

(A) IN GENERAL.—The term “health plan” means any group health plan or individual health plan.

(B) GROUP HEALTH PLAN.—The term “group health plan” means any contract, policy, certificate, or other arrangement offered by a health plan issuer to a group purchaser that provides or pays for health benefits (such as provider and hospital benefits) in connection with an employee health benefit plan.

(C) INDIVIDUAL HEALTH PLAN.—The term “individual health plan” means any contract, policy, certificate, or other arrangement offered by a health plan issuer to individuals that provides or pays for health benefits (such as provider and hospital benefits) and that is not a group health plan.

(D) ARRANGEMENTS NOT INCLUDED.—Such term does not include the following, or any combination thereof:

(i) Coverage only for accident, or disability income insurance, or any combination thereof.

(ii) Medicare supplemental health insurance (as defined under section 1882(g)(1) of the Social Security Act).

(iii) Coverage issued as a supplement to liability insurance.

(iv) Liability insurance, including general liability insurance and automobile liability insurance.

(v) Workers' compensation or similar insurance.

(vi) Automobile medical payment insurance.

(vii) Coverage for a specified disease or illness.

(viii) Hospital or fixed indemnity insurance.

(ix) Short-term limited duration insurance.

(x) Credit-only, dental-only, or vision-only insurance.

(xi) A health insurance policy providing benefits only for long-term care, nursing home care, home health care, community-based care, or any combination thereof.

(E) CERTAIN PLANS INCLUDED.—Such term includes any plan or arrangement not described in any clause of subparagraph (D) that provides for benefit payments, on a periodic basis, for—

(i) a specified disease or illness; or

(ii) a period of hospitalization;

without regard to the costs incurred or services rendered during the period to which the payments relate.

(6) HEALTH PLAN ISSUER.—The term “health plan issuer” means any entity that is licensed (prior to or after the date of enactment of this Act) by a State to offer a health plan.

(7) PARTICIPANT.—The term “participant” has the meaning given such term under section 3(7) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(7)).

(8) SECRETARY.—The term “Secretary” unless otherwise specified means the Secretary of Labor.

SEC. 5. REQUIRED HEALTH CARE COVERAGE FOR CHILDREN.

(a) IN GENERAL.—Except as provided in subsection (b), a health plan or an employee health benefit plan shall ensure that coverage is provided with respect to a child who is a beneficiary under such plan for all medically necessary health care and related services, including—

(1) appropriate screening services at intervals that meet reasonable standards of medical and dental practice;

(2) all appropriate immunizations;

(3) necessary case management, transportation, and scheduling assistance; and

(4) such other necessary health care, diagnostic services, treatment, and other measures to correct or ameliorate defects and

physical and mental illnesses and conditions discovered by the screening services, whether or not such services are covered for participants or policyholders under the plan.

(b) EXCEPTION.—Notwithstanding subsection (a), a health plan or an employee health benefit plan shall not be required to provide coverage for health care and related services that are not safe, are not effective, or are experimental.

SEC. 6. PROHIBITIONS.

In implementing the requirements of this Act, a health plan or an employee health benefit plan may not use a service limitation, including a lifetime benefit limit, of the plan to deny medically necessary health care and related services described in section 4 to a child.

SEC. 7. NOTICE.

(a) EMPLOYEE HEALTH BENEFIT PLAN.—An employee health benefit plan shall provide conspicuous notice to each participant regarding coverage required under this Act not later than 120 days after the date of enactment of this Act, and as part of its summary plan description.

(b) HEALTH PLAN.—A health plan shall provide notice to each policyholder regarding coverage required under this Act. Such notice shall be in writing, prominently positioned, and be transmitted—

(1) in a mailing made within 120 days after the date of enactment of this Act by such plan to the policyholder; and

(2) as part of the annual informational packet sent to the policyholder.

SEC. 8. APPLICABILITY.

(a) CONSTRUCTION.—

(1) IN GENERAL.—A requirement or standard imposed under this Act on a health plan shall be deemed to be a requirement or standard imposed on the health plan issuer. Such requirements or standards shall be enforced by the State insurance commissioner for the State involved or the official or officials designated by the State to enforce the requirements of this Act. In the case of a health plan offered by a health plan issuer in connection with an employee health benefit plan, the requirements or standards imposed under this Act shall be enforced with respect to the health plan issuer by the State insurance commissioner for the State involved or the official or officials designated by the State to enforce the requirements of this Act.

(2) LIMITATION.—Except as provided in section 8(c), the Secretary shall not enforce the requirements or standards of this Act as they relate to health plan issuers or health plans. In no case shall a State enforce the requirements or standards of this Act as they relate to employee health benefit plans.

(b) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to affect or modify the provisions of section 514 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144).

