

COVID-19 Health Insurance Federal Legislation Tracker

<p>Families First Coronavirus Response Act H.R. 6201/H. Res. 904</p> <p>Steptoe Analysis</p>	<p>Requires group health plans and group/individual health insurers to provide coverage for certain tests and services (e.g., in vitro diagnostics and general coronavirus-related items/services furnished to an individual) without cost-sharing, prior authorization, or any other medical management requirements.</p> <p>Incorporates various other provisions related to coronavirus relief, including:</p> <ul style="list-style-type: none"> • Appropriates Medicaid funding for states and territories; • Establishes various nutrition waivers; • Provides job-protected leave to care for family members as a result of a coronavirus-related quarantine or closures; • Provides assistance to states for unemployment insurance benefits; • Requires certain employers to provide paid sick leave to employees who miss work due to coronavirus; and • Provides refundable payroll tax credits for employers and self-employed individuals who provide required paid sick leave or paid family leave due to coronavirus-related illness. <p><i>March 14 & 17 – Approved by the House.</i></p> <p><i>March 18 – Approved by the Senate and <u>enacted</u> by the President.</i></p>
<p>Coronavirus Aid, Relief, and Economic Security (CARES) Act H.R. 748</p> <p>Steptoe Analysis</p>	<p>Expands the types of COVID-19 testing that must be covered by plans/insurers with no cost-sharing requirements (e.g., in vitro testing awaiting FDA authorization).</p> <p>Requires group health plans and group/individual health insurers to reimburse providers for either (1) the negotiated cost of COVID-19 testing <u>or</u> (2) if there is no negotiated price between the plan/insurer and the provider, the cash price of the diagnostic testing as reflected on its website.</p> <p>If preventive measures (e.g., an item, service, or immunization intended to prevent/mitigate COVID-19) becomes available, requires group health plans and group/individual health insurers to provide coverage for such preventive measures without cost-sharing requirements.</p> <p>Incorporates various other provisions related to coronavirus relief for individuals, businesses, and financial institutions, among other things.</p> <p><i>March 25 – Approved by the Senate.</i></p>

	<i>March 27 – Approved by the House and <u>enacted</u> by the President.</i>
<p>Covering Coronavirus Test Act of 2020 H.R. 6173 Rep. Diana DeGette (D-CO)</p>	Requires group health plans and group/individual health insurers to cover testing for COVID-19 without cost-sharing requirements.
<p>Care for COVID-19 Act S. 3442/H.R. 6311 Sen. Cory Booker (D-NJ)/Rep. Raul Ruiz (D-CA)</p>	<p>Requires group health plans and group/individual health insurers to cover certain health care for COVID-19 without cost-sharing requirements, including:</p> <ul style="list-style-type: none"> • Diagnostic services; • Supportive care; • Vaccines; • Prescription drugs; • Medical devices; • Inpatient and outpatient physician and hospital services; and • Any other services HHS determines appropriate. <p>Establishes special enrollment periods for individuals diagnosed with or have presumptive positive diagnosis of COVID-19.</p>
<p>No Cost for COVID–19 Testing Act H.R. 6213 Rep. Frederica Wilson (D-FL)</p>	Requires group health plans and individual/group health insurers to provide coverage, without cost-sharing requirements, prior authorization, or other utilization management requirements, for in vitro diagnostic products and other FDA approved testing.
<p>Medication Access in Emergencies Act of 2020 H.R. 6193 Rep. Chris Pappas (D-NH)</p>	Requires group health plans and group/individual health insurers to provide coverage for a 30-day refill of prescription drugs to individuals who reside in emergency areas during emergency periods.
<p>H.R. 6214 Rep. Ron Kind (D-WI)</p>	Requires Medicare Advantage plans to cover COVID-19 testing and related visits without any cost-sharing requirements, prior authorization or other utilization management requirements.
<p>Rapid Coverage of COVID-19 Vaccine Act of 2020</p>	Requires group health plans and group/individual health insurers to cover any preventative vaccine and any drugs to treat COVID-19, without cost-sharing requirements, no later than 15 business days after the care is

