

112TH CONGRESS
2D SESSION

H. R. 6283

To enable States to establish reinsurance programs or high risk pools to ensure that high risk individuals are able to access health insurance.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 2012

Mr. BURGESS (for himself, Mr. SESSIONS, Mr. BARTON of Texas, and Mr. DANIEL E. LUNGREN of California) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means and 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

A BILL

To enable States to establish reinsurance programs or high risk pools to ensure that high risk individuals are able to access health insurance.

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 “Guaranteed Access to
5 Health Insurance Act of 2012”.

1 **SEC. 2. REPEAL OF CERTAIN HEALTH INSURANCE RE-**
 2 **QUIREMENTS.**

3 Title I and subtitle A of title X of the Patient Protec-
 4 tion and Affordable Care Act and section 2301 of the
 5 Health Care and Education Reconciliation Act of 2010 are
 6 repealed, and the provisions of law amended or repealed
 7 by such title, subtitle, and section, respectively, are re-
 8 stored or revived as if such Acts had not been enacted.

9 **SEC. 3. ENSURING AFFORDABILITY OF HEALTH COVERAGE**
 10 **THROUGH HIGH RISK POOLS, REINSURANCE**
 11 **PROGRAMS, AND OTHER INNOVATIVE METH-**
 12 **ODS.**

13 (a) TREATMENT OF QUALIFIED STATE REINSUR-
 14 ANCE PROGRAM AS AN ALTERNATIVE MECHANISM.—Sec-
 15 tion 2744 of the Public Health Service Act (42 U.S.C.
 16 300gg–44) is amended—

17 (1) in subsection (a)(1)(D)—

18 (A) by striking “or” at the end of clause

19 (ii);

20 (B) by striking the period at the end of
 21 clause (iii) and inserting a comma; and

22 (C) by adding at the end the following:

23 “(iv) a qualified reinsurance program
 24 described in subsection (c)(4), or

25 “(v) an innovative method described
 26 in subsection (c)(5).”; and

1 (2) in subsection (c), by adding at the end the
2 following:

3 “(4) QUALIFIED REINSURANCE PROGRAM.—For
4 purposes of subsection (a)(1)(D)(iv), a ‘qualified re-
5 insurance program’ described in this paragraph is a
6 program that—

7 “(A) is operated by a State (directly, or
8 through a contract with an entity that provides
9 reinsurance for health insurance coverage of-
10 fered in the individual market, the small group
11 market, or in both such markets); and

12 “(B) is designed to make reinsurance pay-
13 ments to, or otherwise limit the risk of, health
14 insurance issuers that provide health insurance
15 coverage to eligible individuals in the individual
16 market in the State.

17 “(5) INNOVATIVE METHOD.—For purposes of
18 subsection (a)(1)(D)(v), the term ‘innovative meth-
19 od’ has the meaning given such term in section
20 2745(g).”.

21 (b) SEED GRANTS TO STATES.—Section 2745(a) of
22 the Public Health Service Act (42 U.S.C. 300gg–45(a))
23 is amended to read as follows:

24 “(a) SEED GRANTS TO STATES.—

1 “(1) IN GENERAL.—The Secretary shall provide
 2 from the funds appropriated under subsection
 3 (d)(1)(A) a grant of up to \$5,000,000 to a State de-
 4 scribed in paragraph (2) for the State’s costs for the
 5 creation and initial operation of a qualified high risk
 6 pool, a qualified reinsurance program, or an innova-
 7 tive method.

8 “(2) STATE DESCRIBED.—A State described in
 9 this paragraph is a State that, as of the date of en-
 10 actment of the Guaranteed Access to Health Insur-
 11 ance Act of 2012, has not created any of the fol-
 12 lowing:

13 “(A) A qualified high risk pool.

14 “(B) A qualified reinsurance program.

15 “(C) An innovative method.

16 “(3) LIMITATIONS ON SEED GRANTS.—

17 “(A) ONE GRANT PER STATE.—After the
 18 date of enactment of the Guaranteed Access to
 19 Health Insurance Act of 2012, a State may re-
 20 ceive only one grant under paragraph (1).

21 “(B) ONE YEAR TO SPEND.—The funds
 22 made available to a State under a grant under
 23 paragraph (1) shall not be available for obliga-
 24 tion after the end of the 12-month period begin-

1 ning on the date that the State receives such
2 grant.

