

116TH CONGRESS
1ST SESSION

H. R. 4457

To amend the Employee Retirement Income Security Act of 1974, title XXVII of the Public Health Service Act, and the Internal Revenue Code of 1986 to require group health plans and health insurance issuers offering group or individual health insurance coverage to provide coverage for additional preventive care for individuals with chronic conditions without the imposition of cost sharing requirement, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 24, 2019

Ms. UNDERWOOD introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Employee Retirement Income Security Act of 1974, title XXVII of the Public Health Service Act, and the Internal Revenue Code of 1986 to require group health plans and health insurance issuers offering group or individual health insurance coverage to provide coverage for additional preventive care for individuals with chronic conditions without the imposition of cost sharing requirement, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Chronic Condition
3 Copay Elimination Act”.

4 **SEC. 2. COVERAGE OF ADDITIONAL PREVENTIVE CARE FOR**
5 **INDIVIDUALS WITH CHRONIC CONDITIONS**
6 **WITHOUT IMPOSITION OF COST SHARING RE-**
7 **QUIREMENTS.**

8 (a) ERISA.—

9 (1) IN GENERAL.—Subpart B of part 7 of sub-
10 title B of title I of the Employee Retirement Income
11 Security Act of 1974 (29 U.S.C. 1185 et seq.) is
12 amended by adding at the end the following new sec-
13 tion:

14 **“SEC. 716. COVERAGE OF ADDITIONAL PREVENTIVE CARE**
15 **FOR INDIVIDUALS WITH CHRONIC CONDI-**
16 **TIONS WITHOUT IMPOSITION OF COST SHAR-**
17 **ING REQUIREMENTS.**

18 “(a) IN GENERAL.—In addition to any item or serv-
19 ice described in section 2713(a) of the Public Health Serv-
20 ice Act, a group health plan and a health insurance issuer
21 offering group health insurance coverage shall, at a min-
22 imum, provide coverage for, and shall not impose any cost
23 sharing requirements for, with respect to individuals with
24 chronic conditions (as defined in subsection (b)), such ad-
25 ditional preventive care and screenings not described in
26 paragraph (1) of such section 2713(a) that are determined

1 by the Secretary to meet the criteria specified in sub-
2 section (c) with respect to the chronic condition involved.

3 “(b) CHRONIC CONDITION DEFINED.—In this sec-
4 tion, the term ‘chronic condition’ has the meaning given
5 such term by the Secretary and, at a minimum, includes
6 the following conditions:

7 “(1) Heart disease, including congestive heart
8 failure and coronary artery disease.

9 “(2) Diabetes.

10 “(3) Osteoporosis and osteopenia.

11 “(4) Hypertension.

12 “(5) Asthma.

13 “(6) Liver disease.

14 “(7) Bleeding disorders.

15 “(8) Depression.

16 “(c) CRITERIA SPECIFIED.—For purposes of sub-
17 section (a), the criteria specified in this subsection, with
18 respect to an item or service and a chronic condition, are
19 the following:

20 “(1) The item or service is low-cost.

21 “(2) There is medical evidence supporting high-
22 cost efficiency, or a large expected impact, of the
23 item or service in preventing exacerbation of the
24 chronic condition or the development of a secondary
25 condition.

1 “(3) There is a strong likelihood, documented
 2 by clinical evidence, that the item or service will pre-
 3 vent the exacerbation of the chronic condition or the
 4 development of a secondary condition that requires
 5 significantly higher-cost treatments.

6 “(d) UPDATES.—

7 “(1) IN GENERAL.—Once every three years, the
 8 Secretary shall review and update—

9 “(A) the list of conditions included within
 10 the meaning of the term ‘chronic condition’
 11 under subsection (b); and

12 “(B) the items and services determined to
 13 meet the criteria specified in subsection (c) for
 14 purposes of subsection (a).

15 “(2) APPLICATION OF UPDATES.—The require-
 16 ment under subsection (a) shall apply with respect
 17 to an update made under paragraph (1) beginning
 18 with the first plan year beginning after the date of
 19 such update.”.

20 “(2) CLERICAL AMENDMENT.—The table of con-
 21 tents in section 1 of such Act is amended by insert-
 22 ing after the item relating to section 714 the fol-
 23 lowing new items:

“715. Additional market reforms.

“716. Coverage of additional preventive care for individuals with chronic condi-
 tions without imposition of cost sharing requirements.”.

1 (b) PHSA.—Subpart II of part A of title XXVII of
2 the Public Health Service Act (42 U.S.C. 300gg–11 et
3 seq.) is amended by adding at the end the following new
4 section:

5 **“SEC. 2730. COVERAGE OF ADDITIONAL PREVENTIVE CARE**
6 **FOR INDIVIDUALS WITH CHRONIC CONDI-**
7 **TIONS WITHOUT IMPOSITION OF COST SHAR-**
8 **ING REQUIREMENTS.**

9 “(a) IN GENERAL.—In addition to any item or serv-
10 ice described in section 2713(a), a group health plan and
11 a health insurance issuer offering group or individual
12 health insurance coverage shall, at a minimum, provide
13 coverage for, and shall not impose any cost sharing re-
14 quirements for, with respect to individuals with chronic
15 conditions (as defined in subsection (b)), such additional
16 preventive care and screenings not described in paragraph
17 (1) of section 2713(a) that are determined by the Sec-
18 retary to meet the criteria specified in subsection (c) with
19 respect to the chronic condition involved.

