

117TH CONGRESS
2D SESSION

H. R. 8885

To amend the Public Health Service Act, Internal Revenue Code of 1986, and Employee Retirement Income Security Act of 1974 to provide for provider directory improvements to enhance enrollee, participant, and beneficiary access to care.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 19, 2022

Mr. KILDEE (for himself, Mr. WENSTRUP, and Mr. HERN) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Public Health Service Act, Internal Revenue Code of 1986, and Employee Retirement Income Security Act of 1974 to provide for provider directory improvements to enhance enrollee, participant, and beneficiary access to 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 “Better Health Care
5 Directories Act”.

1 **SEC. 2. PROVIDER DIRECTORY IMPROVEMENTS TO EN-**
2 **HANCE ENROLLEE, PARTICIPANT, AND BENE-**
3 **FICIARY ACCESS.**

4 (a) PROVIDER DIRECTORY INFORMATION TO IN-
5 CLUDE IF PROVIDER IS ACCEPTING NEW PATIENTS.—

6 (1) GROUP HEALTH PLAN AND HEALTH INSUR-
7 ANCE ISSUER REQUIREMENT.—

8 (A) PHSA.—Section 2799A–5(a)(6) of the
9 Public Health Service Act (42 U.S.C. 300gg–
10 115(a)(6)) is amended by inserting before the
11 period at the end the following: “as well as in-
12 formation (which shall be updated at least an-
13 nually) furnished to the plan by such provider
14 or facility on whether such provider or facility
15 is accepting new patients and, if so, if an in-
16 person appointment or telehealth appointment
17 (or either) is available for such patients”.

18 (B) IRC.—Section 9820(a)(6) of the Inter-
19 nal Revenue Code of 1986 is amended by in-
20 serting before the period at the end the fol-
21 lowing: “as well as information (which shall be
22 updated at least annually) furnished to the plan
23 by such provider or facility on whether such
24 provider or facility is accepting new patients
25 and, if so, if an in-person appointment or tele-

1 health appointment (or either) is available for
2 such patients”.

3 (C) ERISA.—Section 720(a)(6) of the
4 Employee Retirement Income Security Act of
5 1974 (29 U.S.C. 1185i(a)(6)) is amended by in-
6 serting before the period at the end the fol-
7 lowing: “as well as information (which shall be
8 updated at least annually) furnished to the plan
9 by such provider or facility on whether such
10 provider or facility is accepting new patients
11 and, if so, if an in-person appointment or tele-
12 health appointment (or either) is available for
13 such patients”.

14 (2) PROVIDER REQUIREMENT.—Section
15 2799B–9(d) of the Public Health Service Act (42
16 U.S.C. 300gg–139(d)) is amended by inserting be-
17 fore the period at the end the following: “as well as
18 information (which shall be updated at least annu-
19 ally) on whether such provider or facility is accept-
20 ing new patients and, if so, if an in-person appoint-
21 ment or telehealth appointment (or either) is avail-
22 able for such patients”.

23 (3) EFFECTIVE DATE.—The amendments made
24 by this section shall apply for plan years beginning
25 on or after January 1, 2025.

1 (b) MACHINE READABLE FORMAT AND PUBLIC
2 POSTING.—

3 (1) PHSA.—Section 2799A–5(a) of the Public
4 Health Service Act (42 U.S.C. 300gg–115(a)) is
5 amended—

6 (A) in paragraph (1)—

7 (i) in subparagraph (C), by striking at
8 the end “and”;

9 (ii) in subparagraph (D), by striking
10 at the end the period and adding “; and”;
11 and

12 (iii) by adding at the end the fol-
13 lowing new subparagraph:

14 “(E) for plan years beginning on or after
15 January 1, 2025, annually submit the provider
16 directory information under paragraph (6), with
17 respect to such plan or coverage, to the Sec-
18 retary in a machine-readable file (as defined in
19 section 147.210(a)(2)(xiv) of title 45, Code of
20 Federal Regulations, or any successor regula-
21 tion).”; and

22 (B) by adding at the end the following new
23 paragraph:

24 “(8) PUBLIC POSTING BY SECRETARY OF PRO-
25 VIDER DIRECTORIES.—Beginning not later than

1 July 1, 2025, the Secretary, in coordination with the
2 Secretary of Labor and the Secretary of the Treas-
3 ury, shall make the information submitted pursuant
4 to paragraph (1)(E) available on a public Federal
5 Government website.”.

6 (2) IRC.—Section 9820(a) of the Internal Rev-
7 enue Code of 1986 is amended—

8 (A) in paragraph (1)—

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

11 (ii) in subparagraph (D), by striking
12 at the end the period and adding “; and”;
13 and

14 (iii) by adding at the end the fol-
15 lowing new subparagraph:

16 “(E) for plan years beginning on or after
17 January 1, 2025, annually submit the provider
18 directory information under paragraph (6), with
19 respect to such plan, to the Secretary in a ma-
20 chine-readable file (as defined in section
21 54.9815–2715A1(a)(2)(xiv) of title 26, Code of
22 Federal Regulations, or any successor regula-
23 tion).”; and

24 (B) by adding at the end the following new
25 paragraph:

1 “(8) PUBLIC POSTING BY SECRETARY OF PRO-
2 VIDER DIRECTORIES.—Beginning not later than
3 July 1, 2025, the Secretary, in coordination with the
4 Secretary of Labor and the Secretary of Health and
5 Human Services, shall make the information sub-
6 mitted pursuant to paragraph (1)(E) available on a
7 public Federal Government website.”.

8 (3) ERISA.—Section 720(a) of the Employee
9 Retirement Income Security Act of 1974 (29 U.S.C.
10 1185i(a)) is amended—

11 (A) in paragraph (1)—

12 (i) in subparagraph (C), by striking at
13 the end “and”;

14 (ii) in subparagraph (D), by striking
15 at the end the period and adding “; and”;
16 and

17 (iii) by adding at the end the fol-
18 lowing new subparagraph:

19 “(E) for plan years beginning on or after
20 January 1, 2025, annually submit the provider
21 directory information under paragraph (6), with
22 respect to such plan or coverage, to the Sec-
23 retary in a machine-readable file (as defined in
24 section 2590.715–2715A1(a)(2)(xiii) of title 29,

1 Code of Federal Regulations, or any successor
2 regulation).”; and

3 (B) by adding at the end the following new
4 paragraph:

5 “(8) PUBLIC POSTING BY SECRETARY OF PRO-
6 VIDER DIRECTORIES.—Beginning not later than
7 July 1, 2025, the Secretary, in coordination with the
8 Secretary of the Treasury and the Secretary of
9 Health and Human Services, shall make the infor-
10 mation submitted pursuant to paragraph (1)(E)
11 available on a public Federal Government website.”.

12 (c) IMPLEMENTATION.—The Secretaries of Labor,
13 Health and Human Services, and the Treasury may imple-
14 ment the provisions of, including the amendments made
15 by, this section through interim final rule, sub-regulatory
16 guidance, program instruction, or otherwise.

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