

113TH CONGRESS
2D SESSION

S. 2173

To amend the Patient Protection and Affordable Care Act to provide a permanent path for the direct enrollment of individuals in qualified health plans.

IN THE SENATE OF THE UNITED STATES

MARCH 27, 2014

Ms. LANDRIEU (for herself, Mr. MANCHIN, Mr. WARNER, Ms. HEITKAMP, and Mr. BEGICH) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Patient Protection and Affordable Care Act to provide a permanent path for the direct enrollment of individuals in qualified health plans.

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 “Consumers Having Op-
5 tions in Choosing Enrollment Act” or the “CHOICE Act”.

6 **SEC. 2. PERMANENT PATHWAY FOR DIRECT ENROLLMENT.**

7 (a) FINDINGS.—Congress finds the following:

8 (1) Successful implementation of the Patient
9 Protection and Affordable Care Act (referred to in

1 this section as the “ACA”) is critical to ensuring
2 that more Americans are able to access health care
3 coverage.

4 (2) The ACA provided for the establishment of
5 new State-based or, in the absence of State action,
6 federally facilitated marketplaces to help connect
7 consumers with health insurance options and cov-
8 erage.

9 (3) As part of the regulatory guidance related
10 to the marketplaces, the Department of Health and
11 Human Services provided consumers with an option
12 to enroll in health insurance coverage directly,
13 known as direct enrollment.

14 (4) The Department of Health and Human
15 Services also permits enrollment through an Ex-
16 change with the assistance of an agent or broker, in-
17 cluding permitting consumers to select a product on
18 the Internet website of an agent or broker.

19 (5) Consumers should be permitted a perma-
20 nent option to enroll directly with a qualified health
21 plan issuer, or Internet website of an agent or
22 broker, in a manner consistent with the market-
23 places and as long as certain consumer protections
24 are followed.

1 (6) Consumers should continue to be informed
 2 that other health insurance products are available
 3 and offered.

4 (7) Consumers should be notified of their eligi-
 5 bility determination for coverage through the Ex-
 6 change Internet website for premium tax credits and
 7 cost sharing reductions.

8 (8) Direct enrollment is not a new idea and has
 9 proven to work successfully in getting seniors cov-
 10 erage through the Medicare Advantage program and
 11 the Medicare Part D program.

12 (9) Providing a permanent pathway for con-
 13 sumers to directly enroll with a qualified health plan
 14 issuer or the certified Internet website of an agent
 15 or broker gives such consumers another option to
 16 sign up for health insurance coverage and takes the
 17 United States one step closer to achieving the goals
 18 of the ACA.

19 (b) DIRECT ENROLLMENT.—Section 1312 of the Pa-
 20 tient Protection and Affordable Care Act (42 U.S.C.
 21 18032) is amended by adding at the end the following:

22 “(g) DIRECT ENROLLMENT.—

23 “(1) IN GENERAL.—Not later than 30 days
 24 after the date of enactment of this subsection, the
 25 Secretary shall issue guidelines and necessary oper-

1 ational specifications to provide for the establish-
 2 ment of a permanent pathway to enable individuals
 3 to enroll in qualified health plans through—

4 “(A) in the case of a State with a State-
 5 based Exchange, the Exchange, or if deter-
 6 mined appropriate by the State, a health insur-
 7 ance issuer, a certified agent or broker, or a
 8 Centers for Medicare & Medicaid Services cer-
 9 tified Internet web-based broker or entity; or

10 “(B) in the case of a State with no State
 11 Exchange, the Federal Exchange, a health in-
 12 surance issuer, an agent or broker certified by
 13 the Federal Exchange, or a Centers for Medi-
 14 care & Medicaid Services certified Internet web-
 15 based broker or entity.

16 “(2) AVAILABILITY.—Guidelines and oper-
 17 ational capabilities issued under paragraph (1) shall
 18 be available to consumers and applicable health in-
 19 surance issuers and entities for any enrollment pe-
 20 riod required under section 1311(c)(6).”.

○