

112TH CONGRESS
1ST SESSION

H. R. 3183

To amend title XXVII of the Public Health Service Act to exempt licensed independent insurance producer remuneration from the medical loss ratio.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 13, 2011

Mr. YARMUTH introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend title XXVII of the Public Health Service Act to exempt licensed independent insurance producer remuneration from the medical loss ratio.

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. EXEMPTING LICENSED INDEPENDENT INSUR-**
4 **ANCE PRODUCER REMUNERATION FROM THE**
5 **MEDICAL LOSS RATIO.**

6 (a) IN GENERAL.—Section 2718 of the Public Health
7 Service Act (42 U.S.C. 300gg et seq.), as inserted by sec-
8 tion 1001 and amended by section 10101(f) of the Patient
9 Protection and Affordable Care Act (Public Law 111–
10 148), is amended—

1 (1) in subsection (a)(3), by inserting “, remun-
2 eration paid for licensed independent insurance
3 producers,” after “State taxes”;

4 (2) in subsection (b)(1)(A), in the matter pre-
5 ceding clause (i), by inserting “, remuneration paid
6 for licensed independent insurance producers,” after
7 “State taxes”;

8 (3) in subsection (b)(1)(B), by inserting “, re-
9 muneration paid for licensed independent insurance
10 producers,” after “State taxes”; and

11 (4) by adding at the end the following new sub-
12 section:

13 “(f) INDEPENDENT INSURANCE PRODUCER, REMU-
14 NERATION DEFINED.—For purposes of this section:

15 “(1) The term ‘independent insurance producer’
16 means an insurance agent or broker, insurance con-
17 sultant, benefit specialist, limited insurance rep-
18 resentative, and any other person required to be li-
19 censed under the laws of the particular State to sell,
20 solicit, negotiate, service, effect, procure, renew or
21 bind policies of insurance coverage or offer advice,
22 counsel, opinions, or services related to insurance.

23 “(2) The term ‘remuneration’ means compensa-
24 tion paid by or accrued from an insurance issuer or
25 health plan for services rendered under contractual

1 agreement which may include fees, commissions, or
2 rebates.”.

3 (b) REGULATIONS.—Not later than 60 days after the
4 date of the enactment of this Act, the Secretary of Health
5 and Human Services shall amend any applicable regula-
6 tions so as to take the amendments made by subsection
7 (a) into account.

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