

114TH CONGRESS  
1ST SESSION

# H. R. 4299

To amend the Public Health Service Act to prevent the Secretary of Health and Human Services from limiting access to excepted benefits, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 18, 2015

Mr. BLUM (for himself, Mr. KING of Iowa, and Mr. CHABOT) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Public Health Service Act to prevent the Secretary of Health and Human Services from limiting access to excepted benefits, and for other purposes.

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 “Patient Opportunity  
5 Protection Act of 2015”.

1 **SEC. 2. TREATMENT OF HOSPITAL INDEMNITY OR OTHER**  
2 **FIXED INDEMNITY INSURANCE AS EXCEPTED**  
3 **BENEFITS.**

4 Section 2763 of the Public Health Service Act (42  
5 U.S.C. 300gg-63) is amended—

6 (1) in subsection (b), by striking “The require-  
7 ments of” and inserting the following:

8 “(1) EXCEPTION.—The requirements of”; and

9 (2) by adding at the end the following:

10 “(2) HOSPITAL INDEMNITY OR OTHER FIXED  
11 INDEMNITY INSURANCE.—In applying paragraph  
12 (1), the Secretary shall not take any action (by regu-  
13 lation, guidance, policy statement, or otherwise) to  
14 require a hospital indemnity or other fixed indemnity  
15 insurance (as described in section 2791(e)(3)(B)) to  
16 be treated as an excepted benefit only if the benefits  
17 of the hospital indemnity or other fixed indemnity  
18 insurance are provided to an individual who—

19 “(A) has other health coverage that is min-  
20 imum essential coverage within the meaning of  
21 section 5000A(f) of the Internal Revenue Code;  
22 or

23 “(B) is otherwise treated as having such  
24 minimum essential coverage.”.

1 **SEC. 3. NO ADDITIONAL CONDITIONS FOR TREATMENT AS**  
2 **EXCEPTED BENEFIT.**

3 Section 2791 of the Public Health Service Act (42  
4 U.S.C. 300gg-91) is amended by adding at the end the  
5 following new subsection:

6 “(f) NO ADDITIONAL CONDITIONS FOR TREATMENT  
7 AS EXCEPTED BENEFIT.—In applying subsection (c), the  
8 Secretary shall not impose any additional condition that  
9 must be satisfied in order for benefits (or any combination  
10 thereof) to be treated as excepted benefits, including any  
11 condition that to be an excepted benefit the benefits must  
12 be provided only to individuals who have other health in-  
13 surance coverage that is major medical coverage or is min-  
14 imum essential coverage within the meaning of section  
15 5000A(f) of the Internal Revenue Code of 1986.”.

16 **SEC. 4. EFFECTIVE DATE.**

17 The amendments made by sections 2 and 3 shall take  
18 effect as if included in the Patient Protection and Afford-  
19 able Care Act (Public Law 111-148), and any final rule,  
20 guidance, policy statement, or other action taken by the  
21 Secretary of Health and Human Services that is incon-  
22 sistent with such amendments is null and void.

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