11 repeal legislation described in this paragraph is leg-
12 islation that—

13 (A) repeals Public Law 111–148, and re-
14 stores or revives the provisions of law amended
15 or repealed, respectively, by such Act as if such
16 Act had not been enacted and without further
17 amendment to such provisions of law; and

18 (B) repeals title I and subtitle B of title II
19 of the Health Care and Education Reconcili-
20 ation Act of 2010 (Public Law 111–152), and
21 restores or revives the provisions of law amend-
22 ed or repealed, respectively, by such title or
23 subtitle, respectively, as if such title and sub-

1 title had not been enacted and without further
2 amendment to such provisions of law.

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