

115TH CONGRESS
1ST SESSION

H. R. 628

To amend the Public Health Service Act to prohibit application of preexisting condition exclusions and to guarantee availability of health insurance coverage in the individual and group market, contingent on the enactment of legislation repealing the Patient Protection and Affordable Care Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 24, 2017

Mr. RODNEY DAVIS of Illinois (for himself and Mr. COFFMAN) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Public Health Service Act to prohibit application of preexisting condition exclusions and to guarantee availability of health insurance coverage in the individual and group market, contingent on the enactment of legislation repealing the Patient Protection and Affordable Care Act, and for other purposes.

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 “Guaranteed Health
5 Coverage for Pre-Existing Conditions Act of 2017”.

1 **SEC. 2. PROHIBITION OF PREEXISTING CONDITION EXCLU-**
 2 **SIONS.**

3 (a) GROUP MARKET.—Subpart 1 of part A of title
 4 XXVII of the Public Health Service Act (42 U.S.C. 300gg
 5 et seq.) is amended by striking section 2701 and inserting
 6 the following:

7 **“SEC. 2701. PROHIBITION OF PREEXISTING CONDITION EX-**
 8 **CLUSIONS.**

9 “(a) IN GENERAL.—A group health plan or a health
 10 insurance issuer offering group health insurance coverage
 11 may not impose any preexisting condition exclusion with
 12 respect to such plan or coverage.

13 “(b) DEFINITIONS.—For purposes of this section:

14 “(1) PREEXISTING CONDITION EXCLUSION.—

15 “(A) IN GENERAL.—The term ‘preexisting
 16 condition exclusion’ means, with respect to a
 17 group health plan or health insurance coverage,
 18 a limitation or exclusion of benefits relating to
 19 a condition based on the fact that the condition
 20 was present before the date of enrollment in
 21 such plan or for such coverage, whether or not
 22 any medical advice, diagnosis, care, or treat-
 23 ment was recommended or received before such
 24 date.

25 “(B) TREATMENT OF GENETIC INFORMA-
 26 TION.—Genetic information shall not be treated

1 as a preexisting condition in the absence of a
2 diagnosis of the condition related to such infor-
3 mation.

4 “(2) DATE OF ENROLLMENT.—The term ‘date
5 of enrollment’ means, with respect to an individual
6 covered under a group health plan or health insur-
7 ance coverage, the date of enrollment of the indi-
8 vidual in the plan or coverage or, if earlier, the first
9 day of the waiting period for such enrollment.

10 “(3) WAITING PERIOD.—The term ‘waiting pe-
11 riod’ means, with respect to a group health plan and
12 an individual who is a potential participant or bene-
13 ficiary in the plan, the period that must pass with
14 respect to the individual before the individual is eli-
15 gible to be covered for benefits under the terms of
16 the plan.”.

17 (b) INDIVIDUAL MARKET.—Subpart 1 of part B of
18 title XXVII of the Public Health Service Act (42 U.S.C.
19 300gg–41 et seq.) is amended by adding at the end the
20 following:

21 **“SEC. 2746. PROHIBITION OF PREEXISTING CONDITION EX-**
22 **CLUSIONS OR OTHER DISCRIMINATION**
23 **BASED ON HEALTH STATUS.**

24 “The provisions of section 2701 shall apply to health
25 insurance coverage offered to individuals by a health in-

1 surance issuer in the individual market in the same man-
2 ner as it applies to health insurance coverage offered by
3 a health insurance issuer in the group market.”.

4 **SEC. 3. GUARANTEED AVAILABILITY OF COVERAGE.**

5 (a) GROUP MARKET.—Subpart 3 of part A of title
6 XXVII of the Public Health Service Act is amended by
7 striking section 2711 (42 U.S.C. 300gg–11) and inserting
8 the following:

9 **“SEC. 2711. GUARANTEED AVAILABILITY OF COVERAGE.**

10 “(a) GUARANTEED ISSUANCE OF COVERAGE IN THE
11 GROUP MARKET.—Subject to subsection (b), each health
12 insurance issuer that offers health insurance coverage in
13 the group market in a State shall accept every employer
14 and every individual in a group in the State that applies
15 for such coverage.

16 “(b) ENROLLMENT.—

17 “(1) RESTRICTION.—A health insurance issuer
18 described in subsection (a) may restrict enrollment
19 in coverage described in such subsection to open or
20 special enrollment periods.

21 “(2) ESTABLISHMENT.—A health insurance
22 issuer described in subsection (a) shall establish spe-
23 cial enrollment periods for qualifying events (as such
24 term is defined in section 603 of the Employee Re-
25 tirement Income Security Act of 1974).”.

1 (b) INDIVIDUAL MARKET.—Subpart 1 of part B of
2 title XXVII of the Public Health Service Act is amended
3 by striking section 2741 of such Act (42 U.S.C. 300gg–
4 41) and inserting the following:

5 **“SEC. 2741. GUARANTEED AVAILABILITY OF COVERAGE.**

6 “The provisions of section 2711 shall apply to health
7 insurance coverage offered to individuals by a health in-
8 surance issuer in the individual market in the same man-
9 ner as such provisions apply to health insurance coverage
10 offered to employers by a health insurance issuer in con-
11 nection with health insurance coverage in the group mar-
12 ket. For purposes of this section, the Secretary shall treat
13 any reference of the word ‘employer’ in such section as
14 a reference to the term ‘individual’.”.

15 **SEC. 4. EFFECTIVE DATE CONTINGENT ON REPEAL OF**
16 **PPACA.**

17 (a) IN GENERAL.—Sections 2 and 3 and the amend-
18 ments made by such section shall take effect upon the en-
19 actment of PPACA repeal legislation described in sub-
20 section (b) and such sections and amendments shall have
21 no force or effect if such PPACA repeal legislation is not
22 enacted.

23 (b) PPACA REPEAL LEGISLATION DESCRIBED.—
24 For purposes of subsection (a), PPACA repeal legislation
25 described in this subsection is legislation that—

1 (1) repeals Public Law 111–148, and restores
2 or revives the provisions of law amended or repealed,
3 respectively, by such Act as if such Act had not been
4 enacted and without further amendment to such
5 provisions of law; and

6 (2) repeals title I and subtitle B of title II of
7 the Health Care and Education Reconciliation Act of
8 2010 (Public Law 111–152), and restores or revives
9 the provisions of law amended or repealed, respec-
10 tively, by such title or subtitle, respectively, as if
11 such title and subtitle had not been enacted and
12 without further amendment to such provisions of
13 law.

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