

AMENDMENTS TO H.R. 758

OFFERED BY M_{R.} BARTON

Page 10, strike line 7 and all that follows through page 11, line 5, and insert the following:

1 “(1) IN GENERAL.—A group health plan, and a
2 health insurance issuer providing health insurance
3 coverage in connection with a group health plan,
4 that provides medical and surgical benefits shall en-
5 sure that inpatient (and in the case of a
6 lumpectomy, outpatient) coverage and radiation
7 therapy is provided for breast cancer treatment.
8 Such plan or coverage may not—

9 “(A) insofar as the attending physician, in
10 consultation with the patient, determines it to
11 be medically necessary—

12 “(i) restrict benefits for any hospital
13 length of stay in connection with a mastec-
14 tomy or breast conserving surgery (such as
15 a lumpectomy) for the treatment of breast
16 cancer to less than 48 hours; or

17 “(ii) restrict benefits for any hospital
18 length of stay in connection with a lymph

1 node dissection for the treatment of breast
2 cancer to less than 24 hours; or
3 “(B) require that a provider obtain author-
4 ization from the plan or the issuer for pre-
5 scribing any length of stay required under this
6 paragraph.

Page 11, beginning on line 8, strike “physician and patient determine” and insert “physician, in consultation with the patient, determines”.

Add at the end the following new section:

7 **SEC. 7. OPPORTUNITY FOR INDEPENDENT, EXTERNAL**
8 **THIRD PARTY REVIEWS OF CERTAIN NON-**
9 **RENEWALS AND DISCONTINUATIONS, IN-**
10 **CLUDING RESCISSIONS, OF INDIVIDUAL**
11 **HEALTH INSURANCE COVERAGE.**

12 (a) CLARIFICATION REGARDING APPLICATION OF
13 GUARANTEED RENEWABILITY OF INDIVIDUAL HEALTH
14 INSURANCE COVERAGE.—Section 2742 of the Public
15 Health Service Act (42 U.S.C. 300gg-42) is amended—

16 (1) in its heading, by inserting “, **CONTINU-**
17 **ATION IN FORCE, INCLUDING PROHIBITION OF**
18 **RESCISSION,”** after “**GUARANTEED RENEW-**
19 **ABILITY”**;

1 (2) in subsection (a), by inserting “, including
2 without rescission,” after “continue in force”; and

3 (3) in subsection (b)(2), by inserting before the
4 period at the end the following: “, including inten-
5 tional concealment of material facts regarding a
6 health condition related to the condition for which
7 coverage is being claimed”.

8 (b) OPPORTUNITY FOR INDEPENDENT, EXTERNAL
9 THIRD PARTY REVIEW IN CERTAIN CASES.—Subpart 1
10 of part B of title XXVII of the Public Health Service Act
11 is amended by adding at the end the following new section:

12 **“SEC. 2746. OPPORTUNITY FOR INDEPENDENT, EXTERNAL**
13 **THIRD PARTY REVIEW IN CERTAIN CASES.**

14 “(a) NOTICE AND REVIEW RIGHT.—If a health in-
15 surance issuer determines to nonrenew or not continue in
16 force, including rescind, health insurance coverage for an
17 individual in the individual market on the basis described
18 in section 2742(b)(2) before such nonrenewal, discontinu-
19 ation, or rescission, may take effect the issuer shall pro-
20 vide the individual with notice of such proposed non-
21 renewal, discontinuation, or rescission and an opportunity
22 for a review of such determination by an independent, ex-
23 ternal third party under procedures specified by the Sec-
24 retary.

1 “(b) INDEPENDENT DETERMINATION.—If the indi-
2 vidual requests such review by an independent, external
3 third party of a nonrenewal, discontinuation, or rescission
4 of health insurance coverage, the coverage shall remain in
5 effect until such third party determines that the coverage
6 may be nonrenewed, discontinued, or rescinded under sec-
7 tion 2742(b)(2).”.

8 (c) EFFECTIVE DATE.—The amendments made by
9 this section shall apply after the date of the enactment
10 of this Act with respect to health insurance coverage
11 issued before, on, or after such date.