3 “(C) UNEXPENDED FUNDS AVAILABLE
4 FOR ALLOTMENT.—Any funds made available
5 under a grant under this subsection that are
6 not expended in the period under subparagraph
7 (B) shall be made available for purpose of allot-
8 ment under subsection (b).”.

9 (c) GRANTS FOR OPERATIONAL LOSSES.—

10 (1) IN GENERAL.—Paragraph (1) of section
11 2745(b) of the Public Health Service Act (42 U.S.C.
12 300gg-45(b)(1)) is amended to read as follows:

13 “(1) IN GENERAL.—

14 “(A) GRANTS FOR POOLS, REINSURANCE
15 PROGRAMS, AND INNOVATIVE METHODS.—In
16 the case of a State that has established a quali-
17 fied high risk pool described in subparagraph
18 (B), a qualified reinsurance program, or an in-
19 novative method the Secretary shall provide,
20 from funds allotted to the State under para-
21 graph (2), a grant for the losses incurred by the
22 State in connection with the operation of the
23 qualified high risk pool, qualified reinsurance
24 program, or innovative method.

1 “(B) QUALIFIED HIGH RISK POOL DE-
 2 SCRIBED.—A qualified high risk pool described
 3 in this subparagraph is a qualified high risk
 4 pool (as such term is defined in subsection
 5 (g)(1)) that has in effect a mechanism reason-
 6 ably designed to ensure continued funding of
 7 losses incurred by the State in connection with
 8 operation of the pool after the end of the last
 9 fiscal year for which a grant is provided under
 10 this paragraph.”.

11 (2) ALLOTMENT.—Paragraph (2) of section
 12 2745(b) the Public Health Service Act (42 U.S.C.
 13 300gg-45(b)(2)) is amended—

14 (A) in the matter preceding subparagraph
 15 (A)—

16 (i) by striking “appropriated under
 17 paragraphs (1)(B)(i) and (2)(A) of sub-
 18 section (d) for a fiscal year” and inserting
 19 “allocated for a fiscal year under sub-
 20 section (d)(2)(A)”;

21 (ii) by inserting “, reinsurance pro-
 22 gram, or innovative method” after “oper-
 23 ate the high risk pool”;

24 (B) in subparagraph (A)—

1 (i) by striking “40” and inserting
2 “30”; and

3 (ii) by striking “appropriated” and in-
4 serting “allocated”;

5 (C) in subparagraph (B), by striking each
6 instance of “appropriated” and inserting “allo-
7 cated”;

8 (D) in subparagraph (C)—

9 (i) by striking each instance of “ap-
10 propriated” and inserting “allocated”; and

11 (ii) by striking “as the number of in-
12 dividuals” and all that follows through the
13 end of the subparagraph and inserting the
14 following: “as—

15 “(i) the sum of—

16 “(I) the number of individuals
17 enrolled in health care coverage
18 through the qualified high risk pool of
19 the State; and

20 “(II) the number of individuals
21 whose health care coverage is covered
22 by the qualified reinsurance program
23 or innovative method of the State;
24 bears to

1 “(ii) the total number of individuals in
 2 all qualifying States that so apply that are
 3 so enrolled or so covered (as determined by
 4 the Secretary).”; and

5 (E) by adding at the end the following new
 6 subparagraph:

7 “(D) An amount equal to 10 percent of
 8 such allocated amount for the fiscal year shall
 9 be allotted among qualifying States that apply
 10 for such a grant so that the amount allotted to
 11 a State bears the same ratio to such allocated
 12 amount as—

13 “(i) the amount of funds contributed
 14 to the operation of any qualified high risk
 15 pool, qualified reinsurance program, or in-
 16 novative method of the State by funding
 17 sources other than grants under this sub-
 18 section; bears to

19 “(ii) the total of the amount described
 20 in clause (i) for all States.”.

21 (3) CONSISTENT PREMIUM RULES.—Section
 22 2745(b) the Public Health Service Act (42 U.S.C.
 23 300gg–45(b)) is amended—

24 (A) by striking paragraph (3); and

1 (B) by redesignating paragraph (4) as
2 paragraph (3).

