

116TH CONGRESS
1ST SESSION

H. R. 4575

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 require group health plans and health insurance issuers offering group or individual health insurance coverage to establish a process to address inaccurate information listed in publicly accessible provider directories of such plans and issuers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 27, 2019

Ms. SCHRIER (for herself and Mr. DAVID P. ROE of Tennessee) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, 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 require group health plans and health insurance issuers offering group or individual health insurance coverage to establish a process to address inaccurate information listed in publicly accessible provider directories of such plans and issuers, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Improving Provider
3 Directories Act”.

4 **SEC. 2. REQUIREMENT FOR GROUP HEALTH PLANS AND**
5 **HEALTH INSURANCE ISSUERS TO ESTABLISH**
6 **A PROCESS TO ADDRESS INACCURATE IN-**
7 **FORMATION LISTED IN PUBLICLY ACCES-**
8 **SIBLE PROVIDER DIRECTORIES OF SUCH**
9 **PLANS AND ISSUERS.**

10 (a) PHSA.—

11 (1) IN GENERAL.—Title XXVII of the Public
12 Health Service (42 U.S.C. 300gg et seq.) is amend-
13 ed by adding at the end the following:

14 **“PART D—OTHER MARKET REFORMS**
15 **“SEC. 2796. REQUIREMENT FOR GROUP HEALTH PLANS**
16 **AND HEALTH INSURANCE ISSUERS TO ESTAB-**
17 **LISH A PROCESS TO ADDRESS INACCURATE**
18 **INFORMATION LISTED IN PUBLICLY ACCES-**
19 **SIBLE PROVIDER DIRECTORIES OF SUCH**
20 **PLANS AND ISSUERS.**

21 “A group health plan or a health insurance issuer of-
22 fering group or individual health insurance coverage shall
23 establish a process to address inaccurate information list-
24 ed in any publicly accessible provider directory of such
25 plan or issuer. Under such process, the plan or issuer, as
26 the case may be, shall carry out each of the following:

1 “(1) Display prominently on each publicly ac-
2 cessible provider directory of such plan or issuer
3 contact information, such as an email address,
4 phone number, or website address, that will allow an
5 individual to notify such plan or issuer of any inac-
6 curate information listed with respect to a provider
7 in such directory.

8 “(2)(A) Not later than 30 days after receiving
9 a notification pursuant to paragraph (1) that infor-
10 mation listed with respect to a provider in a publicly
11 accessible provider directory of such plan or issuer
12 is inaccurate—

13 “(i) investigate whether such information
14 is inaccurate; and

15 “(ii) subject to subparagraph (B), in the
16 case that such plan or issuer determines that
17 such information is inaccurate, correct and up-
18 date such information in such directory.

19 “(B) In the case that such plan or issuer deter-
20 mines, pursuant to an investigation under clause (i)
21 of subparagraph (A), that information listed with re-
22 spect to a provider in a printed provider directory is
23 inaccurate, such plan or issuer may satisfy the cor-
24 rection and update requirement under clause (ii) of
25 such subparagraph by correcting and updating such

1 information in each online provider directory of such
 2 plan or issuer.

3 “(3) Submit to the State insurance commis-
 4 sioners of the States in which such plan or coverage,
 5 as applicable, is offered, and makes publicly avail-
 6 able, an annual report on the number of notifica-
 7 tions received pursuant to paragraph (1) during the
 8 year involved and the corrective actions taken under
 9 paragraph (2) with respect to such notifications.”.

10 (2) CONFORMING AMENDMENTS.—

11 (A) Section 2722 of the Public Health
 12 Service Act (42 U.S.C. 300gg–21) is amend-
 13 ed—

14 (i) in subsection (a)(1), by inserting
 15 “and part D” after “subparts 1 and 2”;

16 (ii) in subsection (b), by inserting
 17 “and part D” after “subparts 1 and 2”;

18 (iii) in subsection (c)(1), by inserting
 19 “and part D” after “subparts 1 and 2”;

20 (iv) in subsection (c)(2), by inserting
 21 “and part D” after “subparts 1 and 2”;

22 (v) in subsection (c)(3), by inserting
 23 “and part D” after “this part”; and

1 (vi) in subsection (d), in the matter
2 preceding paragraph (1), by inserting “and
3 part D” after “this part”.

4 (B) Section 2723 of the Public Health
5 Service Act (42 U.S.C. 300gg-22) is amend-
6 ed—

7 (i) in subsection (a)(1), by inserting
8 “and part D” after “this part”;

9 (ii) in subsection (a)(2), by inserting
10 “or part D” after “this part”;

11 (iii) in subsection (b)(1), by inserting
12 “or part D” after “this part”;

13 (iv) in subsection (b)(2)(A), by insert-
14 ing “or part D” after “this part”; and

15 (v) in subsection (b)(2)(C)(ii), by in-
16 serting “and part D” after “this part”.

17 (C) Section 2724 of the Public Health
18 Service Act (42 U.S.C. 300gg-23) is amend-
19 ed—

20 (i) in subsection (a)(1)—

21 (I) by striking “this part and
22 part C insofar as it relates to this
23 part” and inserting “this part, part
24 D, and part C insofar as it relates to
25 this part or part D”; and

1 (II) by inserting “or part D”
 2 after “requirement of this part”;
 3 (ii) in subsection (a)(2), by inserting
 4 “or part D” after “this part”; and
 5 (iii) in subsection (c), by inserting “or
 6 part D” after “this part (other than sec-
 7 tion 2704)”.

