

113TH CONGRESS
1ST SESSION

H. R. 3462

To amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to exclude from the definition of health insurance coverage certain medical stop-loss insurance obtained by certain plan sponsors of group health plans.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 13, 2013

Mr. CASSIDY (for himself and Mr. ROE of Tennessee) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce 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 Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to exclude from the definition of health insurance coverage certain medical stop-loss insurance obtained by certain plan sponsors of group health plans.

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 “Self-Insurance Protec-
3 tion Act”.

4 **SEC. 2. CERTAIN MEDICAL STOP-LOSS INSURANCE OB-**
5 **TAINED BY CERTAIN PLAN SPONSORS OF**
6 **GROUP HEALTH PLANS NOT INCLUDED**
7 **UNDER THE DEFINITION OF HEALTH INSUR-**
8 **ANCE COVERAGE.**

9 (a) PHSA.—Section 2791(b)(1) of the Public Health
10 Service Act (42 U.S.C. 300gg–91(b)(1)) is amended by
11 adding at the end the following new sentence: “Such term
12 shall not include a stop loss policy obtained by a self-in-
13 sured health plan or a plan sponsor of a group health plan
14 that self-insures the health risks of its plan participants
15 to reimburse the plan or sponsor for losses that the plan
16 or sponsor incurs in providing health or medical benefits
17 to such plan participants in excess of a predetermined level
18 set forth in the stop loss policy obtained by such plan or
19 sponsor.”.

20 (b) ERISA.—Section 733(b)(1) of the Employee Re-
21 tirement Income Security Act of 1974 (29 U.S.C.
22 1191b(b)(1)) is amended by adding at the end the fol-
23 lowing new sentence: “Such term shall not include a stop
24 loss policy obtained by a self-insured health plan or a plan
25 sponsor of a group health plan that self-insures the health
26 risks of its plan participants to reimburse the plan or

1 sponsor for losses that the plan or sponsor incurs in pro-
2 viding health or medical benefits to such plan participants
3 in excess of a predetermined level set forth in the stop
4 loss policy obtained by such plan or sponsor.”.

5 (c) IRC.—Section 9832(b)(1)(A) of the Internal Rev-
6 enue Code of 1986 is amended by adding at the end the
7 following new sentence: “Such term shall not include a
8 stop loss policy obtained by a self-insured health plan or
9 a plan sponsor of a group health plan that self-insures
10 the health risks of its plan participants to reimburse the
11 plan or sponsor for losses that the plan or sponsor incurs
12 in providing health or medical benefits to such plan par-
13 ticipants in excess of a predetermined level set forth in
14 the stop loss policy obtained by such plan or sponsor.”.

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