3 (d) PREFERENCE POLICY; NO BONUS GRANTS.—
4 Section 2745 of the Public Health Service Act (42 U.S.C.
5 300gg–45) is amended by striking subsection (c) and in-
6 serting the following:

7 “(c) PREFERENCE POLICY.—Beginning 3 years after
8 the date of the enactment of the Guaranteed Access to
9 Health Insurance Act of 2012, for the purpose of pro-
10 viding access to health insurance for high risk individuals
11 in a State, the Secretary, in awarding any competitive
12 grant for Federal funding for which the only eligible enti-
13 ties are States, shall give preference to any State that has
14 received a grant under this section in the year during
15 which such grant is awarded.”.

16 (e) FUNDING.—Section 2745(d) of the Public Health
17 Service Act (42 U.S.C. 300gg–45(d)) is amended—

18 (1) by striking paragraphs (1), (2), (3), and (4)
19 and inserting the following:

20 “(1) APPROPRIATIONS FOR FISCAL YEAR 2013
21 AND SUBSEQUENT YEARS.—Out of any funds in the
22 Treasury not otherwise appropriated, on October 1,
23 2012, there is appropriated to the Secretary,
24 \$25,000,000,000, to remain available until ex-
25 pended, to carry out this section, of which—

1 “(A) \$35,000,000 is to carry out sub-
2 section (a); and

3 “(B) \$22,965,000,000 subject to para-
4 graph (2), shall be made available for allot-
5 ments under subsection (b)(2).

6 “(2) ALLOTMENTS.—

7 “(A) ANNUAL AMOUNT.—

8 “(i) IN GENERAL.—For each fiscal
9 year, the Secretary shall determine, from
10 the amount available under paragraph
11 (1)(B), the amount to allocate to such fis-
12 cal year for purposes of allotments under
13 subsection (b)(2) for such fiscal year.

14 “(ii) CRITERIA.—In determining the
15 amount for a fiscal year under clause (i),
16 the Secretary shall ensure that an ade-
17 quate, but not excessive, amount of fund-
18 ing is made available to support qualified
19 high risk pools, qualified reinsurance pro-
20 grams, and innovative methods in the
21 States.

22 “(B) REALLOTMENT.—If, on June 30 of
23 each fiscal year for which the Secretary made
24 funds available for allotment under subpara-
25 graph (A), the Secretary determines that all the

1 amounts made available for allotment for such
2 fiscal year are not allotted or otherwise made
3 available to States, such remaining amounts
4 shall be allotted and made available under sub-
5 section (b) among States receiving grants under
6 subsection (b) for the fiscal year based upon the
7 allotment formula specified in such sub-
8 section.”; and

9 (2) by redesignating paragraph (5) as para-
10 graph (3).

11 (f) DEFINITIONS.—

12 (1) QUALIFIED HIGH RISK POOL.—Section
13 2745(g)(1) of the Public Health Service Act (42
14 U.S.C. 300gg–45(g)(1)) is amended—

15 (A) in subparagraph (A)—

16 (i) by striking “has the meaning given
17 such term in section 2744(c)(2)” and in-
18 serting “means a ‘qualified high risk pool’
19 (as such term is described in section
20 2744(c)(2)) that meets the requirements of
21 subparagraph (B)”;

22 (ii) by striking “subparagraph (A) of
23 such section” and inserting “subparagraph
24 (A) of section 2744(c)(2)”;

1 (iii) by adding at the end the fol-
2 lowing:

3 “(B) REQUIREMENTS FOR CONSUMER PRO-
4 TECTIONS.—The requirements under this sub-
5 paragraph for consumer protections for a quali-
6 fied high risk pool are the following:

7 “(i) CHOICE OF COVERAGE.—The
8 high risk pool provides all eligible individ-
9 uals with a choice of health insurance cov-
10 erage that includes at least one policy form
11 that is a high deductible health plan that
12 is combined with a health savings account.

13 “(ii) LIFETIME LIMITS.—The high
14 risk pool provides to all eligible individuals
15 health insurance coverage that does not
16 impose any lifetime limit on the dollar
17 value of benefits for any participant or
18 beneficiary of such coverage.

19 “(iii) GUARANTEED AVAILABILITY.—
20 The high risk pool shall provide health in-
21 surance coverage to all eligible individuals
22 who—

23 “(I) seek such coverage; and

24 “(II) pay any applicable pre-
25 miums.