SEC. 9. ENFORCEMENT.

(a) HEALTH PLAN ISSUERS.—Each State shall require that each health plan issued, sold, renewed, offered for sale or operated in such State by a health plan issuer meet the standards established under this Act. A State shall submit such information as required by the Secretary demonstrating effective implementation of the requirements of this Act.

(b) EMPLOYEE HEALTH BENEFIT PLANS.—With respect to employee health benefit plans, the standards established under this Act shall be enforced in the same manner as provided for under sections 502, 504, 506, and 510 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132, 1134, 1136, and 1140). The civil penalties contained in paragraphs (1) and (2) of section 502(c) of

such Act (29 U.S.C. 1132(c) (1) and (2)) shall apply to any information required by the Secretary to be disclosed and reported under this section.

(c) FAILURE TO ENFORCE.—In the case of the failure of a State to substantially enforce the standards and requirements set forth in this Act with respect to health plans, the Secretary, in consultation with the Secretary of Health and Human Services, shall enforce the standards of this Act in such State. In the case of a State that fails to substantially enforce the standards set forth in this Act, each health plan issuer operating in such State shall be subject to civil enforcement as provided for under sections 502, 504, 506, and 510 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132, 1134, 1136, and 1140). The civil penalties contained in paragraphs (1) and (2) of section 502(c) of such Act (29 U.S.C. 1132(c) (1) and (2)) shall apply to any information required by the Secretary to be disclosed and reported under this section.

(d) REGULATIONS.—The Secretary, in consultation with the Secretary of Health and Human Services, may promulgate such regulations as may be necessary or appropriate to carry out this Act.

SEC. 10. PREEMPTION.

(a) IN GENERAL.—The provisions of sections 4, 5, and 6 shall not preempt a State law or regulation—

(1) that provides greater protections to patients or policyholders than those required in this Act; or

(2) that requires health plans to provide coverage for pediatric care in accordance with guidelines established by the American Academy of Pediatrics or other established professional medical associations.

(b) EMPLOYEE HEALTH BENEFIT PLANS.—Nothing in this section affects the application of this Act to employee health benefit plans, as defined in section 2(3).

SEC. 11. EFFECTIVE DATE.

Except as otherwise provided for in this Act, the provisions of this Act shall apply as follows:

(1) With respect to health plans, such provisions shall apply to such plans on the first day of the contract year beginning on or after June 1, 1997.

(2) With respect to employee health benefit plans, such provisions shall apply to such plans on the first day of the first plan year beginning on or after June 1, 1997. ●

HONORING THE JOHNSONS ON THEIR 50TH WEDDING ANNIVERSARY

● Mr. ASHCROFT. Mr. President, families are the cornerstone of America. The data are undeniable: Individuals from strong families contribute to the society. In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of “till death us do part” seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

For these important reasons, I rise today to honor Andrew and Dorothy Johnson of Kansas City, MO, who on Wednesday, October 2, 1996, celebrated their 50th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. Andrew and Dorothy's commitment to the principles and values of

their marriage deserves to be saluted and recognized.●

CONGRATULATIONS TO FRANK PYTEL CELEBRATING HIS 100TH BIRTHDAY

● Mr. ASHCROFT. Mr. President, I rise today to encourage my colleagues to join me in congratulating Frank Pytel of Kansas City, MO, who celebrated his 100th birthday on Friday, October 4, 1996. Frank is a truly remarkable individual. He has witnessed many of the events that have shaped our Nation into the greatest the world has ever known. The longevity of his life has meant much more, however, to the many relatives and friends whose lives he has touched over the last 100 years.

Frank's celebration of 100 years of life is a testament to me and all Missourians. His achievements are significant and deserve to be recognized. I would like to join Frank's many friends and relatives in wishing him health and happiness in the future.●

TRIBUTE TO NANCY ELKIS

● Mr. LAUTENBERG. Mr. President, a few days ago, New Jersey lost a very special woman and I lost a good friend when Nancy Elkis passed away.

Mr. President, few people in New Jersey have touched more lives, or made a greater contribution to their community than Nancy Elkis. Nancy was a woman of amazing energy and incredible warmth. Over the years, she involved herself in a very broad range of civic and philanthropic initiatives, and held a variety of positions of responsibility in government and community organizations. Yet throughout her life, Nancy always was able to find the time to help people on an individual basis. And, quietly and with little fanfare, she improved the lives of countless numbers of others who were in need.

Mr. President, Nancy Elkis was the first woman elected to the Woodbury City Council, and she served as a councilwoman for 22 years. Although she was a Democrat in an area of the city dominated by Republicans, she won the respect of her constituents and her colleagues because of her unselfish, caring attitude, and her dedication to her community and the public interest.

