

[DISCUSSION DRAFT]

117TH CONGRESS
2^D SESSION

H. R. _____

To amend title XXVII of the Public Health Service Act to establish requirements for the disclosure of certain information relating to health care sharing ministries, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. HUFFMAN introduced the following bill; which was referred to the Committee on _____

A BILL

To amend title XXVII of the Public Health Service Act to establish requirements for the disclosure of certain information relating to health care sharing ministries, 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 “_____ Act
5 of 2022”.

1 **SEC. 2. ESTABLISHING REQUIREMENTS FOR THE DISCLO-**
2 **SURE OF CERTAIN INFORMATION RELATING**
3 **TO HEALTH CARE SHARING MINISTRIES.**

4 (a) IN GENERAL.—Title XXVII of the Public Health
5 Service Act (42 U.S.C. 300gg et seq.) is amended by add-
6 ing at the end the following new part:

7 **“PART F—HEALTH CARE SHARING MINISTRIES**
8 **“SEC. 2799C-1. DISCLOSURE OF INFORMATION.**

9 “(a) IN GENERAL.—A health care sharing ministry
10 (as defined in section 5000A(d)(2)(B)(ii) of the Internal
11 Revenue Code of 1986)—

12 “(1) shall, not less frequently than annually,
13 submit to the Secretary, the Commissioner of Inter-
14 nal Revenue, and the Director of the Bureau of Con-
15 sumer Financial Protection the information de-
16 scribed in subsection (b);

17 “(2) shall disclose to each individual seeking to
18 enroll in the ministry, and each individual so en-
19 rolled, the information described in paragraph (1) of
20 subsection (c) in the manner specified in paragraph
21 (2) of such subsection; and

22 “(3) may not enter into a contract with an enti-
23 ty for purposes of enrolling an individual in such
24 ministry, or otherwise provide remuneration to such
25 an entity in exchange for enrolling an individual in

1 such ministry, unless such entity meets the require-
2 ments described in subsection (d).

3 “(b) DISCLOSURE OF FINANCIAL AND APPEALS IN-
4 FORMATION.—

5 “(1) IN GENERAL.—For purposes of subsection
6 (a)(1), the information described in this subsection
7 is, with respect to a health care sharing ministry,
8 the following:

9 “(A) The amount of financial reserves held
10 by such ministry.

11 “(B) The ratio of the amount of money
12 collected from enrollees for purposes of reim-
13 bursing enrollees for medical claims expended
14 by such ministry on costs described in para-
15 graphs (1) and (2) of section 2718(a) to the
16 total amount of money so collected for the pre-
17 ceding year.

18 “(C) The number of individuals enrolled in
19 such ministry.

20 “(D) The total amount paid by individuals
21 enrolled in such ministry for coverage under
22 such ministry over the preceding year.

23 “(E) The total amount paid by such min-
24 istry for items and services for which benefits

1 were available under such ministry over the pre-
2 ceding year.

3 “(F) The average out-of-pocket expenses
4 incurred by individuals enrolled under such
5 ministry for items and services for which bene-
6 fits are available under such ministry over the
7 preceding year.

8 “(G) A list of each State and county in
9 which individuals who reside in such State or
10 county may enroll in such ministry.

11 “(H) The percentage of claims made under
12 such ministry during the preceding year which
13 were denied.

14 “(I) Contact information for the operator
15 (or a representative of the operator) of such
16 ministry.

17 “(J) A specification of each health care
18 provider with which such ministry has in effect
19 a contractual relationship for furnishing items
20 and services under such ministry.

21 “(K) The average amount of time such
22 ministry took to reimburse a claim once sub-
23 mitted to such ministry during the preceding
24 year.

1 “(2) PUBLICATION.—The Secretary shall pub-
2 lish the information submitted under subsection
3 (a)(1) on a public website.

4 “(c) DISCLOSURE OF INFORMATION TO PROSPECTIVE
5 AND CURRENT ENROLLEES.—

6 “(1) IN GENERAL.—For purposes of subsection
7 (a)(2), the information described in this paragraph
8 is, with respect to a health care sharing ministry,
9 the following:

10 “(A) How an enrollee may file a complaint
11 or appeal a coverage determination, including a
12 disclaimer that appeals may not be available to
13 any entity other than such ministry;

14 “(B) Whether an enrollee must use arbi-
15 tration in appealing a coverage determination
16 or has other legal recourse.

17 “(C) An explanation that, unlike a group
18 health plan or health insurance coverage, there
19 is no guarantee that an enrollee will be reim-
20 bursed for any portion of claims submitted to
21 such ministry, as well as a specification of
22 whether any lifetime caps on health care shar-
23 ing per enrollee are imposed under such min-
24 istry.

1 “(D) The information described in sub-
2 section (b)(1)(F).

