

116TH CONGRESS
2D SESSION

H. R. 6130

To require the Secretary of Labor to update the model COBRA continuation coverage general notice and the model COBRA continuation coverage election notice, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 9, 2020

Mr. HARDER of California (for himself and Mr. SCHRADER) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To require the Secretary of Labor to update the model COBRA continuation coverage general notice and the model COBRA continuation coverage election notice, 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 “Improving Awareness
5 of Health Coverage Options Act”.

1 **SEC. 2. REQUIREMENT FOR SECRETARY OF LABOR TO UP-**
2 **DATE MODEL COBRA CONTINUATION COV-**
3 **ERAGE GENERAL NOTICE AND MODEL COBRA**
4 **CONTINUATION COVERAGE ELECTION NO-**
5 **TICE.**

6 (a) IN GENERAL.—Not later than 90 days after the
7 date of the enactment of this Act, the Secretary of Labor,
8 in consultation with the Secretary of Health and Human
9 Services, shall update, and make publicly available in a
10 prominent location on the website of the Department of
11 Labor, the model Consolidated Omnibus Budget Reconcili-
12 ation Act of 1985 (referred to in this section as
13 “COBRA”) continuation coverage general notice and the
14 model COBRA continuation coverage election notice devel-
15 oped by the Secretary of Labor for purposes of facilitating
16 compliance of group health plans with the notification re-
17 quirements under section 606 of the Employee Retirement
18 Income Security Act of 1974 (29 U.S.C. 1166). In updat-
19 ing each such notice, the Secretary of Labor shall include
20 information regarding any Exchange established under
21 title I of the Patient Protection and Affordable Care Act
22 through which a qualified beneficiary may be eligible to
23 enroll in a qualified health plan, including—

24 (1) the publicly accessible internet website ad-
25 dress for such Exchange;

1 (2) the publicly accessible internet website ad-
2 dress for the Find Local Help directory maintained
3 by the Department of Health and Human Services
4 on the healthcare.gov internet website (or a suc-
5 cessor website);

6 (3) a clear explanation that—

7 (A) an individual who is eligible for con-
8 tinuation coverage may also be eligible to enroll,
9 with financial assistance, in a qualified health
10 plan offered through such Exchange, but, in the
11 case that such individual elects to enroll in such
12 continuation coverage and subsequently elects
13 to terminate such continuation coverage before
14 the period of such continuation coverage ex-
15 pires, such individual will not be eligible to en-
16 roll in a qualified health plan offered through
17 such Exchange during a special enrollment pe-
18 riod; and

19 (B) an individual who elects to enroll in
20 continuation coverage will remain eligible to en-
21 roll in a qualified health plan offered through
22 such Exchange during an open enrollment pe-
23 riod and may be eligible for financial assistance
24 with respect to enrolling in such a qualified
25 health plan;

1 (4) information on consumer protections with
2 respect to enrolling in a qualified health plan offered
3 through such Exchange, including the requirement
4 for such a qualified health plan to provide coverage
5 for essential health benefits (as defined in section
6 1302(b) of such Act (42 U.S.C. 18022(b))) and the
7 requirements applicable to such a qualified health
8 plan under part A of title XXVII of the Public
9 Health Service Act (42 U.S.C. 300gg et seq.); and

10 (5) information on the availability of financial
11 assistance with respect to enrolling in a qualified
12 health plan, including the maximum income limit for
13 eligibility for a premium tax credit under section
14 36B of the Internal Revenue Code of 1986.

15 (b) NAME OF NOTICES.—In addition to updating the
16 model COBRA continuation coverage general notice and
17 the model COBRA continuation coverage election notice
18 under subsection (a), the Secretary of Labor shall rename
19 each such notice as the “model COBRA continuation cov-
20 erage and Affordable Care Act coverage general notice”
21 and the “model COBRA continuation coverage and Af-
22 fordable Care Act coverage election notice”, respectively.

23 (c) CONSUMER TESTING.—Prior to making publicly
24 available the model COBRA continuation coverage general
25 notice and the model COBRA continuation coverage elec-

1 tion notice updated under subsection (a), the Secretary of
2 Labor shall provide an opportunity for consumer testing
3 of each such notice, as so updated, to ensure that each
4 such notice is clear and understandable to the average
5 participant or beneficiary of a group health plan.

6 (d) DEFINITIONS.—In this section:

7 (1) CONTINUATION COVERAGE.—The term
8 “continuation coverage”, with respect to a group
9 health plan, has the meaning given such term in sec-
10 tion 602 of the Employee Retirement Income Secu-
11 rity Act of 1974 (29 U.S.C. 1162).

12 (2) GROUP HEALTH PLAN.—The term “group
13 health plan” has the meaning given such term in
14 section 607 of such Act (29 U.S.C. 1167).

15 (3) QUALIFIED BENEFICIARY.—The term
16 “qualified beneficiary” has the meaning given such
17 term in such section 607.

18 (4) QUALIFIED HEALTH PLAN.—The term
19 “qualified health plan” has the meaning given such
20 term in section 1301 of the Patient Protection and
21 Affordable Care Act (42 U.S.C. 18021).

○