20 “(b) CHRONIC CONDITION DEFINED.—In this sec-
21 tion, the term ‘chronic condition’ has the meaning given
22 such term by the Secretary and, at a minimum, includes
23 the following conditions:

24 “(1) Heart disease, including congestive heart
25 failure and coronary artery disease.

1 “(2) Diabetes.

2 “(3) Osteoporosis and osteopenia.

3 “(4) Hypertension.

4 “(5) Asthma.

5 “(6) Liver disease.

6 “(7) Bleeding disorders.

7 “(8) Depression.

8 “(c) CRITERIA SPECIFIED.—For purposes of sub-
9 section (a), the criteria specified in this subsection, with
10 respect to an item or service and a chronic condition, are
11 the following:

12 “(1) The item or service is low-cost.

13 “(2) There is medical evidence supporting high-
14 cost efficiency, or a large expected impact, of the
15 item or service in preventing exacerbation of the
16 chronic condition or the development of a secondary
17 condition.

18 “(3) There is a strong likelihood, documented
19 by clinical evidence, that the item or service will pre-
20 vent the exacerbation of the chronic condition or the
21 development of a secondary condition that requires
22 significantly higher-cost treatments.

23 “(d) UPDATES.—

24 “(1) IN GENERAL.—Once every three years, the
25 Secretary shall review and update—

1 “(A) the list of conditions included within
 2 the meaning of the term ‘chronic condition’
 3 under subsection (b); and

4 “(B) the items and services determined to
 5 meet the criteria specified in subsection (c) for
 6 purposes of subsection (a).

7 “(2) APPLICATION OF UPDATES.—The require-
 8 ment under subsection (a) shall apply with respect
 9 to an update made under paragraph (1) beginning
 10 with the first plan year beginning after the date of
 11 such update.”.

12 (c) IRC.—

13 (1) IN GENERAL.—Subchapter B of chapter
 14 100 of subtitle K of the Internal Revenue Code of
 15 1986 is amended by adding at the end the following
 16 new section:

17 **“SEC. 9816. COVERAGE OF ADDITIONAL PREVENTIVE CARE**
 18 **FOR INDIVIDUALS WITH CHRONIC CONDI-**
 19 **TIONS WITHOUT IMPOSITION OF COST SHAR-**
 20 **ING REQUIREMENTS.**

21 “(a) IN GENERAL.—In addition to any item or serv-
 22 ice described in section 2713(a) of the Public Health Serv-
 23 ice Act, a group health plan shall, at a minimum, provide
 24 coverage for, and shall not impose any cost sharing re-
 25 quirements for, with respect to individuals with chronic

1 conditions (as defined in subsection (b)), such additional
2 preventive care and screenings not described in paragraph
3 (1) of such section 2713(a) that are determined by the
4 Secretary to meet the criteria specified in subsection (c)
5 with respect to the chronic condition involved.

6 “(b) CHRONIC CONDITION DEFINED.—In this sec-
7 tion, the term ‘chronic condition’ has the meaning given
8 such term by the Secretary and, at a minimum, includes
9 the following conditions:

10 “(1) Heart disease, including congestive heart
11 failure and coronary artery disease.

12 “(2) Diabetes.

13 “(3) Osteoporosis and osteopenia.

14 “(4) Hypertension.

15 “(5) Asthma.

16 “(6) Liver disease.

17 “(7) Bleeding disorders.

18 “(8) Depression.

19 “(c) CRITERIA SPECIFIED.—For purposes of sub-
20 section (a), the criteria specified in this subsection, with
21 respect to an item or service and a chronic condition, are
22 the following:

23 “(1) The item or service is low-cost.

24 “(2) There is medical evidence supporting high-
25 cost efficiency, or a large expected impact, of the

1 item or service in preventing exacerbation of the
2 chronic condition or the development of a secondary
3 condition.

4 “(3) There is a strong likelihood, documented
5 by clinical evidence, that the item or service will pre-
6 vent the exacerbation of the chronic condition or the
7 development of a secondary condition that requires
8 significantly higher-cost treatments.

9 “(d) UPDATES.—

10 “(1) IN GENERAL.—Once every three years, the
11 Secretary shall review and update—

12 “(A) the list of conditions included within
13 the meaning of the term ‘chronic condition’
14 under subsection (b); and

15 “(B) the items and services determined to
16 meet the criteria specified in subsection (c) for
17 purposes of subsection (a).

18 “(2) APPLICATION OF UPDATES.—The require-
19 ment under subsection (a) shall apply with respect
20 to an update made under paragraph (1) beginning
21 with the first plan year beginning after the date of
22 such update.”.

23 (2) CLERICAL AMENDMENT.—The table of con-
24 tents for subchapter B of chapter 100 of subtitle K

1 of such Code is amended by adding at the end the
2 following new item:

“9816. Coverage of additional preventive care for individuals with chronic conditions without imposition of cost sharing requirements.”.

3 (3) HIGH DEDUCTIBLE HEALTH PLANS.—Sec-
4 tion 223(c)(2)(C) of the Internal Revenue Code of
5 1986 is amended by inserting “or for additional pre-
6 ventive care for individuals with chronic conditions
7 described in section 9816” before the period.

8 (d) EFFECTIVE DATE.—The amendments made by
9 this section shall apply with respect to plan years begin-
10 ning on or after the date that is one year after the date
11 of the enactment of this Act.

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