1 “(iv) NO WAIT LIST.—The high risk
2 pool may not—

3 “(I) apply any waiting period for
4 health insurance coverage offered
5 through the pool;

6 “(II) maintain any waiting list
7 for access to such coverage; or

8 “(III) otherwise require an eligi-
9 ble individual to wait for access to
10 such coverage.

11 “(v) PREMIUMS.—The high risk pool
12 may not charge any participant or bene-
13 ficiary of coverage under such pool a pre-
14 mium for such coverage that is greater
15 than 150 percent of the average premium
16 in the individual market for health insur-
17 ance coverage in that State.

18 “(vi) OUTREACH AND EDUCATION.—
19 The high risk pool conducts education and
20 outreach to residents of the State and in-
21 surance brokers in the State to ensure that
22 such residents and brokers understand
23 that the high risk pool is available to eligi-
24 ble individuals.”.

25 (2) ELIGIBLE INDIVIDUAL.—

1 (A) IN GENERAL.—Section 2745(g) of the
2 Public Health Service Act (42 U.S.C. 300gg–
3 45(g)), as amended by paragraph (1), is further
4 amended by striking paragraph (2) and insert-
5 ing the following:

6 “(2) ELIGIBLE INDIVIDUAL.—The term ‘eligible
7 individual’ means an individual who—

8 “(A) is an eligible individual (as such term
9 is defined in section 2741(b)); or

10 “(B) would be eligible for Medicare under
11 title XVIII of the Social Security Act, except
12 that such individual is subject to a 24-month
13 disability waiting period under section 226(b) of
14 the Social Security Act, during such period.”.

15 (B) CONFORMING AMENDMENT.—Section
16 2741(b) of the Public Health Service Act (42
17 U.S.C. 300gg–41(b)) is amended by inserting
18 “(except, for purposes of section 2745)” after
19 “In this part”.

20 (3) QUALIFIED REINSURANCE PROGRAM AND
21 INNOVATIVE METHOD.—Section 2745(g) of the Pub-
22 lic Health Service Act (42 U.S.C. 300gg–45(g)), as
23 amended by paragraph (2), is further amended by
24 adding at the end the following:

1 “(4) QUALIFIED REINSURANCE PROGRAM.—The
2 term ‘qualified reinsurance program’ means a ‘quali-
3 fied reinsurance program’, as such term is defined in
4 section 2744(c)(4), that does not require any waiting
5 period for health insurance coverage offered to eligi-
6 ble individuals in connection with such qualified re-
7 insurance program.

8 “(5) INNOVATIVE METHOD.—The term ‘innova-
9 tive method’ means a method implemented by a
10 State, to provide access to health insurance coverage
11 for eligible individuals in the State, that the Sec-
12 retary determines will—

13 “(A) mitigate the cost of providing health
14 insurance coverage to eligible individuals in the
15 State in a manner that is better than, as deter-
16 mined by the Secretary, the provision of such
17 coverage through a qualified high risk pool; and

18 “(B) that ensures that such individuals re-
19 ceive consumer protections that are similar to
20 the consumer protections required under para-
21 graph (1)(B) for a qualified high risk pool.”.

22 (g) PROTECTION AGAINST DUMPING.—Section 2745
23 of the Public Health Service Act (42 U.S.C. 300gg–45)
24 is amended by adding at the end the following:

1 “(h) PROTECTION AGAINST DUMPING RISK BY IN-
2 SURERS.—

3 “(1) IN GENERAL.—Subject to the criteria es-
4 tablished by the Secretary under paragraph (1) of
5 section 2746(d), a State operating a qualified high
6 risk pool, qualified reinsurance program, or innova-
7 tive method under this section may enforce sanctions
8 against health insurance issuers in the State that
9 are similar to the sanctions described in paragraph
10 (2) of such section.

11 “(2) RULE OF CONSTRUCTION.—The rule of
12 construction under paragraph (3) of section 2746(d)
13 shall apply to this subsection in the same manner
14 that such paragraph (3) applies to section
15 2746(d).”.

16 (h) EFFECTIVE DATE.—The amendments made by
17 this section shall take effect on October 1, 2012.