3 “(E) The average amount paid per enrollee
4 to such ministry for membership under such
5 ministry over the preceding year.

6 “(F) With respect to claims made during
7 the preceding year for items and services for
8 which benefits were available under such min-
9 istry, the total amount paid by such ministry
10 for such claims compared and the total amount
11 for which individuals enrolled under such min-
12 istry were responsible in cost sharing.

13 “(G) A list of all items and services for
14 which reimbursement is not available under
15 such ministry, as well as, with respect to each
16 item or service for which such reimbursement is
17 so available, a specification of any conditions
18 that would render such item or service nonreim-
19 bursable.

20 “(H) A list of any other requirements im-
21 posed on claims submitted for health care shar-
22 ing under such ministry.

23 “(2) MANNER OF DISCLOSURE.—For purposes
24 of subsection (a)(2), information described in para-
25 graph (1) shall be—

1 “(A) disclosed in a prominent manner;

2 “(B) made available in multiple languages;

3 “(C) provided immediately before enroll-
4 ment of any individual in a health care sharing
5 ministry; and

6 “(D) be written in at least 14 point font
7 (or, if such enrollment is being made over the
8 phone, be read out loud).

9 “(d) ENTITY REQUIREMENTS.—For purposes of sub-
10 section (a)(3), the requirements described in this sub-
11 section are, with respect to an entity with a contract in
12 effect with a health care sharing ministry for purposes of
13 enrolling an individual in such ministry (or otherwise re-
14 ceiving remuneration from such ministry in exchange for
15 enrolling an individual in such ministry), that such entity
16 provides to such individual—

17 “(1) an explanation of any tax credit that may
18 be available to such individual under section 36B of
19 the Internal Revenue Code of 1986 to purchase a
20 qualified health plan (as defined in section 1301(a)
21 of the Patient Protection and Affordable Care Act)
22 through an Exchange established pursuant to such
23 Act;

24 “(2) if such individual qualifies to enroll under
25 a State plan (or waiver of such plan) under title

1 XIX of the Social Security Act, or if such individual
2 is entitled to benefits under part A or eligible to en-
3 roll under part B of title XVIII of such Act, an ex-
4 planation of such qualification, entitlement, or eligi-
5 bility;

6 “(3) an explanation of the types of benefits re-
7 quired to be provided under such plans and other
8 protections applicable under such plans (such as lim-
9 itations on cost sharing) compared to the benefits
10 provided, and cost-sharing requirements imposed,
11 under such ministry; and

12 “(4) an explanation that such ministry is not a
13 group health plan or health insurance coverage and
14 that benefits provided under such ministry are not
15 guaranteed.

16 “(e) ENFORCEMENT.—In the case that the Secretary
17 determines that a health care sharing ministry has failed
18 to meet a requirement of this section, the Secretary may
19 impose a civil monetary penalty on such ministry in an
20 amount not to exceed \$100 for each day for each indi-
21 vidual with respect to which such a failure occurs. The
22 provisions of subparagraphs (C) through (G) of paragraph
23 (2) of section 2723 shall apply to a civil monetary penalty
24 imposed under this subsection in the same manner as such

1 provisions apply to a civil monetary penalty imposed under
2 such section.

3 “(f) DEFINITIONS.—For purposes of this section,
4 with respect to a health care sharing ministry, the terms
5 ‘claim’, ‘reimbursement’, and ‘coverage’ have the meaning
6 given such terms by the Secretary.”.

7 (b) DISCLOSURES BY FEDERAL TRADE COMMISSION
8 REGARDING CONSUMER COMPLAINTS.—

9 (1) IN GENERAL.—Not later than January 1
10 and July 1 of each year, the Federal Trade Commis-
11 sion shall publicly disclose on the internet website of
12 the Commission, and transmit to the Secretary of
13 Health and Human Services and the Commissioner
14 of Internal Revenue—

15 (A) the number of consumer complaints re-
16 garding health care sharing ministries (as de-
17 fined in section 5000A(d)(2)(B)(ii) of the Inter-
18 nal Revenue Code of 1986) received by the
19 Commission during the period covered by the
20 disclosure;

21 (B) the general categories (as determined
22 by the Commission) of the complaints described
23 in subparagraph (A); and

24 (C) with respect to each complaint de-
25 scribed in subparagraph (A)—

1 (i) the name of the health care shar-
2 ing ministry against which the complaint
3 was made; and

4 (ii) such details as the Commission
5 considers appropriate regarding the owner-
6 ship, operation, and executive leadership of
7 such ministry.

8 (2) TIMING OF INITIAL DISCLOSURE.—Para-
9 graph (1) shall apply beginning on the January 1 or
10 July 1 that first occurs after the date that is 90
11 days after the date of the enactment of this Act.