

104TH CONGRESS
2D SESSION

H. R. 3079

To amend title XVIII of the Social Security Act to assure access to services under the Medicare Health Maintenance Organization Program.

IN THE HOUSE OF REPRESENTATIVES

MARCH 13, 1996

Mr. COBURN (for himself and Mr. BROWN of Ohio) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Commerce, 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

A BILL

To amend title XVIII of the Social Security Act to assure access to services under the Medicare Health Maintenance Organization Program.

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. ASSURING ACCESS TO SERVICES UNDER THE**
4 **MEDICARE HMO PROGRAM.**

5 (a) ADEQUATE PROVIDER ARRANGEMENTS.—Section
6 1876(c)(4)(A) of the Social Security Act (42 U.S.C.
7 1395mm(c)(4)(A)) is amended by inserting “establish and
8 maintain adequate arrangements with a sufficient num-

1 ber, mix, and distribution of health professionals to” after
2 “(A)”.

3 (b) PHYSICIAN PARTICIPATION RULES.—Section
4 1876(c) of such Act is amended by adding at the end the
5 following new paragraph:

6 “(9) An eligible organization must—

7 “(A) provide for the full participation of all
8 eligible physicians—

9 “(i) who are graduates of either
10 allopathic or osteopathic medical schools,
11 and

12 “(ii) who have received training from
13 programs approved by either the Accredi-
14 tation Council for Graduate Medical Edu-
15 cation or the American Osteopathic Asso-
16 ciation; and

17 “(B) not discriminate against a health
18 physician, based solely on the physician’s cer-
19 tification or license (as applicable under State
20 law), in participation in providing covered
21 health services or reimbursement or indem-
22 nification for providing such services, if the
23 physician may legally provide such services in
24 accordance with State law.”.

1 (c) NONPHYSICIAN HEALTH CARE PROFESSIONAL
2 PARTICIPATION RULES.—Section 1876(c) of such Act is
3 further amended by adding at the end the following new
4 paragraph:

5 “(9) An eligible organization shall not—

6 “(A) exclude a health professional from
7 participation in its provider network based sole-
8 ly on—

9 “(i) the health professional’s certifi-
10 cation or license (as applicable under State
11 law), or

12 “(ii) the health professional’s lack of
13 affiliation with, or admitting privileges at,
14 a hospital, if such lack of affiliation is due
15 to the health professional’s type of license;
16 or

17 “(B) discriminate against a health profes-
18 sional, based solely on the professional’s certifi-
19 cation or license (as applicable under State
20 law), in participation in providing covered
21 health services or reimbursement or indem-
22 nification for providing such services, if the pro-
23 fessional may legally provide such services in
24 accordance with State law.”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to contract years beginning on or
3 after the date of enactment of this Act.

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