18 **SEC. 4. FEDERAL FALLBACK HIGH RISK POOL.**

19 (a) IN GENERAL.—Subpart 1 of part B of title
20 XXVII of the Public Health Service Act (42 U.S.C.
21 300gg–41 et seq.) is amended by adding at the end the
22 following:

23 **“SEC. 2746. FEDERAL FALLBACK HIGH RISK POOL.**

24 “(a) ESTABLISHMENT AND APPLICATION OF FED-
25 ERAL FALLBACK HIGH RISK POOL.—

1 “(1) FOR STATES WITH NO HISTORY OF PRO-
2 VIDING SUPPORT FOR ELIGIBLE INDIVIDUALS.—If,
3 by October 1, 2015, a State has not established a
4 qualified high risk pool, qualified reinsurance pro-
5 gram, or innovative method at any point in the 5-
6 year period before such date, the Secretary shall es-
7 tablish a Federal fallback high risk pool program to
8 provide health insurance coverage for eligible indi-
9 viduals in such State.

10 “(2) FOR STATES THAT DISCONTINUE STATE
11 HIGH RISK POOLS.—Beginning October 1, 2015, if a
12 State that operated a qualified high risk pool, a
13 qualified reinsurance program, or innovative method
14 under section 2745 before such date fails to operate
15 a qualified high risk pool, qualified reinsurance pro-
16 gram, or innovative method for any period of 2 con-
17 secutive years after such date, the Secretary shall, at
18 the end of such 2-year period, establish a Federal
19 fallback high risk pool to provide health insurance
20 coverage for eligible individuals in such State.

21 “(b) ADMINISTRATION.—

22 “(1) IN GENERAL.—The Secretary may carry
23 out the program under this section directly or
24 through contracts to eligible entities.

1 “(2) ELIGIBLE ENTITIES.—To be eligible for a
2 contract under paragraph (1), an entity shall—

3 “(A) be a nonprofit private entity;

4 “(B) submit to the Secretary an applica-
5 tion at such time, in such manner, and con-
6 taining such information as the Secretary may
7 require; and

8 “(C) agree to utilize contract funding to
9 establish and administer a Federal fallback
10 high risk pool for eligible individuals.

11 “(c) USE OF FUNDS.—Amounts made available
12 under this section shall be used to establish and operate
13 a Federal fallback high risk pool that is a qualified high
14 risk pool, as such term is defined in section 2744(c)(2),
15 that meets the requirements of section 2745(g)(1)(B) of
16 such Act, with respect to each State in which such Federal
17 fallback high risk pool applies.

18 “(d) PROTECTION AGAINST DUMPING RISK BY IN-
19 SURERS.—

20 “(1) IN GENERAL.—The Secretary shall estab-
21 lish criteria for determining whether health insur-
22 ance issuers and employment-based health plans
23 have discouraged an individual from remaining en-
24 rolled in prior coverage based on that individual’s
25 health status.

1 “(2) SANCTIONS.—An health insurance issuer
2 or employment-based health plan shall be responsible
3 for reimbursing the Federal fallback high risk pool
4 under this section for the medical expenses incurred
5 by the Federal fallback high risk pool for an indi-
6 vidual who, based on criteria established by the Sec-
7 retary, the Secretary finds was encouraged by the
8 health insurance issuer to disenroll from health ben-
9 efits coverage prior to enrolling in coverage through
10 the Federal fallback high risk. The criteria shall in-
11 clude at least the following circumstances:

12 “(A) In the case of prior coverage obtained
13 through an employer, the provision by the em-
14 ployer, group health plan, or the health insur-
15 ance issuer of money or other financial consid-
16 eration for disenrolling from the coverage.

17 “(B) In the case of prior coverage obtained
18 directly from a health insurance issuer or under
19 an employment-based health plan—

20 “(i) the provision by the health insur-
21 ance issuer or plan of money or other fi-
22 nancial consideration for disenrolling from
23 the coverage; or

24 “(ii) in the case of an individual
25 whose premium for the prior coverage ex-

1 ceeded the premium required by the pro-
2 gram (adjusted based on the age factors
3 applied to the prior coverage)—

4 “(I) the prior coverage is a policy
5 that is no longer being actively mar-
6 keted (as defined by the Secretary) by
7 the health insurance issuer; or

8 “(II) the prior coverage is a pol-
9 icy for which duration of coverage
10 form issue or health status are factors
11 that can be considered in determining
12 premiums at renewal.

