

107TH CONGRESS  
2D SESSION

# H. R. 4959

To require health insurance coverage for certain reconstructive surgery.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 18, 2002

Mr. ROSS (for himself, Mr. SNYDER, and Mr. ANDREWS) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, 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

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## A BILL

To require health insurance coverage for certain  
reconstructive surgery.

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 “Reconstructive Surgery  
5       Act of 2002”.

6       **SEC. 2. COVERAGE OF RECONSTRUCTIVE SURGERY.**

7       (a) GROUP HEALTH PLANS.—

8               (1) PUBLIC HEALTH SERVICE ACT AMEND-  
9       MENTS.—

1 (A) IN GENERAL.—Section 2706 of the  
2 Public Health Service Act (42 U.S.C. 300gg–6)  
3 is amended to read as follows:

4 **“SEC. 2706. COVERAGE OF RECONSTRUCTIVE SURGERY.**

5 “(a) REQUIREMENT.—A group health plan and a  
6 health insurance issuer offering group health insurance  
7 coverage in connection with a group health plan that pro-  
8 vides coverage for surgery shall provide coverage for re-  
9 constructive surgery.

10 “(b) DEFINITION.—In subsection (a), the term ‘re-  
11 constructive surgery’ means any medically necessary and  
12 appropriate surgery performed to correct or repair abnor-  
13 mal structures of the body caused by congenital defects,  
14 developmental abnormalities, trauma, infection, tumors, or  
15 disease to—

16 “(1) improve functions; or

17 “(2) give the patient a normal appearance, to  
18 the extent possible, in the judgment of the physician  
19 performing the surgery.

20 “(c) RULE OF CONSTRUCTION.—

21 “(1) IN GENERAL.—Nothing in this section  
22 shall be construed to require a group health plan or  
23 health insurance issuer in connection with a group  
24 health plan to provide coverage for cosmetic surgery.

1           “(2) DEFINITION.—In paragraph (1), the term  
2           ‘cosmetic surgery’ means surgery that is performed  
3           to alter or reshape normal structures of the body in  
4           order to improve appearance.”.

5           (B) CONFORMING AMENDMENT.—Section  
6           2723(c) of the Public Health Service Act (42  
7           U.S.C. 300gg–23(c)) is amended by striking  
8           “section 2704” and inserting “sections 2704  
9           and 2706”.

10          (2) ERISA AMENDMENTS.—

11           (A) IN GENERAL.—Section 713 of the Em-  
12           ployee Retirement Income Security Act of 1974  
13           (29 U.S.C. 1185b) is amended to read as fol-  
14           lows:

15   **“SEC. 713. COVERAGE FOR RECONSTRUCTIVE SURGERY.**

16           “(a) REQUIREMENT.—A group health plan and a  
17           health insurance issuer offering group health insurance  
18           coverage in connection with a group health plan that pro-  
19           vides coverage for surgery shall provide coverage for re-  
20           constructive surgery.

21           “(b) DEFINITION.—In subsection (a), the term ‘re-  
22           constructive surgery’ means any medically necessary and  
23           appropriate surgery performed to correct or repair abnor-  
24           mal structures of the body caused by congenital defects,

1 developmental abnormalities, trauma, infection, tumors, or  
 2 disease to—

3 “(1) improve functions; or

4 “(2) give the patient a normal appearance, to  
 5 the extent possible, in the judgment of the physician  
 6 performing the surgery.

7 “(c) RULE OF CONSTRUCTION.—

8 “(1) IN GENERAL.—Nothing in this section  
 9 shall be construed to require a group health plan or  
 10 health insurance issuer in connection with a group  
 11 health plan to provide coverage for cosmetic surgery.

12 “(2) DEFINITION.—In paragraph (1), the term  
 13 ‘cosmetic surgery’ means surgery that is performed  
 14 to alter or reshape normal structures of the body in  
 15 order to improve appearance.”.

16 (B) CONFORMING AMENDMENTS.—

17 (i) Section 731(c) of such Act (29  
 18 U.S.C. 1191(c)) is amended by striking  
 19 “section 711” and inserting “sections 711  
 20 and 713”.

21 (ii) Section 732(a) of such Act (29  
 22 U.S.C. 1191a(a)) is amended by striking  
 23 “section 711” and inserting “sections 711  
 24 and 713”.

1 (iii) The table of contents in section 1  
2 of such Act is amended by inserting after  
3 the item relating to section 712 the fol-  
4 lowing new item:

“Sec. 713. Coverage for reconstructive surgery.”.

5 (b) INDIVIDUAL MARKET.—Section 2752 of the Pub-  
6 lic Health Service Act (42 U.S.C. 300gg–52) is amended  
7 to read as follows:

8 **“SEC. 2752. COVERAGE FOR RECONSTRUCTIVE SURGERY.**

9 “The provisions of section 2706 shall apply to health  
10 insurance coverage offered by a health insurance issuer  
11 in the individual market in the same manner as they apply  
12 to health insurance coverage offered by a health insurance  
13 issuer in connection with a group health plan in the small  
14 or large group market.”.

15 (c) EFFECTIVE DATES.—

16 (1) GROUP HEALTH PLANS.—Subject to para-  
17 graph (3), the amendments made by subsection (a)  
18 shall apply with respect to group health plans for  
19 plan years beginning on or after January 1, 2003.

20 (2) HEALTH INSURANCE COVERAGE.—The  
21 amendment made by subsection (b) shall apply with  
22 respect to health insurance coverage offered, sold,  
23 issued, renewed, in effect, or operated in the indi-  
24 vidual market on or after such date.

1           (3) COLLECTIVE BARGAINING AGREEMENTS.—

2           In the case of a group health plan maintained pur-  
3           suant to 1 or more collective bargaining agreements  
4           between employee representatives and 1 or more em-  
5           ployers ratified before the date of enactment of this  
6           Act, the amendments made by subsection (a) shall  
7           not apply to plan years beginning before the later  
8           of—

9                   (A) the date on which the last collective  
10           bargaining agreements relating to the plan ter-  
11           minates (determined without regard to any ex-  
12           tension thereof agreed to after the date of en-  
13           actment of this Act), or

14                   (B) January 1, 2003.

15           For purposes of subparagraph (A), any plan amend-  
16           ment made pursuant to a collective bargaining  
17           agreement relating to the plan which amends the  
18           plan solely to conform to any requirement added by  
19           subsection (a) shall not be treated as a termination  
20           of such collective bargaining agreement.

21           (d) COORDINATED REGULATIONS.—Section 104(1)  
22           of Health Insurance Portability and Accountability Act of  
23           1996 (Public Law 104–191) is amended by striking “this  
24           subtitle (and the amendments made by this subtitle and  
25           section 401)” and inserting “the provisions of part 7 of

- 1 subtitle B of title I of the Employee Retirement Income
- 2 Security Act of 1974, and the provisions of parts A and
- 3 C of title XXVII of the Public Health Service Act”.

