

110TH CONGRESS
2D SESSION

S. 3559

To amend the Public Health Service Act to ensure that third party review is available whenever health insurance coverage in the individual market is terminated.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 24 (legislative day, SEPTEMBER 17), 2008

Mr. COLEMAN introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Public Health Service Act to ensure that third party review is available whenever health insurance coverage in the individual market is terminated.

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 “Continuing Coverage
5 Act of 2008”.

1 **SEC. 2. AMENDMENT TO THE PUBLIC HEALTH SERVICE**
2 **ACT.**

3 Subpart 2 of part B of title XXVII of the Public
4 Health Service Act (42 U.S.C. 300gg-51 et seq.) is
5 amended by adding at the end the following:

6 **“SEC. 2754. THIRD-PARTY REVIEW IN THE CASE OF TERMI-**
7 **NATION.**

8 “(a) IN GENERAL.—A health insurance issuer offer-
9 ing health insurance coverage in the individual market
10 shall ensure that, with respect to an enrollee, independent,
11 third-party review is provided through an appropriate enti-
12 ty where the issuer seeks to discontinue the health insur-
13 ance coverage of such enrollee. The cost of such a review
14 shall be paid by the issuer.

15 “(b) NOTICE.—Not later than 30 days prior to the
16 date on which a health insurance issuer discontinues
17 health insurance coverage for an enrollee, the issuer shall
18 provide such enrollee with notice of the discontinuance.
19 Such notice shall contain a statement of the enrollees right
20 to an external review as required under subsection (a).

21 “(c) SUBMISSION OF REVIEW TO INSURANCE COM-
22 MISSIONER.—Upon completion of an external review pro-
23 vided for under this section, the determination with re-
24 spect to the review shall be submitted to the insurance
25 commissioner for the State involved. Such commissioner

1 may approve the determination, overturn the determina-
2 tion, or require an additional independent review.

3 “(d) PREEMPTION.—Nothing in this section shall be
4 construed to preempt State laws that provide greater pro-
5 tections to enrollees than the protections provided by this
6 section.”.

○