

9:43 pm Mon

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AMENDMENT

OFFERED BY MS. SUTTON OF OHIO

+ Sarbanes of Maryland

At the end of subtitle G of title I of division A, add the following:

1 **SEC. 165. LIMITATIONS ON PREEXISTING CONDITION EX-**
2 **CLUSIONS IN GROUP HEALTH PLANS AND**
3 **HEALTH INSURANCE COVERAGE IN THE**
4 **GROUP AND INDIVIDUAL MARKETS IN AD-**
5 **VANCE OF APPLICABILITY OF NEW PROHIBI-**
6 **TION OF PREEXISTING CONDITION EXCLU-**
7 **SIONS.**

8 (a) **AMENDMENTS RELATING TO PREEXISTING CON-**
9 **DITION EXCLUSIONS UNDER GROUP HEALTH PLANS.—**

10 (1) **REDUCTION IN LOOK-BACK PERIOD.—**Sec-
11 tion 2701(a)(1) of the Public Health Service Act (42
12 U.S.C. 300gg(a)(1)) is amended by striking “6-
13 month period” and inserting “30-day period”.

14 (2) **REDUCTION IN PERMITTED PREEXISTING**
15 **CONDITION LIMITATION PERIOD.—**Section
16 2701(a)(2) of such Act (42 U.S.C. 300gg(a)(2)) is
17 amended by striking “12 months” and inserting “3
18 months”, and by striking “18 months” and inserting
19 “9 months”.

1 (3) EFFECTIVE DATE.—

2 (A) IN GENERAL.—Except as provided in
3 subparagraph (B), the amendments made by
4 this subsection shall apply with respect to group
5 health plans for plan years beginning after the
6 end of the 6th calendar month following the
7 date of the enactment of this Act.

8 (B) SPECIAL RULE FOR COLLECTIVE BAR-
9 GAINING AGREEMENTS.—In the case of a group
10 health plan maintained pursuant to one or more
11 collective bargaining agreements between em-
12 ployee representatives and one or more employ-
13 ers ratified before the date of the enactment of
14 this Act, the amendments made by this sub-
15 section shall not apply to plan years beginning
16 before the earlier of—

17 (i) the date on which the last of the
18 collective bargaining agreements relating to
19 the plan terminates (determined without
20 regard to any extension thereof agreed to
21 after the date of the enactment of this
22 Act), or

23 (ii) 3 years after the date of the en-
24 actment of this Act.

1 For purposes of clause (i), any plan amendment
2 made pursuant to a collective bargaining agree-
3 ment relating to the plan which amends the
4 plan solely to conform to any requirement
5 added by the amendments made by this section
6 shall not be treated as a termination of such
7 collective bargaining agreement.

8 (b) AMENDMENTS RELATING TO PREEXISTING CON-
9 DITION EXCLUSIONS IN HEALTH INSURANCE COVERAGE
10 IN THE INDIVIDUAL MARKET UNDER GRANDFATHERED
11 HEALTH INSURANCE COVERAGE.—

12 (1) APPLICABILITY OF GROUP HEALTH INSUR-
13 ANCE LIMITATIONS ON IMPOSITION OF PREEXISTING
14 CONDITION EXCLUSIONS.—

15 (A) IN GENERAL.—Section 2741 of the
16 Public Health Service Act (42 U.S.C. 300gg-
17 41) is amended—

18 (i) by redesignating the second sub-
19 section (e) (relating to market require-
20 ments) and subsection (f) as subsections
21 (f) and (g), respectively; and

22 (ii) by adding at the end the following
23 new subsection:

1 “(h) APPLICATION OF GROUP HEALTH INSURANCE
2 LIMITATIONS ON IMPOSITION OF PREEXISTING CONDI-
3 TION EXCLUSIONS.—

4 “(1) IN GENERAL.—Subject to paragraph (2), a
5 health insurance issuer that provides individual
6 health insurance coverage may not impose a pre-
7 existing condition exclusion (as defined in subsection
8 (b)(1)(A) of section 2701) with respect to such cov-
9 erage except to the extent that such exclusion could
10 be imposed consistent with such section if such cov-
11 erage were group health insurance coverage.

12 “(2) LIMITATION.—In the case of an individual
13 who—

14 “(A) is enrolled in individual health insur-
15 ance coverage;

16 “(B) during the period of such enrollment
17 has a condition for which no medical advice, di-
18 agnosis, care, or treatment had been rec-
19 ommended or received as of the enrollment
20 date; and

21 “(C) seeks to enroll under other individual
22 health insurance coverage which provides bene-
23 fits different from those provided under the cov-
24 erage referred to in subparagraph (A) with re-
25 spect to such condition,

1 the issuer of the individual health insurance cov-
2 erage described in subparagraph (C) may impose a
3 preexisting condition exclusion with respect to such
4 condition and any benefits in addition to those pro-
5 vided under the coverage referred to in subpara-
6 graph (A), but such exclusion may not extend for a
7 period of more than 3 months.”.

8 (B) ELIMINATION OF COBRA REQUIRE-
9 MENT.—Subsection (b) of such section is
10 amended—

11 (i) by adding “and” at the end of
12 paragraph (2);

13 (ii) by striking the semicolon at the
14 end of paragraph (3) and inserting a pe-
15 riod; and

16 (iii) by striking paragraphs (4) and
17 (5).

18 (C) CONFORMING AMENDMENT.—Section
19 2744(a)(1) of such Act (42 U.S.C. 300gg-
20 44(a)(1)) is amended by inserting “(other than
21 subsection (h))” after “section 2741”.

22 (2) EFFECTIVE DATE.—The amendments made
23 by this subsection shall apply with respect to health
24 insurance coverage offered, sold, issued, renewed, in
25 effect, or operated in the individual market begin-

1 ning after the end of the 6th calendar month fol-
2 lowing the date of the enactment of this Act.

3 (c) INAPPLICABILITY OF INTERIM LIMITATIONS
4 UPON APPLICABILITY OF TOTAL PROHIBITION OF EX-
5 CLUSION.—Section 2701 of such Act and the amendments
6 made by subsection (b) of this section to sections 2741
7 and 2744 of such Act shall cease to be effective in the
8 case of any health benefits plan as of the date on which
9 such plan becomes subject to the requirements of section
10 111 of this Act (relating to prohibiting preexisting condi-
11 tion exclusions).

