

106TH CONGRESS
1ST SESSION

H. R. 2043

To amend title I of the Employee Retirement Income Security Act of 1974 to provide to participants and beneficiaries of group health plans access to unrestricted medical advice.

IN THE HOUSE OF REPRESENTATIVES

JUNE 8, 1999

Mrs. KELLY introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend title I of the Employee Retirement Income Security Act of 1974 to provide to participants and beneficiaries of group health plans access to unrestricted medical advice.

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 “Patient Right to Unre-

5 stricted Medical Advice Act of 1999”.

1 **SEC. 2. PATIENT ACCESS TO UNRESTRICTED MEDICAL AD-**
2 **VICE.**

3 (a) IN GENERAL.—Subpart B of part 7 of subtitle
4 B of title I of the Employee Retirement Income Security
5 Act of 1974 is amended by adding at the end the following
6 new section:

7 **“SEC. 714. PATIENT ACCESS TO UNRESTRICTED MEDICAL**
8 **ADVICE.**

9 “(a) IN GENERAL.—In the case of any health care
10 professional acting within the lawful scope of practice in
11 the course of carrying out a contractual employment ar-
12 rangement or other direct contractual arrangement be-
13 tween such professional and a group health plan or a
14 health insurance issuer offering health insurance coverage
15 in connection with a group health plan, the plan or issuer
16 with which such contractual employment arrangement or
17 other direct contractual arrangement is maintained by the
18 professional may not impose on such professional under
19 such arrangement any prohibition or restriction with re-
20 spect to advice, provided to a participant or beneficiary
21 under the plan who is a patient, about the health status
22 of the participant or beneficiary or the medical care or
23 treatment for the condition or disease of the participant
24 or beneficiary, regardless of whether benefits for such care
25 or treatment are provided under the plan or health insur-
26 ance coverage offered in connection with the plan.

1 “(b) HEALTH CARE PROFESSIONAL DEFINED.—For
2 purposes of this section, the term ‘health care professional’
3 means a physician (as defined in section 1861(r) of the
4 Social Security Act) or other health care professional if
5 coverage for the professional’s services is provided under
6 the group health plan for the services of the professional.
7 Such term includes a podiatrist, optometrist, chiropractor,
8 psychologist, dentist, physician assistant, physical or occu-
9 pational therapist and therapy assistant, speech-language
10 pathologist, audiologist, registered or licensed practical
11 nurse (including nurse practitioner, clinical nurse spe-
12 cialist, certified registered nurse anesthetist, and certified
13 nurse-midwife), licensed certified social worker, registered
14 respiratory therapist, and certified respiratory therapy
15 technician.”.

16 (b) CONFORMING AMENDMENT.—The table of con-
17 tents in section 1 of such Act is amended by adding at
18 the end of the items relating to subpart B of part 7 of
19 subtitle B of title I of such Act the following new item:

“Sec. 714. Patient access to unrestricted medical advice.”.

20 **SEC. 3. EFFECTIVE DATE AND RELATED RULES.**

21 (a) IN GENERAL.—The amendments made by this
22 Act shall apply with respect to plan years beginning on
23 or after January 1 of the second calendar year following
24 the date of the enactment of this Act, except that the Sec-
25 retary of Labor may issue regulations before such date

1 under such amendments. The Secretary shall first issue
2 regulations necessary to carry out the amendments made
3 by this Act before the effective date thereof.

4 (b) LIMITATION ON ENFORCEMENT ACTIONS.—No
5 enforcement action shall be taken, pursuant to the amend-
6 ments made by this Act, against a group health plan or
7 health insurance issuer with respect to a violation of a re-
8 quirement imposed by such amendments before the date
9 of issuance of regulations issued in connection with such
10 requirement, if the plan or issuer has sought to comply
11 in good faith with such requirement.

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