

105TH CONGRESS
1ST SESSION

H. R. 1281

To amend the Public Health Service Act and other laws to apply the health insurance portability requirements applicable to group health plans to students covered under college-sponsored health plans.

IN THE HOUSE OF REPRESENTATIVES

APRIL 10, 1997

Mr. COSTELLO (for himself, Mr. FALEOMAVAEGA, Mr. FROST, Ms. NORTON, and Mr. WALSH) introduced the following bill; which was referred to the Committee on 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 amend the Public Health Service Act and other laws to apply the health insurance portability requirements applicable to group health plans to students covered under college-sponsored health plans.

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 “Student Health Insur-
5 ance Portability Protection Act of 1997”.

1 **SEC. 2. APPLYING HEALTH INSURANCE PORTABILITY PRO-**
2 **TECTIONS TO STUDENTS UNDER COLLEGE-**
3 **SPONSORED HEALTH PLANS.**

4 (a) IN GENERAL.—Title XXVII of the Public Health
5 Service Act, as added by section 102(a) of the Health In-
6 surance Portability and Accountability Act of 1996 (Pub-
7 lic Law 104–191), is amended by inserting after section
8 2723 the following new section:

9 **“SEC. 2724. APPLICATION OF PORTABILITY PROTECTIONS**
10 **TO STUDENTS UNDER COLLEGE-SPONSORED**
11 **HEALTH PLANS.**

12 “(a) IN GENERAL.—Subject to the succeeding provi-
13 sions of this section, the provisions of subpart 1 shall
14 apply to health insurance coverage offered in connection
15 with a college-sponsored health plan (as defined in sub-
16 section (b)) in the same manner as they apply to health
17 insurance coverage offered in connection with a group
18 health plan.

19 “(b) COLLEGE-SPONSORED HEALTH PLAN DE-
20 FINED.—For purposes of this section, the term ‘college-
21 sponsored health plan’ means health benefits offered by
22 or through an institution of higher education (as defined
23 in section 481(a) of the Higher Education Act of 1965
24 (20 U.S.C. 1088(a))) in relation to students at the institu-
25 tion, but does not include benefits offered to such a stu-
26 dent as a participant or beneficiary in a group health plan.

1 “(c) APPLICATION OF EXCEPTIONS, ENFORCEMENT,
2 PREEMPTION; DEFINITIONS.—In applying subsection
3 (a)—

4 “(1) subject to paragraph (2), the previous pro-
5 visions of this subpart shall apply in relation to such
6 subsection in the same manner as they apply in rela-
7 tion to subpart 1; and

8 “(2) in applying the other provisions of this
9 title under this section—

10 “(A) any reference in such provisions to a
11 group health plan is deemed a reference to a
12 college-sponsored health plan;

13 “(B) any reference in such provisions to a
14 participant or beneficiary in a group health
15 plan is deemed a reference to an enrollee in a
16 college-sponsored health plan; and

17 “(C) any reference in such provisions to an
18 employee in relation to the group health plan is
19 deemed a reference to a student in relation to
20 the college-sponsored health plan.”.

21 (b) CLARIFICATION OF COVERAGE UNDER COLLEGE-
22 SPONSORED HEALTH PLAN AS CREDITABLE COV-
23 ERAGE.—

24 (1) AMENDMENT TO PUBLIC HEALTH SERVICE
25 ACT.—Section 2701(c)(1)(B) of the Public Health

1 Service Act (42 U.S.C. 300gg(c)(1)(B)) is amended
2 by inserting “(including such coverage under a col-
3 lege-sponsored health plan, as defined in section
4 2724(b))” after “coverage”.

5 (2) AMENDMENT TO EMPLOYEE RETIREMENT
6 INCOME SECURITY ACT OF 1974.—Section
7 701(c)(1)(B) of the Employee Retirement Income
8 Security Act of 1974 (29 U.S.C. 1181(c)(1)(B)) is
9 amended by inserting “(including such coverage
10 under a college-sponsored health plan, as defined in
11 section 2724(b) of the Public Health Service Act)”
12 after “coverage”.

13 (3) AMENDMENT TO THE INTERNAL REVENUE
14 CODE OF 1986.—Section 9801(c)(1)(B) of the Inter-
15 nal Revenue Code of 1986 is amended by inserting
16 “(including such coverage under a college-sponsored
17 health plan, as defined in section 2724(b) of the
18 Public Health Service Act)” after “coverage”.

19 (c) EFFECTIVE DATE; TRANSITION.—

20 (1) EFFECTIVE DATE.—The amendment made
21 by subsection (a) shall apply to coverage under col-
22 lege-sponsored health plans for students matriculat-
23 ing or enrolling for periods beginning on or after
24 August 1, 1997, and the amendments made by sub-
25 section (b) shall be effective as if included in the en-

1 actment of the corresponding provisions in the
2 Health Insurance Portability and Accountability Act
3 of 1996 (Public Law 104–191).

4 (2) CREDITING PERMITTED FOR CERTAIN PRE-
5 VIOUS COVERAGE.—Creditable coverage occurring on
6 or after July 1, 1996, shall be taken into account in
7 applying section 2724(a) of the Public Health Serv-
8 ice Act.

9 (3) CERTIFICATIONS, ETC.—Insofar as the cer-
10 tification requirements of section 2743 of the Public
11 Health Service Act are not otherwise applicable to
12 health insurance coverage under a college-sponsored
13 health plan (as defined in subsection (b) of section
14 2724 of such Act), subsection (e) of section 2701 of
15 the Public Health Service Act shall apply (as incor-
16 porated under subsection (a) of such section 2724)
17 to the issuer of such coverage with respect to events
18 occurring after April 7, 1997; but in no case is a
19 certification required to be provided under such sec-
20 tion 2724 pursuant to such subsection (e) before 60
21 days after the date of the enactment of this Act.

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