

HR 3925

To amend the Employee Retirement Income Security Act of 1974 to preclude preemption of a State cause of action relating to a denial of a claim for benefits under a health care plan.

Congress: 111 (2009–2011, Ended)

Chamber: House

Policy Area: Health

Introduced: Oct 26, 2009

Current Status: Referred to the Subcommittee on Health, Employment, Labor, and Pensions.

Latest Action: Referred to the Subcommittee on Health, Employment, Labor, and Pensions. (Dec 8, 2009)

Official Text: <https://www.congress.gov/bill/111th-congress/house-bill/3925>

Sponsor

Name: Rep. McDermott, Jim [D-WA-7]

Party: Democratic • **State:** WA • **Chamber:** House

Cosponsors

No cosponsors are listed for this bill.

Committee Activity

Committee	Chamber	Activity	Date
Education and Workforce Committee	House	Referred to	Dec 8, 2009

Subjects & Policy Tags

Policy Area:

Health

Related Bills

No related bills are listed.

Amends the Employee Retirement Income Security Act of 1974 (ERISA) to preclude federal preemption of a cause of action brought under state law by a participant or beneficiary under a group health plan to recover damages resulting from personal injury or for wrongful death against the plan, the plan sponsor, any health insurance issuer offering health insurance coverage in connection with the plan, or any managed care entity in connection with the plan if such cause of action arises by reason of a medically reviewable decision denying a benefits claim. Allows such a cause of action under state law against any employer or other plan sponsor maintaining the plan (or against an employee of such an employer or sponsor acting within the scope of employment) to the extent that there was direct participation by the employer or other plan sponsor (or employee) in such decision.

Declares that this waiver of federal preemption does not apply (that is, ERISA does supersede state law) with respect to: (1) any cause of action against an employer or other plan sponsor maintaining the plan (or against an employee of such an employer or sponsor acting within the scope of employment), except where the employer or plan sponsor (or employee) participated directly in the decision to deny the claim; or (2) a right of recovery, indemnity, or contribution by a person against an employer or other plan sponsor (or such an employee) for damages assessed against the person pursuant to a cause of action under state law allowed by this Act.

Actions Timeline

- **Dec 8, 2009:** Referred to the Subcommittee on Health, Employment, Labor, and Pensions.
- **Oct 26, 2009:** Introduced in House
- **Oct 26, 2009:** Referred to the House Committee on Education and Labor.