II

113TH CONGRESS
1ST SESSION

S. 1327

To make enrollment in health benefits plans under the Federal Employee Health Benefits Program available to employees of qualified employers when fewer than 2 qualified health plans are offered through the Small Business Health Options Program.

IN THE SENATE OF THE UNITED STATES

JULY 18, 2013

Mr. BEGICH (for himself and Ms. LANDRIEU) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To make enrollment in health benefits plans under the Federal Employee Health Benefits Program available to employees of qualified employers when fewer than 2 qualified health plans are offered through the Small Business Health Options Program.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Healthy Competition for Small Business Act''.

SEC. 2. SHOP EXCHANGES.

Section 1311(d) of the Patient Protection and Affordable Care Act (42 U.S.C. 18031(d)) is amended by adding at the end the following:

"(8) RULES RELATING TO SHOP EXCHANGES.—

"(A) IN GENERAL.—In the case of a SHOP Exchange in a State through which fewer than 2 qualified health plans at each level of coverage described in section 1302(d)(1) are available and no multi-State Qualified health plan is available, qualified employers in the State may make available to employees enrollment in a health benefits plan under the Federal Employees Health Benefits Program, in accordance with subparagraph (B). Enrollment in such a health benefits plan shall be offered in the same manner that enrollment in other qualified health plans offered through the SHOP Exchange is offered.

"(B) FEHBP PROCESS.—

"(i) IN GENERAL.—Notwithstanding the provisions of title 5, United States Code, any Executive order, or any administrative regulation, and subject to this paragraph, a qualified employer in a State described in subparagraph (A) shall be entitled to purchase coverage, rights, and benefits for the employees of the qualified employer under chapter 89 of such title if necessary employee deductions and agency contributions in payment for the coverage, rights, and benefits for the period of employment with the qualified employer are currently deposited in the Employees Health Benefits Fund established under section 8909 of such title.

"(ii) SEPARATE RISK POOL.—Individuals covered under a health benefits plan under the Federal Employees Health Benefits Program under clause (i) shall be in a risk pool that is separate from the risk pool for individuals otherwise covered under a health benefits plan under the Federal Employees Health Benefits Program.

"(C) TERMINATION OF OPTION.—

"(i) IN GENERAL.—The Federal Employees Health Benefits Program enrollment option made available through a SHOP Exchange, as described in subparagraph (A), shall be terminated if—

"(I) 2 or more qualified health plans at each level of coverage become available through the SHOP Exchange; or

"(II) 1 or more multi-State qualified health plans become available through the SHOP Exchange.

"(ii) EXPIRATION OF COVERAGE.—If the Federal Employees Health Benefits Program enrollment option is terminated, as described in clause (i), an employee of a qualified employer that is enrolled in a health benefits plan under the Federal Employees Health Benefits Program shall retain coverage under such health benefits plan until the end of the contract year.

"(D) QUALIFICATION.—For purposes of subparagraphs (A) and (C)(i)(I), a SHOP Exchange shall be deemed to have 2 or more qualified health plans at each level of coverage only if such qualified health plans at each level of coverage described in section 1302(d)(1) are offered by more than 1 issuer.".

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