<p>S. 3505/H.R. 6299 Sen. Doug Jones (D-AL)/Rep. Joe Courtney (D-CT)</p>	<p>recommended.</p>
<p>Take Responsibility for Workers and Families Act H.R. 6379 Rep. Nita Lowey (D-NY) House Summary</p>	<p>Incorporates various provisions related to private health insurance coverage, among other things, including:</p> <ul style="list-style-type: none"> • Establishes a two-month open enrollment period for the ACA marketplace; • Prevents the Departments of Health and Human Services, Treasury, and Labor from implementing, enforcing, or giving effect to the Administration’s final rule on STLDI plans and from promulgating any substantially similar rule; • Requires individual and group health plans to provide coverage for any preventative vaccine and any drugs to treat COVID-19, without cost-sharing requirements; • Waives cost-sharing for patients’ treatment related to COVID-19 who are enrolled in private insurance coverage and requires HHS reimburse insurers for such cost-sharing amount; • Requires group health plans and individual/group insurers to notify patients if their plan permits advance prescription drug refills and to provide patients with options for receiving such refill; • Expands notification requirements related to loss of employer-sponsored coverage; • Establishes a two-year risk corridors program for payments to individual and small group market plans for extreme losses and to help mitigate premium increases; and • Notes the sense of Congress that during the COVID-19 pandemic, health care providers should refrain from balance billing consumers for out-of-network claims related to COVID-19 testing, and insurance companies should secure access to in-network treatment for plan participants.
<p>Worker Health Coverage Protection Act H.R. 6514 Rep. Bobby Scott (D-VA) House Summary</p>	<p>Provides a framework for COBRA premium subsidies, among other things.</p>
<p>Ensuring Access to COVID-19 Preventive Care Act H.R. 6231 Rep. Larry Bucshon (R-IN)</p>	<p>Requires group health plans and group/individual health insurers to provide coverage for COVID-19-related testing and vaccines during the COVID-19 national emergency.</p>
<p>Ensuring Affordable COVID-19 Preventive Care Act of 2020 H.R. 6222 Rep. Jan Schakowsky (D-IL)</p>	<p>Requires group health plans and group/individual health insurers to provide immediate coverage for certain recommended services to prevent, diagnose, and treat COVID-19.</p>

<p>Free COVID-19 Testing Act S. 3499 Sen. Tina Smith (D-MN)</p>	<p>Requires group health plans and group/individual health insurers and other health care plans (e.g., Medicare, Medicare Advantage, Medicaid, CHIP, TRICARE, and VA) to provide coverage for COVID-19 testing, without any cost-sharing requirements, prior authorization, or other medical management requirements.</p>
<p>Ensuring Coverage in Public Health Emergencies Act of 2020 S. 3536/H.R. 6317 Sen. Bob Casey (D-PA)/Rep. Lloyd Doggett (D-TX)</p>	<p>Requires group health plans and group/individual health insurers to provide a 30-day special enrollment period during public health emergencies.</p>
<p>Pandemic Health Care Access Act S. 3546/H.R. 6338 Sen. Ted Cruz (R-TX)/Rep. Ted Budd (R-NC)</p>	<p>Permits all policyholders (i.e., even those without HDHPs) to contribute to/qualify for HSAs.</p>
<p>Emergency Advance Refill Notification Act of 2020 H.R. 6411 Rep. Lucy McBath (D-GA)</p>	<p>Requires group health plans and group/individual health insurers to provide notices regarding prescription drug refills for beneficiaries who reside in emergency areas during emergency periods.</p>
<p>Ending Price-Gouging During Emergencies Act S. 3574 Sen. Thom Tillis (R-NC)</p>	<p>Prohibits “price gouging”¹ for certain essential goods and services, as determined by FEMA, during the COVID-19 national emergency; subjects individuals that engage in price gouging to criminal penalties of no more than \$500 million.</p>
<p>S. 3582 Sen. Maria Cantwell (D-WA)</p>	<p>Expands eligibility for health care tax credits to workers in critical industries during the COVID-19 national emergency (e.g., national defense or infrastructure workers).</p>
<p>Care for COVID-19 Act 2.0 H.R. 6486 Rep. Raul Ruiz (D-CA)</p>	<p>Requires HHS to establish a special enrollment period during the COVID-19 public health emergency; and requires group health plans and group/individual health insurers to provide coverage, without cost-sharing requirements, for items and services deemed medically necessary to treat COVID-19, among other things.</p>
<p>COVID-19 Treatment Act of 2020 H.R. 6568 Rep. Lisa Blunt Rochester (D-DE)</p>	<p>Requires group health plans and group/individual health insurers to provide coverage, without cost-sharing requirements, for items and services deemed medically necessary to treat COVID-19, including telehealth services, among other things.</p>

¹ In general, the bill defines “price gouging” as selling a good or service covered by a FEMA proclamation at a price that (1) is unconscionably excessive; and (2) indicates the seller is taking unfair advantage of the circumstances related to the COVID-19 emergency to increase prices unreasonably.