On the city council, she was especially active in overseeing the city's water department, and she continually worked to ensure that the city's water quality remained high. She also was vice chair of the Gloucester County Housing Authority. In that capacity, she came down to Washington regularly to discuss our State's housing needs, and we talked often. In all of those visits, it was obvious that Nancy cared deeply about publicly assisted housing, and was motivated by a deep commitment to improving the lives of residents.

Nancy also was a member of the county economic development committee, the human resources committee,

the commission on women, and the parks and recreation committee. Additionally, she was a State Democratic committeewoman for Gloucester County and past chair of the Woodbury Democratic Committee.

Mr. President, Nancy's contributions extended well beyond the realm of government and politics. She also played a major role in several charitable organizations. For more than 20 years, she was active with the Gloucester County unit of the American Heart Association, and she was chairwoman of the board of the New Jersey affiliate division of the American Heart Association at the time of her death. Recently, she was named State Volunteer of the Year.

In addition, Nancy was on the board of the United Way of Gloucester County, and had served as former president of the Gloucester County Visiting Nurse Association. She also volunteered at Underwood-Memorial Hospital in Woodbury.

Mr. President, beyond her long list of accomplishments and contributions, Nancy Elkis was a woman of great warmth. She really cared about other people, especially her own family. But her love of others extended to her entire community, and she continually was looking for ways to help others in need.

Mr. President, I attended a memorial service for Nancy yesterday, and was struck by the exceedingly large number of people who attended. The chapel was literally overflowing. People recounted stories of how Nancy had helped them over the years and each one was a memorial to a service she performed. Nobody could come away from that service, Mr. President, without appreciating just how deeply Nancy was loved and respected throughout her community, and how many lives she touched.

Mr. President, I have a special personal connection to Nancy Elkis because her daughter, Karin Elkis, is the director of my Barrington, NJ, office. And as I attended yesterday's memorial service, I came to appreciate more than ever how Karin's boundless energy and tremendous warmth—and her deep commitment to her family and her community—is a reflection of her own mother. It would be hard to find two more special people, Mr. President. And if there is a personal testament to the kind of person Nancy was, it is Karin along with her three other children.

Mr. President, I want to express my appreciation for the contribution Nancy Elkis made to her community and our State and offer my deepest condolences to Karin, her father, Preston, her sisters, Lisa and Emily, her brother, Tony, Nancy's mother, Irene Zibelman, and the other members of Nancy's family. Although their loss is painful, I know they will be nourished by their wonderful memories of Nancy.

Mr. President, Nancy Elkis was an uncommon person whose legacy will

live on for many years. I know I speak for literally hundreds of others in expressing my sorrow over her passing, and my deep appreciation for everything she did for her community. She will be greatly missed.●

TRIBUTE FOR CONNIE WOODRUFF

● Mr. LAUTENBERG. Mr. President, New Jersey recently lost a remarkable woman, Connie Woodruff, who passed away on October 20. A veteran leader of New Jersey's African-American community, she will be remembered by many as a friend, mentor and supporter. And her work on behalf of the women of our state constitutes a permanent legacy.

Mr. President, if Connie Woodruff had a motto, it was, undoubtedly, that we make a living by what we gain, but we make a life by what we give. And her life was an example of generosity and compassion which should serve as a benchmark for all of us. In West Orange, she was chairwoman of the Human Rights Commission. And she was active in the Essex County "Stamp Out Hate" campaign, sponsored by the American Jewish Committee. She was appointed to various commissions by six governors, including the state's Commission on Judicial Review and the New Jersey Martin Luther King Commemorative Commission. Governor Whitman also appointed her an Essex County Tax Court Judge.

Over the years, Connie served on the board of more than 20 organizations, including the NAACP, the Urban League of Essex County Guild, The Leaguers, Newark YMWCA and New Jersey Cities in Schools. For several years, she was chairwoman of the University of Medicine and Dentistry of New Jersey's Board of Concerned Citizens.

Mr. President, although everyone in New Jersey benefited from her compassion and caring, she will be especially missed by the women of our State. During her 20 years with the Ladies Garment Workers Union, she battled to improve the working conditions for thousands of workers, mostly women. Later, she was an adjunct professor of labor studies at Rutgers-Newark, before moving on to Essex County College, where she spent the last 10 years of her career in education. At ECC, she was credited with helping to turn the dream of a Women's Center into reality. The Center's Director has remarked that Woodruff's life was dedicated to helping women become personally and financially self-sufficient. She also established the Connie Woodruff Nursing Scholarships at Essex County College.

Mr. President, Connie Woodruff served 16 years as chairwoman of the New Jersey Commission on the Status of Women, and she won two terms as president of the National Association of Commissions on Women, becoming president emeritus by acclamation.