13 “(3) CONSTRUCTION.—Nothing in this sub-
14 section shall be construed as constituting exclusive
15 remedies for violations of criteria established under
16 paragraph (1) or as preventing States from applying
17 or enforcing such paragraph or other provisions
18 under law with respect to health insurance issuers.

19 “(e) OVERSIGHT.—The Secretary shall establish—

20 “(1) an appeals process to enable individuals to
21 appeal a determination under this section; and

22 “(2) procedures to protect against waste, fraud,
23 and abuse.

24 “(f) FUNDING; TERMINATION OF AUTHORITY.—

1 “(1) IN GENERAL.—There are authorized to be
2 appropriated to the Secretary \$2,500,000,000 for
3 the 3-fiscal-year period beginning on October 1,
4 2015, to pay claims against (and the administrative
5 costs of) the Federal fallback high risk pool under
6 this section that are in excess of the amount of pre-
7 miums collected from eligible individuals enrolled in
8 the Federal fallback high risk pool.

9 “(2) INSUFFICIENT FUNDS.—If the Secretary
10 estimates for any fiscal year that the aggregate
11 amounts available for the payment of the expenses
12 of the Federal fallback high risk pool will be less
13 than the actual amount of such expenses, the Sec-
14 retary shall make such adjustments as are necessary
15 to eliminate such deficit.

16 “(3) RELATIONSHIP TO STATE HIGH RISK
17 POOLS.—

18 “(A) TERMINATION OF FEDERAL COV-
19 ERAGE.—Subject to subparagraph (B), if a
20 State establishes a qualified high risk pool,
21 qualified reinsurance program, or innovative
22 method under section 2745, coverage of an eli-
23 gible individual in such State under a Federal
24 fallback high risk pool shall terminate on the
25 date that—

1 “(i) is the last day of the plan year
2 that applies to such individual under such
3 Federal fallback high risk pool; and

4 “(ii) that occurs after the date on
5 which the State establishes such a quali-
6 fied high risk pool, qualified reinsurance
7 program, or innovative method.

8 “(B) TRANSITION TO STATE HIGH RISK
9 POOLS.—The Secretary shall develop proce-
10 dures to provide for the transition of eligible in-
11 dividuals in a State enrolled in health insurance
12 coverage offered through a Federal fallback
13 high risk pool established under this section
14 into a qualified high risk pool in such State.
15 Such procedures shall ensure that there is no
16 lapse in coverage with respect to the individual
17 and may extend coverage after the applicable
18 termination date under subparagraph (A) of the
19 Federal fallback risk pool involved, if the Sec-
20 retary determines necessary to avoid such a
21 lapse.

22 “(C) NO NEW ENROLLMENT.—The Fed-
23 eral fallback high risk pool in a State shall not
24 enroll any individual in the State for coverage
25 under such a Federal fallback high risk pool at

1 any time that the State is operating such a
2 qualified high risk pool, qualified reinsurance
3 program, or innovative method under section
4 2745.

5 “(4) LIMITATIONS.—The Secretary has the au-
6 thority to stop taking applications for participation
7 in the Federal fallback high risk pool under this sec-
8 tion to comply with paragraph (2).

9 “(5) RELATION TO STATE LAWS.—The stand-
10 ards established under this section shall supersede
11 any State law or regulation (other than State licens-
12 ing laws or State laws relating to plan solvency) with
13 respect to any Federal fallback high risk pool which
14 is established in accordance with this section.

15 “(g) DEFINITIONS.—For purposes of this section—

16 “(1) TERMS FROM SECTION 2745.—Except as
17 otherwise provided in this section, the terms ‘eligible
18 individual’, ‘innovative method’, ‘qualified high risk
19 pool’, and ‘qualified reinsurance program’ have the
20 meanings given such terms in section 2745(g).

21 “(2) EMPLOYMENT-BASED HEALTH PLAN.—
22 The term ‘employment-based health plan’ shall have
23 the meaning given such term by the Secretary, con-
24 sistent with the meaning given such term under sec-
25 tion 1101 of Public Law 111–148.”.

1 (b) CONFORMING AMENDMENT.—Section 2741(b) of
2 the Public Health Service Act (42 U.S.C. 300gg–41(b)),
3 as amended by section 3(f)(2)(B), is further amended, in
4 the matter before paragraph (1), by inserting “and section
5 2746” after “for purposes of section 2745”.

○