<p>COVID Special Enrollment Act of 2020 H.R. 6532 Rep. Lloyd Doggett (D-TX)</p>	<p>Requires HHS to establish a special enrollment period during the COVID-19 public health emergency.</p>
<p>Stop Health Premium Spikes Act of 2020 H.R. 6518 Rep. Scott Peters (D-CA)</p>	<p>Requires HHS to establish and administer a risk corridors program for plan years 2020 and 2021 to pay health insurers offering individual or small group coverage based on the ratio of allowable costs (e.g., all non-administrative costs minus any risk adjustment payments and 1332 reinsurance payments received) and the aggregate premiums.</p>
<p>COVID-19 Price Gouging Prevention Act H.R. 6472 Rep. Jan Schakowsky (D-IL)</p>	<p>Prohibits “price gouging”² for health care services or medical supplies, among other things, during the COVID-19 public health emergency.</p>
<p>Price Gouging Prevention Act H.R. 6450 Rep. Joe Neguse (D-CO)</p>	<p>Prohibits “price gouging”³ for prescription and nonprescription medication, and other necessary health goods, among other things, during any declared emergency for a 30-day period.</p>
<p>Health Care Protection Act H.R. 6810 Rep. Rodney Davis (R-IL)</p>	<p>Provides a framework for COBRA premium subsidies, among other things.</p>
<p>Health Care Emergency Guarantee Act S. 3790 Sen. Bernie Sanders (I-VT)</p>	<p>Prohibits surprise billing for medically necessary healthcare related to COVID-19; prohibits private insurance companies from increasing copayments and deductibles, and decreasing coverage; and amends the Medicare program to cover copays, deductibles, and other out-of-pocket costs for medically necessary healthcare related to COVID-19 for insured individuals, among other things.</p>
<p>Family Savings Flexibility Act H.R. 7008/H.R. 6958 Rep. Brad Wenstrup (R-OH)/Rep. Cindy Axne (D-IA)</p>	<p>Permits beneficiaries to rollover current FSA amounts into the 2021 plan year; and, increases contribution limits for HSAs and FSAs.</p>
<p>Health Care at Home Act of 2020 S. 3741 Sen. Tina Smith (D-MN)</p>	<p>Requires group health plans and group/individual health insurers to provide coverage for certain telehealth services (i.e., services that would have been covered if they were provided in person) during the COVID-19 emergency.</p>

² *Id.*

³ *Id.*

<p>Make Medications Affordable by Preventing Pandemic Price-gouging Act H.R. 7296 Rep. Jan Schakowsky (D-IL)</p>	<p>Incorporates various provisions aimed at protecting consumers from drug price gouging—including requiring drug manufacturers to publicly report total expenditures on any drug used to diagnose, mitigate, prevent, or treat COVID-19—among other things.</p>
<p>Patients Before Profits Act of 2020 H.R. 7267 Rep. Katie Porter (D-CA)</p>	<p>Prohibits group health plans and insurers offering group or individual health insurance coverage from reducing contracted rates or terminating contracts with providers located in an emergency area during a public health emergency.</p>
<p>Affordable Coronavirus Testing Act S. 4198 Sen. Rick Scott (R-FL)</p>	<p>Requires group health plans and insurers offering group or individual health insurance coverage to provide coverage for COVID-19 serology tests during plan years 2020 and 2021, without imposing cost sharing requirements (e.g., deductibles, copayments, and coinsurance), prior authorization, or other medical management requirements.</p>
<p>Preserving Patient Savings on Drug Costs Act H.R. 7647 Rep. Donald McEachin (D-VA)</p>	<p>Delays implementation of HHS’ 2021 Notice of Benefit and Payment Parameters rule for one year after the COVID-19 public health emergency ends.</p>
<p>Pandemic Eradication and Enhanced Prevention through Savings Act H.R. 7825 Rep. Ken Buck (R-CO)</p>	<p>Permits the use of an HSA, FSA, and Archer MSA to pay premiums for COBRA coverage during calendar year 2020 and amends certain HSA eligibility requirements, among other things.</p>
<p>Public Health Emergency COBRA Extension Act H.R. 7942 Rep. Linda Sanchez (D-CA)</p>	<p>Permits individuals to extend COBRA continuation coverage through the last day of the 1-year period following the COVID-19 emergency, among other things.</p>
<p>Telehealth Coverage and Payment Parity Act H.R. 8308 Rep. Dean Phillips (D-MN)</p>	<p>Requires group health plans and insurers offering group or individual health insurance coverage to provide coverage for telehealth services if such services would be covered if furnished in-person.</p>