

Public Law 95-368
95th Congress

An Act

Sept. 17, 1978
[H.R. 2931]

To amend chapter 89 of title 5, United States Code, to establish uniformity in Federal employee health benefits and coverage by preempting certain State or local laws which are inconsistent with such contracts, and for other purposes.

Federal
employees.
Uniformity in
health benefits,
establishment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8902 of title 5, United States Code, relating to contracts for Federal employee health benefits plans, is amended by adding at the end thereof the following new subsection:

“(m) (1) The provisions of any contract under this chapter which relate to the nature or extent of coverage or benefits (including payments with respect to benefits) shall supersede and preempt any State or local law, or any regulation issued thereunder, which relates to health insurance or plans to the extent that such law or regulation is inconsistent with such contractual provisions.

“(2) (A) Notwithstanding the provisions of paragraph (1) of this subsection, if a contract under this chapter provides for the provision of, the payment for, or the reimbursement of the cost of health services for the care and treatment of any particular health condition, the carrier shall provide, pay, or reimburse up to the limits of its contract for any such health service properly provided by any person licensed under State law to provide such service if such service is provided to an individual covered by such contract who is a member of a medically underserved population (within the meaning of section 1302(7) of the Public Health Service Act (42 U.S.C. 300e-17)).

“(B) The provisions of subparagraph (A) shall not apply to contracts entered into providing prepayment plans described in section 8903(4) of this title.”

SEC. 2. Section 8901(8) of title 5, United States Code, is amended by striking out “before January 1, 1964” and inserting in lieu thereof “after December 31, 1978, and before January 1, 1980”.

SEC. 3. The provisions of section 8902(m) (2) of title 5, United States Code, as added by the first section of this Act, shall apply to services provided under any contract entered into or renewed after December 31, 1979; except that such provisions shall not apply to services provided after December 31, 1984.

Approved September 17, 1978.

Effective
date;
limitation.
5 USC 8902
note.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-282 (Comm. on Post Office and Civil Service).

SENATE REPORT No. 95-903 (Comm. on Governmental Affairs).

CONGRESSIONAL RECORD:

Vol. 123 (1977): June 20, considered and passed House.

Vol. 124 (1978): June 5, considered and passed Senate, amended.

Aug. 10, House concurred in certain Senate amendments, in others with amendments.

Aug. 25, Senate concurred in House amendments.