

111TH CONGRESS  
2D SESSION

# H. R. 6170

To prohibit the Secretary of Health and Human Services from precluding patients from entering into any contract with their health care providers.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 22, 2010

Mr. PRICE of Georgia (for himself, Mr. GINGREY of Georgia, Mr. FLEMING, Mr. PAUL, Mr. CONAWAY, Mr. KING of Iowa, Mr. FRANKS of Arizona, Mr. GOHMERT, Mr. COFFMAN of Colorado, Mr. ROONEY, Mr. POSEY, and Mr. ROE of Tennessee) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To prohibit the Secretary of Health and Human Services from precluding patients from entering into any contract with their health care providers.

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-Doctor Free-  
5       dom Act of 2010”.

1 **SEC. 2. RIGHT OF CONTRACT WITH HEALTH CARE PRO-**  
2 **VIDERS.**

3 (a) IN GENERAL.—The Secretary of Health and  
4 Human Services shall not preclude an enrollee, partici-  
5 pant, or beneficiary in a health benefits plan from entering  
6 into any contract or arrangement for health care with any  
7 health care provider.

8 (b) HEALTH BENEFITS PLAN DEFINED.—

9 (1) IN GENERAL.—In this section, subject to  
10 paragraph (2), the term “health benefits plan”  
11 means any of the following:

12 (A) Group health plan (as defined in sec-  
13 tion 2791 of the Public Health Service Act).

14 (B) Health insurance coverage (as defined  
15 in section 2791 of such Act).

16 (C) A health benefits plan under chapter  
17 89 of title 5, United States Code.

18 (D) A multi-State qualified health plan  
19 under section 1334 of the Patient Protection  
20 and Affordable Care Act (42 U.S.C. 18044).

21 (E) A health plan offered under the Con-  
22 sumer Operated and Oriented Plan program  
23 under section 1322 of such Act (42 U.S.C.  
24 18042).

1 (F) A basic health program established  
2 under section 1331 of such Act (42 U.S.C.  
3 18051).

4 (G) A qualified health plan offered under  
5 a health care choice compact under section  
6 1333 of such Act (42 U.S.C. 18053).

7 (H) Another health plan offered under title  
8 I of such Act.

9 (2) EXCLUSION OF MEDICAID AND TRICARE.—  
10 Such term does not include a health plan partici-  
11 pating in—

12 (A) the Medicaid program under title XIX  
13 of the Social Security Act; or

14 (B) the TRICARE program under chapter  
15 55 of title 10, United States Code.

16 (c) HEALTH CARE PROVIDER DEFINED.—In this  
17 section, the term “health care provider” means—

18 (1) a physician, as defined in paragraphs (1),  
19 (2), (3), and (4) of section 1861(r) of the Social Se-  
20 curity Act (42 U.S.C. 1395x(r)); and

21 (2) a health care practitioner described in sec-  
22 tion 1842(b)(18)(C) of such Act (42 U.S.C.  
23 1395u(b)(18)(C)).

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