

## HR 2355

Health Care Choice Act of 2005

**Congress:** 109 (2005–2007, Ended)

**Chamber:** House

**Policy Area:** Health

**Introduced:** May 12, 2005

**Current Status:** Placed on the Union Calendar, Calendar No. 207.

**Latest Action:** Placed on the Union Calendar, Calendar No. 207. (Feb 16, 2006)

**Official Text:** <https://www.congress.gov/bill/109th-congress/house-bill/2355>

### Sponsor

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**Name:** Rep. Shadegg, John B. [R-AZ-3]

**Party:** Republican • **State:** AZ • **Chamber:** House

**Cosponsors** (72 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Akin, W. Todd [R-MO-2]	R · MO		May 12, 2005
Rep. Bartlett, Roscoe G. [R-MD-6]	R · MD		May 12, 2005
Rep. Cannon, Chris [R-UT-3]	R · UT		May 12, 2005
Rep. Carter, John R. [R-TX-31]	R · TX		May 12, 2005
Rep. Cole, Tom [R-OK-4]	R · OK		May 12, 2005
Rep. Cox, Christopher [R-CA-48]	R · CA		May 12, 2005
Rep. Cubin, Barbara [R-WY-At Large]	R · WY		May 12, 2005
Rep. Feeney, Tom [R-FL-24]	R · FL		May 12, 2005
Rep. Flake, Jeff [R-AZ-6]	R · AZ		May 12, 2005
Rep. Franks, Trent [R-AZ-2]	R · AZ		May 12, 2005
Rep. Green, Mark [R-WI-8]	R · WI		May 12, 2005
Rep. Gutknecht, Gil [R-MN-1]	R · MN		May 12, 2005
Rep. Hensarling, Jeb [R-TX-5]	R · TX		May 12, 2005
Rep. Herger, Wally [R-CA-2]	R · CA		May 12, 2005
Rep. Hoekstra, Peter [R-MI-2]	R · MI		May 12, 2005
Rep. Hostettler, John N. [R-IN-8]	R · IN		May 12, 2005
Rep. Istook, Ernest J., Jr. [R-OK-5]	R · OK		May 12, 2005
Rep. Jones, Walter B., Jr. [R-NC-3]	R · NC		May 12, 2005
Rep. Kennedy, Mark R. [R-MN-6]	R · MN		May 12, 2005
Rep. King, Steve [R-IA-5]	R · IA		May 12, 2005
Rep. Linder, John [R-GA-7]	R · GA		May 12, 2005
Rep. McHenry, Patrick T. [R-NC-10]	R · NC		May 12, 2005
Rep. Miller, Jeff [R-FL-1]	R · FL		May 12, 2005
Rep. Musgrave, Marilyn N. [R-CO-4]	R · CO		May 12, 2005
Rep. Myrick, Sue Wilkins [R-NC-9]	R · NC		May 12, 2005
Rep. Otter, C. L. (Butch) [R-ID-1]	R · ID		May 12, 2005
Rep. Paul, Ron [R-TX-14]	R · TX		May 12, 2005
Rep. Pence, Mike [R-IN-6]	R · IN		May 12, 2005
Rep. Price, Tom [R-GA-6]	R · GA		May 12, 2005
Rep. Radanovich, George [R-CA-19]	R · CA		May 12, 2005
Rep. Renzi, Rick [R-AZ-1]	R · AZ		May 12, 2005
Rep. Rohrabacher, Dana [R-CA-46]	R · CA		May 12, 2005
Rep. Ryan, Paul [R-WI-1]	R · WI		May 12, 2005
Rep. Ryun, Jim [R-KS-2]	R · KS		May 12, 2005
Rep. Sensenbrenner, F. James, Jr. [R-WI-5]	R · WI		May 12, 2005
Rep. Sessions, Pete [R-TX-32]	R · TX		May 12, 2005
Rep. Souder, Mark E. [R-IN-3]	R · IN		May 12, 2005
Rep. Wamp, Zach [R-TN-3]	R · TN		May 12, 2005
Rep. Weldon, Dave [R-FL-15]	R · FL		May 12, 2005
Rep. Wicker, Roger F. [R-MS-1]	R · MS		May 12, 2005
Rep. Wilson, Joe [R-SC-2]	R · SC		May 12, 2005

