

115TH CONGRESS
1ST SESSION

H. R. 1766

To prohibit conditioning health care provider licensure on participation in a health plan or the meaningful use of electronic health records.

IN THE HOUSE OF REPRESENTATIVES

MARCH 28, 2017

Mr. ROE of Tennessee (for himself and Mrs. BLACKBURN) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To prohibit conditioning health care provider licensure on participation in a health plan or the meaningful use of electronic health records.

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 “Medical Practice Free-
5 dom Act of 2017”.

1 **SEC. 2. HEALTH CARE PROVIDER LICENSURE CANNOT BE**
2 **CONDITIONED ON PARTICIPATION IN A**
3 **HEALTH PLAN OR THE MEANINGFUL USE OF**
4 **ELECTRONIC HEALTH RECORDS.**

5 (a) IN GENERAL.—The Secretary of Health and
6 Human Services and any State (as a condition of receiving
7 Federal financial participation under title XIX of the So-
8 cial Security Act) may not require any health care pro-
9 vider, as a condition of licensure of the provider in any
10 State—

11 (1) to participate in any health plan; or

12 (2) to comply with any requirements relating to
13 the meaningful use of electronic health records (in-
14 cluding under part 170 of title 45, Code of Federal
15 Regulations).

16 (b) DEFINITIONS.—In this section:

17 (1) HEALTH PLAN.—The term “health plan”
18 has the meaning given such term in section 1171(5)
19 of the Social Security Act (42 U.S.C. 1320d(5)),
20 and includes a basic health program established
21 under section 1331 of the Patient Protection and
22 Affordable Care Act (42 U.S.C. 18051), a qualified
23 health plan offered by a qualified nonprofit health
24 insurance issuer under the Consumer Operated and
25 Oriented Plan (CO-OP) program under section
26 1322 of such Act (42 U.S.C. 18042), a qualified

1 health plan offered under a health care choice com-
2 pact under section 1333 of such Act (42 U.S.C.
3 18053), a multi-State qualified health plan offered
4 under section 1334 of such Act (42 U.S.C. 18054),
5 or other health plan offered under title I of such
6 Act.

7 (2) HEALTH CARE PROVIDER.—The term
8 “health care provider” means any person or entity
9 that is required by State or Federal laws or regula-
10 tions to be licensed, registered, or certified to pro-
11 vide health care services and is so licensed, reg-
12 istered, or certified, or exempted from such require-
13 ment by other statute or regulation.

14 (3) STATE.—The term “State” has the mean-
15 ing given such term for purposes of title XIX of the
16 Social Security Act.

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