

## HR 4038

### Common Sense Health Care Reform and Affordability Act

**Congress:** 111 (2009–2011, Ended)

**Chamber:** House

**Policy Area:** Health

**Introduced:** Nov 6, 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/4038>

## Sponsor

---

**Name:** Rep. Camp, Dave [R-MI-4]

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

## Cosponsors (27 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Barton, Joe [R-TX-6]	R · TX		Nov 6, 2009
Rep. Blunt, Roy [R-MO-7]	R · MO		Nov 6, 2009
Rep. Boehner, John A. [R-OH-8]	R · OH		Nov 6, 2009
Rep. Boustany, Charles W., Jr. [R-LA-7]	R · LA		Nov 6, 2009
Rep. Brady, Kevin [R-TX-8]	R · TX		Nov 6, 2009
Rep. Buyer, Steve [R-IN-4]	R · IN		Nov 6, 2009
Rep. Cantor, Eric [R-VA-7]	R · VA		Nov 6, 2009
Rep. Carter, John R. [R-TX-31]	R · TX		Nov 6, 2009
Rep. Davis, Geoff [R-KY-4]	R · KY		Nov 6, 2009
Rep. Dreier, David [R-CA-26]	R · CA		Nov 6, 2009
Rep. Herger, Wally [R-CA-2]	R · CA		Nov 6, 2009
Rep. Johnson, Sam [R-TX-3]	R · TX		Nov 6, 2009
Rep. Kline, John [R-MN-2]	R · MN		Nov 6, 2009
Rep. Linder, John [R-GA-7]	R · GA		Nov 6, 2009
Rep. McCarthy, Kevin [R-CA-22]	R · CA		Nov 6, 2009
Rep. McCotter, Thaddeus G. [R-MI-11]	R · MI		Nov 6, 2009
Rep. Pence, Mike [R-IN-6]	R · IN		Nov 6, 2009
Rep. Reichert, David G. [R-WA-8]	R · WA		Nov 6, 2009
Rep. Roskam, Peter J. [R-IL-6]	R · IL		Nov 6, 2009
Rep. Scalise, Steve [R-LA-1]	R · LA		Nov 6, 2009
Rep. Sessions, Pete [R-TX-32]	R · TX		Nov 6, 2009
Rep. Stearns, Cliff [R-FL-6]	R · FL		Nov 6, 2009
Rep. Tiberi, Patrick J. [R-OH-12]	R · OH		Nov 6, 2009
Rep. Shimkus, John [R-IL-19]	R · IL		Mar 3, 2010
Rep. Calvert, Ken [R-CA-44]	R · CA		May 12, 2010
Rep. Blackburn, Marsha [R-TN-7]	R · TN		Jun 9, 2010
Rep. Platts, Todd Russell [R-PA-19]	R · PA		Jul 14, 2010

## Committee Activity

Committee	Chamber	Activity	Date
Education and Workforce Committee	House	Referred to	Dec 8, 2009
Energy and Commerce Committee	House	Referred to	Nov 7, 2009
Judiciary Committee	House	Referred To	Nov 6, 2009
Ways and Means Committee	House	Referred To	Nov 6, 2009

## Subjects & Policy Tags

### Policy Area:

Health

## Related Bills

No related bills are listed.

Common Sense Health Care Reform and Affordability Act - Requires each state to mitigate the cost of high risk individuals in the state through: (1) a state reinsurance program; or (2) a state high risk pool.

Prohibits a health insurance issuer from applying an annual or lifetime aggregate spending cap on any health insurance coverage or plan offered by such issuer.

Requires the Secretary of Health and Human Services (HHS) to pay awards to states for reducing the premiums in the small group market or the individual market or reducing the percentage of uninsured, nonelderly residents in a state.

Amends the Employee Retirement Income Security Act of 1974 (ERISA) to provide for establishment and governance of association health plans, which are group health plans whose sponsors are trade, industry, professional, chamber of commerce, or similar business associations and which meet certain ERISA certification requirements.

Amends ERISA, the Public Health Service Act, and the Internal Revenue Code to require group health plans that provide dependent coverage of children to continue to treat an individual as a dependent until at least 25 years of age.

Prohibits a state from establishing a law that prevents an employer from instituting auto-enrollment for coverage under a group health plan, so long as the participant or beneficiary has the option of declining such coverage.

Directs 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 conditions of this Act.

Revises provisions related to health savings accounts (HSAs), including to allow the payment of premiums for high deductible health plans from HSA accounts.

Sets conditions for lawsuits arising from health care liability claims regarding health care goods or services or any medical product affecting interstate commerce. Establishes a statute of limitations and limits noneconomic and punitive damages.

Declares that nothing in this Act shall be construed to interfere with the doctor-patient relationship or the practice of medicine.

Repeals provisions establishing the Federal Coordinating Council for Comparative Effectiveness Research.

Permits a group health plan to vary premiums and cost-sharing by up to 50% of the benefits based on participation (or lack of participation) in a wellness program.

Prohibits funds authorized or appropriated by federal law and funds in any trust fund to which funds are authorized or appropriated by federal law from being expended for any abortion.

Allows a person to submit an application for licensure of a biological product based on its similarity to a licensed biological product (the reference product).

## Actions Timeline

---

- **Dec 8, 2009:** Referred to the Subcommittee on Health, Employment, Labor, and Pensions.
- **Nov 7, 2009:** Referred to the Subcommittee on Health.
- **Nov 6, 2009:** Introduced in House
- **Nov 6, 2009:** Referred to House Energy and Commerce
- **Nov 6, 2009:** Referred to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and Labor, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.
- **Nov 6, 2009:** Referred to House Ways and Means
- **Nov 6, 2009:** Referred to House Education and Labor
- **Nov 6, 2009:** Referred to House Judiciary