Cosponsor	Party / State	Role	Date Joined
Rep. Chocola, Chris [R-IN-2]	R · IN		May 17, 2005
Rep. Tancredo, Thomas G. [R-CO-6]	R · CO		May 19, 2005
Rep. Inglis, Bob [R-SC-4]	R · SC		May 23, 2005
Rep. Sodrel, Michael E. [R-IN-9]	R · IN		May 24, 2005
Rep. McMorris, Cathy [R-WA-5]	R · WA		May 25, 2005
Rep. Stearns, Cliff [R-FL-6]	R · FL		Jun 7, 2005
Rep. Marchant, Kenny [R-TX-24]	R · TX		Jun 13, 2005
Rep. Whitfield, Ed [R-KY-1]	R · KY		Jun 13, 2005
Rep. Bilirakis, Michael [R-FL-9]	R · FL		Jun 14, 2005
Rep. Putnam, Adam H. [R-FL-12]	R · FL		Jun 14, 2005
Rep. Hall, Ralph M. [R-TX-4]	R · TX		Jun 15, 2005
Rep. Shimkus, John [R-IL-19]	R · IL		Jun 22, 2005
Rep. McCaul, Michael T. [R-TX-10]	R · TX		Jun 24, 2005
Rep. Upton, Fred [R-MI-6]	R · MI		Jun 24, 2005
Rep. Bono, Mary [R-CA-45]	R · CA		Jun 27, 2005
Rep. Towns, Edolphus [D-NY-10]	D · NY		Jun 27, 2005
Rep. Capito, Shelley Moore [R-WV-2]	R · WV		Jun 28, 2005
Rep. Davis, Tom [R-VA-11]	R · VA		Jun 30, 2005
Rep. Boustany, Charles W., Jr. [R-LA-7]	R · LA		Jul 11, 2005
Rep. Northup, Anne M. [R-KY-3]	R · KY		Jul 11, 2005
Rep. Tiahrt, Todd [R-KS-4]	R · KS		Jul 11, 2005
Rep. Shaw, E. Clay, Jr. [R-FL-22]	R · FL		Jul 12, 2005
Rep. Simmons, Rob [R-CT-2]	R · CT		Jul 13, 2005
Rep. Burton, Dan [R-IN-5]	R · IN		Jul 14, 2005
Rep. Kingston, Jack [R-GA-1]	R · GA		Jul 14, 2005
Rep. Peterson, John E. [R-PA-5]	R · PA		Jul 19, 2005
Rep. Blackburn, Marsha [R-TN-7]	R · TN		Jul 21, 2005
Rep. Hart, Melissa A. [R-PA-4]	R · PA		Jul 21, 2005
Rep. Calvert, Ken [R-CA-44]	R · CA		Nov 15, 2005
Rep. Pombo, Richard W. [R-CA-11]	R · CA		Nov 15, 2005
Rep. Platts, Todd Russell [R-PA-19]	R · PA		Feb 8, 2006

### Committee Activity

Committee	Chamber	Activity	Date
Energy and Commerce Committee	House	Discharged from	Jul 20, 2005

### Subjects & Policy Tags

#### Policy Area:

Health

Related Bills

Bill	Relationship	Last Action
109 S 1015	Identical bill	<b>May 12, 2005:</b> Read twice and referred to the Committee on Health, Education, Labor, and Pensions. (text of measure as introduced: CR S5103-5105)

Health Care Choice Act of 2005 - (Sec. 4) Amends the Public Health Service Act to provide that the laws of the state designated by a health insurance issuer (primary state) shall apply to individual health insurance coverage offered by that issuer in the primary state and in any other state (secondary state), but only if the coverage and issuer comply with the conditions of this Act.

Exempts issuers from any secondary state's laws that would prohibit or regulate the operation of the issuer in such state, except that any such state may require such an issuer to: (1) pay applicable premium and other taxes which are levied on insurers, brokers, or policyholders in that state; (2) register with and designate the state insurance commissioner as its agent for the purpose of receiving services of legal documents or process; (3) submit to a qualified examination of its financial condition if the primary state has not done an examination within the period recommended by the National Association of Insurance Commissioners; (4) comply with a lawful order issued in a delinquency proceeding related to a financial impairment or in a voluntary dissolution proceeding; (5) comply with an injunction issued by a court of competent jurisdiction upon a petition by the state insurance commission alleging that the issuer is in hazardous financial condition; (6) participate in any insurance insolvency guaranty association or similar association to which an issuer in the state is required to belong; (7) comply with any state law regarding fraud and abuse or unfair claims settlement practices; or (8) comply with the applicable requirements for independent review with respect to coverage offered in the state.

