

116TH CONGRESS  
2D SESSION

# S. 3442

To require private health insurers to cover care related to COVID–19 without cost-sharing and to provide for special enrollment periods for individuals diagnosed with COVID–19.

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IN THE SENATE OF THE UNITED STATES

MARCH 11, 2020

Mr. BOOKER (for himself and Mr. MENENDEZ) introduced the following bill;  
which was read twice and referred to the Committee on Finance

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## A BILL

To require private health insurers to cover care related to COVID–19 without cost-sharing and to provide for special enrollment periods for individuals diagnosed with COVID–19.

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 “Care for COVID–19  
5 Act”.

1 **SEC. 2. COVERAGE OF SERVICES RELATED TO COVID-19.**

2 (a) IN GENERAL.—Title XXVII of the Public Health  
3 Service Act is amended by inserting after section 2719A  
4 (42 U.S.C. 300gg–19a) the following:

5 **“SEC. 2720. COVERAGE OF SERVICES RELATED TO COVID-**  
6 **19.**

7 “A group health plan, and a health insurance issuer  
8 offering group or individual health insurance coverage,  
9 shall provide coverage for and shall not impose any cost-  
10 sharing requirements for outpatient and inpatient services  
11 related to the diagnosis, care, and treatment of COVID-  
12 19, including—

13 “(1) diagnostic services related to COVID–19;

14 “(2) supportive care for COVID–19;

15 “(3) vaccines for the prevention of COVID–19;

16 “(4) treatment services, including prescription  
17 drugs and medical devices, for the treatment of  
18 COVID–19 and of complications related to COVID–  
19 19;

20 “(5) inpatient and outpatient physician and  
21 hospital services related to COVID–19; and

22 “(6) any other service the Secretary determines  
23 appropriate.”.

24 (b) APPLICATION.—The amendment made by sub-  
25 section (a) shall apply with respect to plan years beginning  
26 on or after January 1, 2020.

1 **SEC. 3. SPECIAL ENROLLMENT PERIOD.**

2 (a) PUBLIC HEALTH SERVICE ACT.—Section  
3 2702(b)(2) of the Public Health Service Act (42 U.S.C.  
4 300gg–1(b)(2)) is amended by inserting “, including a  
5 special enrollment period for individuals who are diag-  
6 nosed with or have a presumptive positive diagnosis of  
7 COVID–19, beginning on the date on which the diagnosis  
8 or presumptive positive diagnosis is reported to the health  
9 insurance issuer” before the period at the end.

10 (b) PATIENT PROTECTION AND AFFORDABLE CARE  
11 ACT.—Section 1311(c)(6) of the Patient Protection and  
12 Affordable Care Act (42 U.S.C. 18031(c)(6)) is amend-  
13 ed—

14 (1) in subparagraph (C), by striking “and” at  
15 the end;

16 (2) by redesignating subparagraph (D) as sub-  
17 paragraph (E); and

18 (3) by inserting after subparagraph (C) the fol-  
19 lowing new subparagraph:

20 “(D) a special enrollment period for indi-  
21 viduals who are diagnosed with or have a pre-  
22 sumptive positive diagnosis of COVID–19, be-  
23 ginning on the date on which the diagnosis or  
24 presumptive positive diagnosis is reported to the  
25 Exchange; and”.

1           (c) SPECIAL ENROLLMENT PERIODS.—Section  
2 9801(f) of the Internal Revenue Code of 1986 (26 U.S.C.  
3 9801(f)) is amended by adding at the end the following  
4 new paragraph:

5           “(4) FOR INDIVIDUALS WHO ARE DIAGNOSED  
6 WITH OR HAVE A PRESUMPTIVE POSITIVE DIAGNOSIS  
7 OF COVID–19.—

8           “(A) IN GENERAL.—A group health plan  
9 shall permit an employee who is eligible, but  
10 not enrolled, for coverage under the terms of  
11 the plan (or a dependent of such an employee  
12 if the dependent is eligible, but not enrolled, for  
13 coverage under such terms) to enroll for cov-  
14 erage under the terms of the plan upon a diag-  
15 nosis or a presumptive positive diagnosis of  
16 COVID–19, with the special enrollment period  
17 beginning on the date on which the diagnosis or  
18 presumptive positive diagnosis is reported to the  
19 group health plan.

20           “(B) ENROLLMENT PERIOD.—The Sec-  
21 retary shall promulgate regulations with respect  
22 to the special enrollment period under subpara-  
23 graph (A), including establishing a time period  
24 for individuals who are diagnosed with or have  
25 a presumptive positive diagnosis of COVID–19

1 to enroll in coverage or change coverage, and  
2 effective date of such coverage.”.

3 (d) ERISA.—Section 701(f) of the Employee Retire-  
4 ment Income Security Act of 1974 (29 U.S.C. 1181(f))  
5 is amended by adding at the end the following:

6 “(4) FOR INDIVIDUALS WHO ARE DIAGNOSED  
7 WITH OR HAVE A PRESUMPTIVE POSITIVE DIAGNOSIS  
8 OF COVID–19.—

9 “(A) IN GENERAL.—A group health plan  
10 or health insurance issuer in connection with a  
11 group health plan shall permit an employee who  
12 is eligible, but not enrolled, for coverage under  
13 the terms of the plan (or a dependent of such  
14 an employee if the dependent is eligible, but not  
15 enrolled, for coverage under such terms) to en-  
16 roll for coverage under the terms of the plan  
17 upon a diagnosis or presumptive positive diag-  
18 nosis of COVID–19, with the special enrollment  
19 period beginning on the date on which the diag-  
20 nosis or presumptive positive diagnosis is re-  
21 ported to the group health plan or health insur-  
22 ance issuer or the diagnosis or presumptive  
23 positive diagnosis is confirmed by a health care  
24 provider.

1           “(B) ENROLLMENT PERIOD.—The Sec-  
2           retary shall promulgate regulations with respect  
3           to the special enrollment period under subpara-  
4           graph (A), including establishing a time period  
5           for individuals who are diagnosed with or have  
6           a presumptive positive diagnosis of COVID–19  
7           to enroll in coverage and effective date of such  
8           coverage.”.

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