

103^D CONGRESS
1ST SESSION

H. R. 47

To provide an antitrust exemption for medical self-regulatory entities when engaged in standard setting and enforcement activities designed to promote the quality of care, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 1993

Mr. ARCHER introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

To provide an antitrust exemption for medical self-regulatory entities when engaged in standard setting and enforcement activities designed to promote the quality of care, and for other purposes.

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. ANTITRUST EXEMPTION.**

4 No damages, interest on damages, costs, or attorney's
5 fees may be recovered under section 4, 4A, or 4C of the
6 Clayton Act (15 U.S.C. 15, 15a, 15c), or under any State
7 law similar to such section, from any medical self-regu-
8 latory entity (including its members, officers, employees,

1 consultants, and volunteers) as a result of engaging in
2 standard setting or enforcement activities designed to pro-
3 mote the quality of health care provided to patients.

4 **SEC. 2. CONSULTATION.**

5 Any Federal agency engaged in the establishment of
6 medical professional standards shall consult with and use
7 appropriate medical self-regulatory entities, if available, in
8 carrying out standard setting and related regulatory ac-
9 tivities.

10 **SEC. 3. DEFINITIONS.**

11 For purposes of this Act—

12 (1) the term “medical self-regulatory entity”
13 means a medical society or association, a specialty
14 board, a recognized accrediting agency, a hospital
15 medical staff, or other entity designed to ensure the
16 provision of high quality medical care, and

17 (2) the term “standard setting and enforcement
18 activities designed to promote the quality of health
19 care provided to patients” means peer review, ac-
20 creditation of medical education and hospitals, tech-
21 nology assessment, risk management, or the develop-
22 ment and implementation of practice guidelines,
23 practice parameters, or ethical codes.

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