

106TH CONGRESS
1ST SESSION

S. 585

To require health insurance coverage for certain reconstructive surgery.

IN THE SENATE OF THE UNITED STATES

MARCH 11, 1999

Mrs. FEINSTEIN introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To require health insurance coverage for certain reconstructive surgery.

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 “Reconstructive Surgery
5 Act of 1999”.

6 **SEC. 2. COVERAGE OF RECONSTRUCTIVE SURGERY**

7 (a) GROUP HEALTH PLANS.—

8 (1) PUBLIC HEALTH SERVICE ACT AMEND-
9 MENTS.—

10 (A) IN GENERAL.—Section 2706 of the
11 Public Health Service Act, as amended by Pub-

1 lic Law 105–277, is amended to read as fol-
2 lows:

3 **“SEC. 2706. COVERAGE OF RECONSTRUCTIVE SURGERY.**

4 “(a) REQUIREMENT.—A group health plan and a
5 health insurance issuer offering group health insurance
6 coverage in connection with a group health plan that pro-
7 vides coverage for surgery shall provide coverage for re-
8 constructive surgery.

9 “(b) DEFINITION.—In subsection (a), the term ‘re-
10 constructive surgery’ means any medically necessary and
11 appropriate surgery performed to correct or repair abnor-
12 mal structures of the body caused by congenital defects,
13 developmental abnormalities, trauma, infection, tumors, or
14 disease to—

15 “(1) improve functions; or

16 “(2) give the patient a normal appearance, to
17 the extent possible, in the judgment of the physician
18 performing the surgery.

19 “(c) RULE OF CONSTRUCTION.—

20 “(1) IN GENERAL.—Nothing in this section
21 shall be construed to require a group health plan or
22 health insurance issuer in connection with a group
23 health plan to provide coverage for cosmetic surgery.

24 “(2) DEFINITION.—In paragraph (1), the term
25 ‘cosmetic surgery’ means surgery that is performed

1 to alter or reshape normal structures of the body in
2 order to improve appearance.”.

3 (B) CONFORMING AMENDMENT.—Section
4 2723(c) of the Public Health Service Act (42
5 U.S.C. 300gg–23(c)), as amended by section
6 604(b)(2) of Public Law 104–204, is amended
7 by striking “section 2704” and inserting “sec-
8 tions 2704 and 2706”.

9 (2) ERISA AMENDMENTS.—

10 (A) IN GENERAL.—Section 713 of the Em-
11 ployee Retirement Income Security Act of 1974,
12 as amended by Public Law 105–277, is amend-
13 ed to read as follows:

14 **“SEC. 713. COVERAGE FOR RECONSTRUCTIVE SURGERY.**

15 “(a) REQUIREMENT.—A group health plan and a
16 health insurance issuer offering group health insurance
17 coverage in connection with a group health plan that pro-
18 vides coverage for surgery shall provide coverage for re-
19 constructive surgery.

20 “(b) DEFINITION.—In subsection (a), the term ‘re-
21 constructive surgery’ means any medically necessary and
22 appropriate surgery performed to correct or repair abnor-
23 mal structures of the body caused by congenital defects,
24 developmental abnormalities, trauma, infection, tumors, or
25 disease to—

1 “(1) improve functions; or

2 “(2) give the patient a normal appearance, to
3 the extent possible, in the judgment of the physician
4 performing the surgery.

5 “(c) RULE OF CONSTRUCTION.—

6 “(1) IN GENERAL.—Nothing in this section
7 shall be construed to require a group health plan or
8 health insurance issuer in connection with a group
9 health plan to provide coverage for cosmetic surgery.

10 “(2) DEFINITION.—In paragraph (1), the term
11 ‘cosmetic surgery’ means surgery that is performed
12 to alter or reshape normal structures of the body in
13 order to improve appearance.”.

14 (B) CONFORMING AMENDMENTS.—

15 (i) Section 731(c) of such Act (29
16 U.S.C. 1191(c)), as amended by section
17 603(b)(1) of Public Law 104–204, is
18 amended by striking “section 711” and in-
19 serting “sections 711 and 713”.

20 (ii) Section 732(a) of such Act (29
21 U.S.C. 1191a(a)), as amended by section
22 603(b)(2) of Public Law 104–204, is
23 amended by striking “section 711” and in-
24 serting “sections 711 and 713”.

1 (iii) The table of contents in section 1
2 of such Act is amended by inserting after
3 the item relating to section 712 the follow-
4 ing new item:

“Sec. 713. Coverage for reconstructive surgery.”.

5 (b) INDIVIDUAL MARKET.—Section 2752 of the Pub-
6 lic Health Service Act, as amended by Public Law 105–
7 277, is amended to read as follows:

8 **“SEC. 2752. COVERAGE FOR RECONSTRUCTIVE SURGERY.**

9 “The provisions of section 2706 shall apply to health
10 insurance coverage offered by a health insurance issuer
11 in the individual market in the same manner as they apply
12 to health insurance coverage offered by a health insurance
13 issuer in connection with a group health plan in the small
14 or large group market.”.

15 (c) EFFECTIVE DATES.—

16 (1) GROUP HEALTH PLANS.—Subject to para-
17 graph (3), the amendments made by subsection (a)
18 shall apply with respect to group health plans for
19 plan years beginning on or after January 1, 2000.

20 (2) HEALTH INSURANCE COVERAGE.—The
21 amendment made by subsection (b) shall apply with
22 respect to health insurance coverage offered, sold,
23 issued, renewed, in effect, or operated in the individ-
24 ual market on or after such date.

1 (3) COLLECTIVE BARGAINING AGREEMENTS.—

2 In the case of a group health plan maintained pur-
3 suant to 1 or more collective bargaining agreements
4 between employee representatives and 1 or more em-
5 ployers ratified before the date of enactment of this
6 Act, the amendments made subsection (a) shall not
7 apply to plan years beginning before the later of—

8 (A) the date on which the last collective
9 bargaining agreements relating to the plan ter-
10 minates (determined without regard to any ex-
11 tension thereof agreed to after the date of en-
12 actment of this Act), or

13 (B) January 1, 2000.

14 For purposes of subparagraph (A), any plan amend-
15 ment made pursuant to a collective bargaining
16 agreement relating to the plan which amends the
17 plan solely to conform to any requirement added by
18 subsection (a) shall not be treated as a termination
19 of such collective bargaining agreement.

20 (d) COORDINATED REGULATIONS.—Section 104(1)
21 of Health Insurance Portability and Accountability Act of
22 1996 is amended by striking “this subtitle (and the
23 amendments made by this subtitle and section 401)” and
24 inserting “the provisions of part 7 of subtitle B of title
25 I of the Employee Retirement Income Security Act of

1 1974, and the provisions of parts A and C of title XXVII
2 of the Public Health Service Act”.

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