

113TH CONGRESS
2D SESSION

S. 2278

To amend the Patient Protection and Affordable Care Act so as to eliminate the authority of the Secretary of Health and Human Services to limit the ability of medical providers to conduct lawful business, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 1, 2014

Mr. COBURN (for himself, Mr. BOOZMAN, Mr. PAUL, and Mr. BARRASSO) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Patient Protection and Affordable Care Act so as to eliminate the authority of the Secretary of Health and Human Services to limit the ability of medical providers to conduct lawful business, 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. SHORT TITLE.**

4 This Act may be cited as the “Safeguarding Care Of
5 Patients Everywhere Act” or the “SCOPE Act”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—Congress finds the following:

1 (1) The practice of medicine is guided by a set
2 of principles contained in the Hippocratic oath,
3 which in part directs medical practitioners to “re-
4 member that I do not treat a fever chart, a can-
5 cerous growth, but a sick human being”.

6 (2) Historically, the practice of medicine has
7 been principally governed by the laws of each of the
8 50 States, not the Federal Government.

9 (3) State medical licensing and disciplinary
10 boards administer medical practice laws and have
11 the principal responsibility to protect the public from
12 improper and unlawful medical practices.

13 (4) Such boards define activities that constitute
14 the legitimate practice of medicine.

15 (5) The actions of the Secretary of Health and
16 Human Services are not governed by the Hippo-
17 cratic oath or a medical board of any of the 50
18 States.

19 (6) The actions of the Secretary are not deter-
20 mined solely by the needs of patients.

21 (7) Individual and institutional financial inter-
22 ests can influence the discretion and actions of the
23 Secretary.

1 (8) The Patient Protection and Affordable Care
 2 Act, in subsection (h) of section 1311 (42 U.S.C.
 3 18031), grants the Secretary the authority to—

4 (A) make findings regarding the quality of
 5 medical care and the activities that constitute
 6 the legitimate practice of medicine; and

7 (B) on the basis of these findings, termi-
 8 nate or limit the ability of medical providers to
 9 conduct lawful business, thus restricting the
 10 practice of medicine by curtailing economic ac-
 11 tivity.

12 (b) PURPOSE.—The purpose of this Act is to remove
 13 from the Secretary such improper authority, which pre-
 14 sents a threat to the health and welfare of patients in the
 15 United States.

16 **SEC. 3. REPEAL OF RESTRICTIONS ON THE PROFESSIONAL**
 17 **PRACTICE OF PHYSICIANS AND OTHER**
 18 **HEALTH CARE PROVIDERS ENTERING INTO**
 19 **CONTRACTS WITH HEALTH PLANS.**

20 Section 1311 of the Patient Protection and Afford-
 21 able Care Act (42 U.S.C. 18031) is amended by striking
 22 subsection (h), relating to the authority of the Secretary
 23 of Health and Human Services to regulate contracts be-

- 1 tween qualified health plans and health care providers
- 2 based on findings of health care quality.