Exempts issuers from any secondary state's laws that would: (1) require any individual health insurance coverage to be countersigned by an insurance agent or broker residing in such state; or (2) otherwise discriminate against the issuer issuing insurance in both the primary and secondary states.

Specifies the notice that an issuer must provide in any insurance coverage offered in a secondary state and at renewal of the policy.

Prohibits an issuer that provides individual health insurance coverage in a primary or secondary state, upon renewal, from: (1) moving or reclassifying the insured based on the individual's health-status related factors; or (2) increasing the premiums assessed based on the individual's health status-related factors or past or prospective claim experience.

Prohibits an issuer from offering for sale individual health insurance coverage in a secondary state unless that coverage is currently offered for sale in the primary state.

Allows a state to require that a person acting as an agent or broker for an issuer offering individual health insurance coverage obtain a license from that state. Prohibits a state from imposing any qualification or requirement which discriminates against a nonresident agent or broker.

Requires each issuer issuing individual health insurance coverage in both primary and secondary states to submit to: (1) the insurance commissioners of such states a copy of the plan of operation or feasibility study and written notice of any change in its designation of its primary state and of its compliance with all the laws of the primary state; and (2) the insurance commission of each secondary state a copy of the issuer's quarterly financial statement that was submitted to the primary state.

Requires an issuer to comply with the guaranteed availability requirements under the Public Health Service Act if: (1) the issuer is offering coverage in a primary state that does not accommodate, or provide a working mechanism for, residents of a secondary state; and (2) the secondary state has not adopted a qualified high risk pool as its acceptable alternative mechanism.

Prohibits an issuer from offering, selling, or issuing individual health insurance coverage in a secondary state if the state insurance commissioner does not use a risk-based capital formula for the determination of capital and surplus requirements for all issuers.

Prohibits an issuer from offering, selling, or issuing individual health insurance coverage in a secondary state unless: (1) both the secondary and primary states have legislation or regulations in place establishing an independent review process for individuals who have individual health insurance coverage; or (2) the issuer provides an acceptable mechanism under which the review is conducted by an independent medical reviewer or panel.

Sets forth criteria for qualification as an independent medical reviewer, including that such person: (1) be a physician or health care professional; and (2) not have a conflict of interest. Provides that compensation provided by the issuer to an independent medical reviewer shall not exceed a reasonable level nor be contingent on the decision rendered.

Gives sole jurisdiction to the primary state to enforce the primary state's covered laws in the primary state and any secondary state. Allows the secondary state to notify the primary state if the coverage offered in a secondary state fails to comply with the covered laws of the primary state.

Requires the Comptroller General to study and report to Congress on the effect of this Act on: (1) the number of uninsured and underinsured; (2) the availability and cost of health insurance policies for individuals with preexisting medical conditions; (3) the availability and cost of health insurance policies generally; (4) the elimination or reduction of different types of benefits under health insurance policies offered in different states; and (5) cases of fraud or abuse relating to health insurance coverage offered under this Act and the resolution of such cases.

## Actions Timeline

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- **Feb 16, 2006:** Reported (Amended) by the Committee on Energy and Commerce. H. Rept. 109-378.
- **Feb 16, 2006:** Reported (Amended) by the Committee on Energy and Commerce. H. Rept. 109-378.
- **Feb 16, 2006:** Placed on the Union Calendar, Calendar No. 207.
- **Jul 20, 2005:** Subcommittee on Health Discharged.
- **Jul 20, 2005:** Committee Consideration and Mark-up Session Held.
- **Jul 20, 2005:** Ordered to be Reported (Amended) by the Yeas and Nays: 24 - 23.
- **Jun 28, 2005:** Subcommittee Hearings Held.
- **May 23, 2005:** Referred to the Subcommittee on Health.
- **May 12, 2005:** Introduced in House
- **May 12, 2005:** Introduced in House
- **May 12, 2005:** Referred to the House Committee on Energy and Commerce.