

113TH CONGRESS
1ST SESSION

S. 1642

To permit the continuation of certain health plans.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 4, 2013

Ms. LANDRIEU (for herself and Mr. MANCHIN) introduced the following bill;
which was read twice and referred to the Committee on Finance

A BILL

To permit the continuation of certain health plans.

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 “Keeping the Affordable
5 Care Act Promise Act”.

6 **SEC. 2. CONTINUATION OF GRANDFATHERED HEALTH**
7 **PLANS.**

8 Notwithstanding any other provision of law, an indi-
9 vidual may elect to continue enrollment under the health
10 insurance coverage (offered in the individual market) in
11 which such individual was enrolled on December 31, 2013,
12 if such individual meets such other eligibility requirements

1 (such as payment of premiums) as are applied with respect
 2 to such coverage, unless such issuer cancels all coverage
 3 offered in such market and ceases operations as a health
 4 insurance issuer. Any such coverage shall be deemed to
 5 be a grandfathered health plan for purposes of the Patient
 6 Protection and Affordable Care Act (or an amendment
 7 made by that Act). Coverage to which this section applies
 8 shall be deemed to be minimum essential coverage for pur-
 9 poses of section 5000A of the Internal Revenue Code of
 10 1986.

11 **SEC. 3. TRANSPARENCY OF GRANDFATHERED HEALTH**
 12 **PLAN NOTIFICATIONS.**

13 Part 2 of subtitle C of title I of the Patient Protection
 14 and Affordable Care Act (42 U.S.C. 18011 et seq.) is
 15 amended by inserting after section 1251 the following:

16 **“SEC. 1251A. TRANSPARENCY OF GRANDFATHERED**
 17 **HEALTH PLAN NOTIFICATIONS.**

18 “(a) IN GENERAL.—A health insurance issuer that
 19 offers health insurance coverage in the individual market
 20 shall annually, at the time of enrollment and renewal, pro-
 21 vide enrollees with a notice that states—

22 “(1) if applicable, the reasons that such cov-
 23 erage does not meet the requirements under this Act
 24 (or amendment made by this Act) for a qualified

1 health plan, including citations to the provisions of
2 this Act involved;

3 “(2) that the enrollee has the right to continue
4 to enroll in such coverage; and

5 “(3) that the enrollee has the right to enroll in
6 a qualified health plan offered through an Exchange
7 and instruction on how to access such Exchange.

8 “(b) CANCELLATION NOTICES.—A notification pro-
9 vided by a health insurance issuer, that offers health in-
10 surance coverage in the individual market, to an enrollee
11 stating that such coverage is cancelled for such enrollee
12 shall contain a statement of the reasons for such cancella-
13 tion, including a reference to any provision of this Act (or
14 an amendment made by this Act) that such issuer relied
15 upon in making the determination to cancel such coverage.

16 “(c) APPLICATION.—Subsection (b) shall apply be-
17 ginning on the date of enactment of this section, except
18 that with respect to a health plan that has provided a noti-
19 fication of cancellation prior to such date that has not yet
20 taken effect, an enrollee may elect to continue such cov-
21 erage under such plan if the issuer continues to offer such
22 plan as provided for in section 2 of the Keeping the Af-
23 fordable Care Act Promise Act and the issuer shall provide
24 a subsequent notification to the enrollee that states—

1 “(1) that such plan will remain in effect at the
2 option of the enrollee; and

3 “(2) the reasons that such plan does not other-
4 wise meet the requirements under this Act for a
5 qualified health plan.”.

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