

113TH CONGRESS
2D SESSION

S. 2629

To require employers to notify employees and prospective employees of exemptions from otherwise required coverage of health services under group health plans.

IN THE SENATE OF THE UNITED STATES

JULY 17, 2014

Mr. DURBIN (for himself, Mr. BEGICH, and Ms. HIRONO) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To require employers to notify employees and prospective employees of exemptions from otherwise required coverage of health services under group health plans.

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 “Preventive Care Cov-
5 erage Notification Act”.

6 **SEC. 2. PROVIDING INFORMATION TO EMPLOYEES AND**
7 **PROSPECTIVE EMPLOYEES.**

8 (a) DEVELOPMENT OF STANDARDS.—With respect to
9 an employer (other than an organization that is organized

1 and operates as a nonprofit entity and is referred to in
2 section 6033(a)(3)(A) (i) or (iii) of the Internal Revenue
3 Code of 1986) that establishes or maintains a group
4 health plan (other than a grandfathered health plan as
5 defined in section 1251 of the Patient Protection and Af-
6 fordable Care Act (42 U.S.C. 18011)) for its employees,
7 the Secretary of Health and Human Services, the Sec-
8 retary of Labor, and the Secretary of the Treasury shall
9 jointly develop standards that require the employer to pro-
10 vide notice to current and prospective employees if the em-
11 ployer is exempted or excepted from covering health serv-
12 ices otherwise required to be covered pursuant to title
13 XXVII of the Public Health Service Act (including preven-
14 tive health services required under section 2713 of such
15 Act). Such notice shall include a description of the specific
16 items and services that are not covered under such plan
17 as a result of such exemption or exception. Such standards
18 shall require that any notice provided under this sub-
19 section be provided by the employer to employees and pro-
20 spective employees in a timely and easily understandable
21 manner.

22 (b) INFORMING EMPLOYEES OF LIMITATIONS ON
23 COVERAGE.—With respect to the notice required under
24 subsection (a), an employer shall be deemed to be in com-
25 pliance with the requirements of such section if the em-

1 ployer is an eligible organization as defined in, and pro-
2 vides for the notice in accordance with, regulations issued
3 pursuant to section 2713 of the Public Health Service Act
4 (42 U.S.C. 300gg-13).

5 (c) ENFORCEMENT.—The provisions of this section
6 shall apply to employers acting as plan sponsors, group
7 health plans, and health insurance issuers as if enacted
8 in the Employee Retirement Income Security Act of 1974
9 (29 U.S.C. 1001 et seq.), the Public Health Service Act
10 (42 U.S.C. 201 et seq.), and the Internal Revenue Code
11 of 1986. Any failure by an employer acting as a plan spon-
12 sor, a group health plan, or a health insurance issuer to
13 comply with the provisions of this Act shall be subject to
14 enforcement through part 5 of subtitle B of title I of the
15 Employee Retirement Income Security Act of 1974 (29
16 U.S.C. 1131 et seq.), section 2723 of the Public Health
17 Service Act (42 U.S.C. 300gg-22), and section 4980D of
18 the Internal Revenue Code of 1986.

19 (d) APPLICATION.—This section shall apply to plan
20 years beginning on or after July 1, 2014.

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