

116TH CONGRESS
2D SESSION

H. R. 6231

To ensure affordable coverage of certain vaccines and testing services under group health plans and group and individual health insurance coverage during the COVID-19 public health emergency.

IN THE HOUSE OF REPRESENTATIVES

MARCH 12, 2020

Mr. BUCSHON (for himself and Ms. SCHAKOWSKY) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To ensure affordable coverage of certain vaccines and testing services under group health plans and group and individual health insurance coverage during the COVID-19 public health emergency.

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 “Ensuring Access to
5 COVID-19 Preventive Care Act of 2020”.

1 **SEC. 2. ENSURING AFFORDABLE COVERAGE OF CERTAIN**
2 **VACCINES AND TESTING SERVICES UNDER**
3 **GROUP HEALTH PLANS AND GROUP AND IN-**
4 **DIVIDUAL HEALTH INSURANCE COVERAGE**
5 **DURING THE COVID-19 PUBLIC HEALTH**
6 **EMERGENCY.**

7 (a) EXPEDITED MEETING OF ACIP FOR COVID-19
8 VACCINES.—

9 (1) IN GENERAL.—Notwithstanding section
10 3091 of the 21st Century Cures Act (21 U.S.C.
11 360bbb–4 note), the Advisory Committee on Immu-
12 nization Practices shall meet and issue a rec-
13 ommendation with respect to a vaccine that is in-
14 tended to prevent or treat COVID-19 not later than
15 15 business days after the date on which such vac-
16 cine is licensed under section 351 of the Public
17 Health Service Act (42 U.S.C. 262).

18 (2) DEFINITION.—In this subsection, the term
19 “Advisory Committee on Immunization Practices”
20 means the Advisory Committee on Immunization
21 Practices established by the Secretary of Health and
22 Human Services pursuant to section 222 of the Pub-
23 lic Health Service Act (42 U.S.C. 217a), acting
24 through the Director of the Centers for Disease
25 Control and Prevention.

1 (b) AUTHORITY TO WAIVE COST SHARING FOR
2 TESTING SERVICES FOR COVID-19.—Section 2713 of the
3 Public Health Service Act (42 U.S.C. 300gg–13) is
4 amended—

5 (1) in the header, by inserting before the period
6 at the end the following: “; **COVERAGE OF CER-**
7 **TAIN TESTING SERVICES FOR COVID-19**”; and

8 (2) by adding at the end the following new sub-
9 section:

10 “(d) **COVERAGE OF CERTAIN TESTING SERVICES**
11 **FOR COVID-19.**—

12 “(1) **IN GENERAL.**—A group health plan, and a
13 health insurance issuer offering group or individual
14 health insurance coverage, shall, during a period de-
15 scribed in paragraph (2), at a minimum provide cov-
16 erage for and not impose any cost sharing require-
17 ments for an item or service specified by the Sec-
18 retary under paragraph (3) with respect to such pe-
19 riod.

20 “(2) **PERIOD DESCRIBED.**—For purposes of
21 this subsection and with respect to an item or serv-
22 ice specified under paragraph (3) and a group health
23 plan or group or individual health insurance cov-
24 erage, a period described in this paragraph is a pe-
25 riod specified by the Secretary that—

1 “(A) begins during the public health emer-
2 gency declared by the Secretary pursuant to
3 section 319 on January 31, 2020, entitled ‘De-
4 termination that a Public Health Emergency
5 Exists Nationwide as the Result of the 2019
6 Novel Coronavirus’ (or any renewal of such dec-
7 laration pursuant to such section); and

8 “(B) ends on the earlier of—

9 “(i) the termination of such declara-
10 tion; and

11 “(ii) in the case the United States
12 Preventive Services Task Force issues a
13 rating (other than ‘I’) with respect to such
14 item or service—

15 “(I) in the case such rating is an
16 ‘A’ or ‘B’, the day before the date on
17 which the requirements of subsection
18 (a) apply to such plan or coverage
19 with respect to such item or service;
20 or

21 “(II) in the case such rating is
22 not described in subclause (I), the
23 date such rating is so issued.

24 “(3) SPECIFIED ITEMS AND SERVICES.—For
25 purposes of this subsection, the Secretary may speci-

1 fy an item or service under this paragraph with re-
2 spect to a period described in paragraph (2) only if
3 such item or service—

4 “(A) is a testing service intended to detect
5 SARS–CoV–2 or diagnose COVID-19; and

6 “(B) does not, as of the date such item or
7 service is so specified, have in effect a rating
8 from the United States Preventive Services
9 Task Force (or has in effect a rating of ‘I’).”.

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