

[~118H7292]

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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To amend title XI of the Social Security Act to lower barriers to increase patient access to health care.

IN THE HOUSE OF REPRESENTATIVES

Mr. MOORE of Utah (for himself and Mr. SCHNEIDER) introduced the following bill; which was referred to the Committee on

A BILL

To amend title XI of the Social Security Act to lower barriers to increase patient access to health care.

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 “Health Accelerating
5 Consumer’s Care by Expediting Self-Scheduling Act” or
6 the “Health ACCESS Act”.

1 **SEC. 2. AMENDMENTS TO SECTION 1128B.**

2 Section 1128B(b) of the Social Security Act (42
3 U.S.C. 1320a–7b(b)) is amended—

4 (1) in paragraph (3)—

5 (A) by moving the margin of subpara-
6 graphs (J) and (K) 2 ems to the left;

7 (B) in subparagraph (K), by striking
8 “and” after the semicolon at the end;

9 (C) in subparagraph (L), by striking the
10 period at the end and inserting “; and”; and

11 (D) by adding at the end the following new
12 subparagraph:

13 “(M) any remuneration paid by a provider of
14 services (as defined in section 1861(u)) or a supplier
15 (as defined in section 1861(d)) to an information
16 service provider (as defined in paragraph (5)) for
17 participation in an information service (as so de-
18 fined), if—

19 “(i) such information service provider does
20 not—

21 “(I) steer or lead a consumer to select
22 a particular provider of services or supplier
23 based on the amount a provider of services
24 or supplier pays or may pay the informa-
25 tion service provider;

1 “(II) provide, or represent itself as
2 providing, any medical items or services,
3 diagnostic or counseling services, or assess-
4 ments of illness or injury, or make any
5 promises of cure or guarantees of treat-
6 ment;

7 “(III) provide contact information re-
8 garding a consumer (as defined in para-
9 graph (5)) to providers of services or sup-
10 pliers, except to the specific provider of
11 services or supplier selected by the con-
12 sumer;

13 “(IV) provide or arrange for transpor-
14 tation of an individual to, or from, the lo-
15 cation of a provider of services or supplier;

16 “(V) provide or arrange for the provi-
17 sion of any other remuneration to a Fed-
18 eral health care program beneficiary other
19 than the inherent convenience of the infor-
20 mation service; or

21 “(VI) engage in targeted marketing of
22 a particular provider of services or supplier
23 through phone calls or text messages, with
24 respect to consumers or potential con-
25 sumers who have not previously interacted

1 with the information service provider or
2 who have opted out;

3 “(ii) the methodology for determining com-
4 pensation paid to the information service pro-
5 vider by a provider of services or supplier is set
6 in advance in writing, and the compensation—

7 “(I) does not exceed fair market
8 value;

9 “(II) is for services, specified in writ-
10 ing; and

11 “(III) does not take into account the
12 value of any items or services payable in
13 whole or in part by a Federal health care
14 program provided to consumers by pro-
15 viders or suppliers who participate in the
16 information services;

17 “(iii) such information service provider
18 clearly discloses the financial arrangement be-
19 tween it and the providers of services or sup-
20 pliers participating in such service to con-
21 sumers;

22 “(iv) such information service provider fur-
23 nishes provider- and supplier-specific informa-
24 tion to consumers based only on objective, con-
25 sumer-centric criteria;

1 “(v) such information service provider de-
2 velops objective criteria for participation in such
3 information service and does not exclude any
4 providers of services or suppliers who meet such
5 criteria from participating therein; and

6 “(vi) such information service provider
7 meets other conditions that may be determined
8 by the Secretary.”; and

9 (2) by adding at the end the following new
10 paragraph:

11 “(5) DEFINITIONS.—For purposes of paragraph
12 (3)(M):

13 “(A) CONSUMER.—The term ‘consumer’ means
14 an individual who uses a platform provided by an in-
15 formation service provider for the purpose of search-
16 ing providers of services or suppliers.

17 “(B) INFORMATION SERVICE.—The term ‘infor-
18 mation service’ means a web-based platform that has
19 the primary purpose of providing consumers a
20 bookable directory to search for providers of services
21 or suppliers.

22 “(C) INFORMATION SERVICE PROVIDER.—The
23 term ‘information service provider’ means any indi-
24 vidual or entity operating a web-based platform that

- 1 makes information regarding providers of services or
- 2 suppliers available to consumers.”.