8 (b) ERISA.—

9 (1) IN GENERAL.—Subpart B of part 7 of sub-
 10 title B of title I of the Employee Retirement Income
 11 Security Act of 1974 (29 U.S.C. 1185 et seq.) is
 12 amended by adding at the end the following new sec-
 13 tion:

14 **“SEC. 716. REQUIREMENT FOR GROUP HEALTH PLANS AND**
 15 **HEALTH INSURANCE ISSUERS TO ESTABLISH**
 16 **A PROCESS TO ADDRESS INACCURATE IN-**
 17 **FORMATION LISTED IN PUBLICLY ACCES-**
 18 **SIBLE PROVIDER DIRECTORIES OF SUCH**
 19 **PLANS AND ISSUERS.**

20 “A group health plan or a health insurance issuer of-
 21 fering group health insurance coverage shall establish a
 22 process to address inaccurate information listed in any
 23 publicly accessible provider directory of such plan or
 24 issuer. Under such process, the plan or issuer, as the case
 25 may be, shall carry out each of the following:

1 “(1) Display prominently on each publicly ac-
2 cessible provider directory of such plan or issuer
3 contact information, such as an email address,
4 phone number, or website address, that will allow an
5 individual to notify such plan or issuer of any inac-
6 curate information listed with respect to a provider
7 in such directory.

8 “(2)(A) Not later than 30 days after receiving
9 a notification pursuant to paragraph (1) that infor-
10 mation listed with respect to a provider in a publicly
11 accessible provider directory of such plan or issuer
12 is inaccurate—

13 “(i) investigate whether such information
14 is inaccurate; and

15 “(ii) subject to subparagraph (B), in the
16 case that such plan or issuer determines that
17 such information is inaccurate, correct and up-
18 date such information in such directory.

19 “(B) In the case that such plan or issuer deter-
20 mines, pursuant to an investigation under clause (i)
21 of subparagraph (A), that information listed with re-
22 spect to a provider in a printed provider directory is
23 inaccurate, such plan or issuer may satisfy the cor-
24 rection and update requirement under clause (ii) of
25 such subparagraph by correcting and updating such

1 information in each online provider directory of such
 2 plan or issuer.

3 “(3) Submit to the State insurance commis-
 4 sioners of the States in which such plan or coverage,
 5 as applicable, is offered, and makes publicly avail-
 6 able, an annual report on the number of notifica-
 7 tions received pursuant to paragraph (1) during the
 8 year involved and the corrective actions taken under
 9 paragraph (2) with respect to such notifications.”.

10 (2) CLERICAL AMENDMENT.—The table of con-
 11 tents in section 1 of such Act is amended by insert-
 12 ing after the item relating to section 714 the fol-
 13 lowing new items:

“715. Additional market reforms.

“716. Requirement for group health plans and health insurance issuers to estab-
 lish a process to address inaccurate information listed in pub-
 licly accessible provider directories of such plans and issuers.”.

14 (c) IRC.—

15 (1) IN GENERAL.—Subchapter B of chapter
 16 100 of the Internal Revenue Code of 1986 is amend-
 17 ed by adding at the end the following:

1 **“SEC. 9816. REQUIREMENT FOR GROUP HEALTH PLANS TO**
2 **ESTABLISH A PROCESS TO ADDRESS INAC-**
3 **CURATE INFORMATION LISTED IN PUBLICLY**
4 **ACCESSIBLE PROVIDER DIRECTORIES OF**
5 **SUCH PLANS.**

6 “A group health plan shall establish a process to ad-
7 dress inaccurate information listed in any publicly acces-
8 sible provider directory of such plan. Under such process,
9 the plan shall carry out each of the following:

10 “(1) Display prominently on each publicly ac-
11 cessible provider directory of such plan contact infor-
12 mation, such as an email address, phone number, or
13 website address, that will allow an individual to no-
14 tify such plan of any inaccurate information listed
15 with respect to a provider in such directory.

16 “(2)(A) Not later than 30 days after receiving
17 a notification pursuant to paragraph (1) that infor-
18 mation listed with respect to a provider in a publicly
19 accessible provider directory of such plan is inac-
20 curate—

21 “(i) investigate whether such information
22 is inaccurate; and

23 “(ii) subject to subparagraph (B), in the
24 case that such plan determines that such infor-
25 mation is inaccurate, correct and update such
26 information in such directory.

1 “(B) In the case that such plan determines,
 2 pursuant to an investigation under clause (i) of sub-
 3 paragraph (A), that information listed with respect
 4 to a provider in a printed provider directory is inac-
 5 curate, such plan may satisfy the correction and up-
 6 date requirement under clause (ii) of such subpara-
 7 graph by correcting and updating such information
 8 in each online provider directory of such plan.

9 “(3) Submit to the State insurance commis-
 10 sioners of the States in which such plan is offered,
 11 and makes publicly available, an annual report on
 12 the number of notifications received pursuant to
 13 paragraph (1) during the year involved and the cor-
 14 rective actions taken under paragraph (2) with re-
 15 spect to such notifications.”.

16 (2) CLERICAL AMENDMENT.—The table of sec-
 17 tions for subchapter B of chapter 100 of the Inter-
 18 nal Revenue Code of 1986 is amended by adding at
 19 the end the following new item:

“Sec. 9816. Requirement for group health plans to establish a process to ad-
 dress inaccurate information listed in publicly accessible pro-
 vider directories of such plans.”.

20 (d) EFFECTIVE DATE.—The amendments made by
 21 this section shall apply with respect to plan years begin-
 22 ning on or after January 1, 2021.

