

AMENDMENT TO H.R. 2851

OFFERED BY MR. PALLONE

[As forwarded by the Subcommittee on Health]

Amend section 2(b) to read as follows:

1 (b) AMENDMENTS TO THE PUBLIC HEALTH SERVICE

2 ACT.—

3 (1) GROUP MARKETS.—Subpart 2 of part A of
4 title XXVII of the Public Health Service Act (42
5 U.S.C. 300gg–4 et seq.) is amended by adding at
6 the end the following new section:

7 **“SEC. 2707. COVERAGE OF DEPENDENT STUDENTS ON**
8 **MEDICALLY NECESSARY LEAVE OF ABSENCE.**

9 “(a) MEDICALLY NECESSARY LEAVE OF ABSENCE.—
10 In this section, the term ‘medically necessary leave of ab-
11 sence’ means, with respect to a dependent child described
12 in subsection (b)(2) in connection with a group health
13 plan, a leave of absence of such child from a postsecondary
14 educational institution (including an institution of higher
15 education as defined in section 102 of the Higher Edu-
16 cation Act of 1965), or any other change in enrollment
17 of such child at such an institution, that—

18 “(1) commences while such child is suffering
19 from a serious health condition;

1 “(2) is medically necessary; and

2 “(3) causes such child to lose student status for
3 purposes of coverage under the terms of the plan.

4 “(b) REQUIREMENT TO CONTINUE COVERAGE.—

5 “(1) IN GENERAL.—In the case of a dependent
6 child described in paragraph (2), a group health
7 plan (or a health insurance issuer that provides
8 health insurance coverage in connection with a group
9 health plan) shall not terminate coverage of such
10 child under such plan or health insurance coverage
11 due to a medically necessary leave of absence before
12 the date that is the earlier of—

13 “(A) the date that is 1 year after the first
14 day of the medically necessary leave of absence;
15 or

16 “(B) the date on which such coverage
17 would otherwise terminate under the terms of
18 the plan or health insurance coverage.

19 “(2) DEPENDENT CHILD DESCRIBED.—A de-
20 pendent child described in this paragraph is, with re-
21 spect to a group health plan, a beneficiary under the
22 plan who—

23 “(A) is a dependent child, under the terms
24 of the plan, of a participant or beneficiary of
25 the plan; and

1 “(B) was enrolled in the plan (or health in-
2 surance coverage offered in connection with the
3 plan), on the basis of being a student at a post-
4 secondary educational institution (as described
5 in subsection (a)), immediately before the first
6 day of the medically necessary leave of absence
7 involved.

8 “(3) CERTIFICATION BY PHYSICIAN.—Para-
9 graph (1) shall not apply to a group health plan (or
10 health insurance coverage offered by an issuer in
11 connection with a group health plan) unless certifi-
12 cation by a treating physician of the child is sub-
13 mitted to the plan or issuer stating that the depend-
14 ent child is suffering from a serious health condition
15 and that the leave of absence (or other change of en-
16 rollment) described in subsection (a) is medically
17 necessary.

18 “(c) NOTICE.—A group health plan, and a health in-
19 surance issuer providing health insurance coverage in con-
20 nection with a group health plan, shall include, with any
21 notice regarding a requirement for certification of student
22 status for coverage under the plan or coverage, a descrip-
23 tion of the terms of this section for continued coverage
24 during medically necessary leaves of absence. Such de-

1 scription shall be in language which is understandable to
2 the typical plan participant.

3 “(d) NO CHANGE IN BENEFITS.—A dependent child
4 whose benefits are continued under this section shall be
5 entitled to the same benefits as if (during the medically
6 necessary leave of absence) the child continued to be a
7 covered student at the institution of higher education and
8 was not on a medically necessary leave of absence.

9 “(e) COVERAGE UNDER SUCCESSOR PLAN.—If a
10 plan sponsor changes group health plans after the first
11 day of a medically necessary leave of absence of a depend-
12 ent child described in subsection (b) but before the date
13 described under subsection (b)(1), and such new group
14 health plan offers coverage of beneficiaries as dependent
15 children, such new group health plan shall be subject to
16 this section in the same manner as the predecessor group
17 health plan.”.

18 (2) INDIVIDUAL MARKET.—Subpart 3 of part B
19 of title XXVII of such Act (42 U.S.C. 300gg–51 et
20 seq.) is amended by adding at the end the following
21 new section:

22 **“SEC. 2753. COVERAGE OF DEPENDENT STUDENTS ON**
23 **MEDICALLY NECESSARY LEAVE OF ABSENCE.**

24 “The provisions of section 2707 shall apply to health
25 insurance coverage offered by a health insurance issuer

- 1 in the individual market in the same manner as they apply
- 2 to health insurance coverage offered by a health insurance
- 3 issuer in connection with a group health plan in the small
- 4 or large group market.”.

