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(Original Signature of Member)

110TH CONGRESS
2D SESSION

H. R. 6908

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.

IN THE HOUSE OF REPRESENTATIVES

Mr. BURGESS (for himself and Mr. STUPAK) introduced the following bill;
which was referred to the Committee on _____

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 participants 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
5 Source of Injury Clarification Act of 2008”.

1 **SEC. 2. DISCLOSURE REQUIREMENTS.**

2 (a) ERISA.—Section 702(a)(2)(B) of the Employee
3 Retirement Income Security Act of 1974 (29 U.S.C.
4 1182(a)(2)(B)) is amended by inserting before the period
5 at the end the following: “so long as—

6 “(i) such limitations and restrictions
7 are explicit and clear;

8 “(ii) in the case of such limitations
9 and restrictions in health insurance cov-
10 erage offered in connection with the group
11 health plan, such limitations and restric-
12 tions have been disclosed to the plan spon-
13 sor in advance of the point of sale to the
14 plan;

15 “(iii) the plan sponsor and the issuer
16 of the health insurance coverage make
17 available, to participants and beneficiaries
18 in the plan in advance of the point of their
19 enrollment under the plan, a description of
20 such limitations and restrictions in a form
21 that is easily understandable by such par-
22 ticipants and beneficiaries; and

23 “(iv) the plan sponsor and the issuer
24 of the coverage provide such description to
25 participants and beneficiaries upon their
26 enrollment under the plan”.

1 (b) PHSA.—Section 2702(a)(2)(B) of the Public
2 Health Service Act (42 U.S.C. 300gg-1(a)(2)(B)) is
3 amended by inserting before the period at the end the fol-
4 lowing: “so long as—

5 “(i) such limitations and restrictions
6 are explicit and clear;

7 “(ii) in the case of such limitations
8 and restrictions in health insurance cov-
9 erage offered in connection with the group
10 health plan, such limitations and restric-
11 tions have been disclosed to the plan spon-
12 sor in advance of the point of sale to the
13 plan;

14 “(iii) the plan sponsor and the issuer
15 of the group health insurance coverage
16 make available, to participants and bene-
17 ficiaries in the plan in advance of the point
18 of their enrollment under the plan, a de-
19 scription of such limitations and restric-
20 tions in a form that is easily understand-
21 able by such participants and beneficiaries;
22 and

23 “(iv) the plan sponsor and the issuer
24 of the coverage provides such description

1 to participants and beneficiaries upon their
2 enrollment under the plan”.

3 (c) INTERNAL REVENUE CODE.—Section
4 9802(a)(2)(B) of the Internal Revenue Code of 1986 is
5 amended by inserting before the period at the end the fol-
6 lowing: “so long as—

7 “(i) such limitations and restrictions
8 are explicit and clear;

9 “(ii) the group health plan makes
10 available, to participants and beneficiaries
11 in the plan in advance of the point of their
12 enrollment under the plan, a description of
13 such limitations and restrictions in a form
14 that is easily understandable by such par-
15 ticipants and beneficiaries; and

16 “(iii) the plan provides such descrip-
17 tion to participants and beneficiaries upon
18 their enrollment under the plan”.

19 (d) EFFECTIVE DATE.—The amendments made by
20 this Act shall apply with respect to plan years beginning
21 after 1 year after the date of the enactment of this Act.