

107TH CONGRESS
1ST SESSION

H. R. 2342

To amend title XXVII of the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to assure patient access to primary pediatric care through pediatricians under group health plans and group health insurance coverage.

IN THE HOUSE OF REPRESENTATIVES

JUNE 27, 2001

Ms. GRANGER introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, 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 title XXVII of the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to assure patient access to primary pediatric care through pediatricians under group health plans and group health insurance coverage.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Primary Care for Chil-
3 dren Act of 2001”.

4 **SEC. 2. PATIENT ACCESS TO PEDIATRIC CARE THROUGH**
5 **PEDIATRICIANS.**

6 (a) AMENDMENT TO PUBLIC HEALTH SERVICE
7 ACT.—Subpart 2 of part A of title XXVII of the Public
8 Health Service Act is amended by adding at the end the
9 following new section:

10 **“SEC. 2707. PATIENT ACCESS TO PEDIATRIC CARE**
11 **THROUGH PEDIATRICIANS.**

12 “(a) PATIENT ACCESS TO PEDIATRIC CARE.—In any
13 case in which a group health plan (or a health insurance
14 issuer offering health insurance coverage in connection
15 with the plan) provides benefits consisting of primary pe-
16 diatric care provided by a participating primary care phy-
17 sician who specializes in pediatrics (or consisting of pay-
18 ment for such care) and the plan requires or provides for
19 designation by a participant or beneficiary of a partici-
20 pating primary care physician with respect to such care,
21 the plan (or issuer) shall provide that such a participating
22 physician who specializes in pediatrics may be designated,
23 if available, by a parent or guardian of any beneficiary
24 under the plan who is under 18 years of age, as the pri-
25 mary care physician with respect to any such benefits.

1 “(b) CONSTRUCTION.—Nothing in subsection (a)
2 shall waive any requirements of coverage relating to med-
3 ical necessity or appropriateness with respect to coverage
4 of pediatric care.”.

5 (b) ERISA AMENDMENTS.—

6 (1) IN GENERAL.—Subpart B of part 7 of sub-
7 title B of title I of the Employee Retirement Income
8 Security Act of 1974 is amended by adding at the
9 end the following new section:

10 **“SEC. 714. PATIENT ACCESS TO PEDIATRIC CARE.**

11 “(a) PATIENT ACCESS TO PEDIATRIC CARE.—In any
12 case in which a group health plan (or a health insurance
13 issuer offering health insurance coverage in connection
14 with the plan) provides benefits consisting of primary pe-
15 diatric care provided by a participating primary care phy-
16 sician who specializes in pediatrics (or consisting of pay-
17 ment for such care) and the plan requires or provides for
18 designation by a participant or beneficiary of a partici-
19 pating primary care physician with respect to such care,
20 the plan (or issuer) shall provide that such a participating
21 physician who specializes in pediatrics may be designated,
22 if available, by a parent or guardian of any beneficiary
23 under the plan who is under 18 years of age, as the pri-
24 mary care physician with respect to any such benefits.

1 “(b) CONSTRUCTION.—Nothing in subsection (a)
 2 shall waive any requirements of coverage relating to med-
 3 ical necessity or appropriateness with respect to coverage
 4 of pediatric care.”.

5 (2) CLERICAL AMENDMENT.—The table of con-
 6 tents in section 1 of such Act is amended by insert-
 7 ing after the item relating to section 713 the fol-
 8 lowing new item:

“Sec. 714. Patient access to pediatric care.”.

9 (c) INTERNAL REVENUE CODE AMENDMENTS.—Sub-
 10 chapter B of chapter 100 of the Internal Revenue Code
 11 of 1986 is amended—

12 (1) in the table of sections, by inserting after
 13 the item relating to section 9812 the following new
 14 item:

“Sec. 9813. Patient access to pediatric care.”; and

15 (2) by inserting after section 9812 the fol-
 16 lowing:

17 **“SEC. 9813. PATIENT ACCESS TO PEDIATRIC CARE.**

18 “(a) PATIENT ACCESS TO PEDIATRIC CARE.—In any
 19 case in which a group health plan provides benefits con-
 20 sisting of primary pediatric care provided by a partici-
 21 pating primary care physician who specializes in pediatrics
 22 (or consisting of payment for such care) and the plan re-
 23 quires or provides for designation by a participant or bene-
 24 ficiary of a participating primary care physician with re-

1 spect to such care, the plan shall provide that such a par-
2 ticipating physician who specializes in pediatrics may be
3 designated, if available, by a parent or guardian of any
4 beneficiary under the plan is who under 18 years of age,
5 as the primary care physician with respect to any such
6 benefits.

7 “(b) CONSTRUCTION.—Nothing in subsection (a)
8 shall waive any requirements of coverage relating to med-
9 ical necessity or appropriateness with respect to coverage
10 of pediatric care.”

11 (d) EFFECTIVE DATE AND RELATED RULES.—

12 (1) IN GENERAL.—The amendments made by
13 this section apply with respect to plan years begin-
14 ning on or after January 1, 2003, except that the
15 Secretaries of Health and Human Services, of
16 Labor, and of the Treasury may issue regulations
17 before such date under such amendments. Such Sec-
18 retaries shall first issue all regulations necessary to
19 carry out such amendments before the effective date
20 thereof.

21 (2) LIMITATION ON ENFORCEMENT ACTIONS.—

22 No enforcement action shall be taken, pursuant to
23 the amendments made by this section, against a
24 group health plan or health insurance issuer with re-
25 spect to a violation of a requirement imposed by

1 such amendments before the date of issuance of reg-
2 ulations issued in connection with such requirement,
3 if the plan or issuer has sought to comply in good
4 faith with such requirement.

5 (3) SPECIAL RULE FOR COLLECTIVE BAR-
6 GAINING AGREEMENTS.—In the case of a group
7 health plan maintained pursuant to one or more col-
8 lective bargaining agreements between employee rep-
9 resentatives and one or more employers ratified be-
10 fore the date of the enactment of this Act, the
11 amendments made by this section shall not apply
12 with respect to plan years beginning before the later
13 of—

14 (1) the date on which the last of the collec-
15 tive bargaining agreements relating to the plan
16 terminates (determined without regard to any
17 extension thereof agreed to after the date of the
18 enactment of this Act); or

19 (2) January 1, 2003.

20 For purposes of this paragraph, any plan amend-
21 ments made pursuant to a collective bargaining
22 agreement relating to the plan which amends the
23 plan solely to conform to any requirement added by

- 1 this section shall not be treated as a termination of
- 2 such collective bargaining agreement.

