

45 of title 15 to the extent that such section 45 applies to unfair methods of competition.

**(b) Rule of construction regarding Hawaii's Prepaid Health Care Act**

Nothing in this title<sup>1</sup> (or an amendment made by this title)<sup>1</sup> shall be construed to modify or limit the application of the exemption for Hawaii's Prepaid Health Care Act (Haw. Rev. Stat. §§393-1 et seq.) as provided for under section 1144(b)(5) of title 29.

**(c) Student health insurance plans**

Nothing in this title<sup>1</sup> (or an amendment made by this title)<sup>1</sup> shall be construed to prohibit an institution of higher education (as such term is defined for purposes of the Higher Education Act of 1965 [20 U.S.C. 1001 et seq.]) from offering a student health insurance plan, to the extent that such requirement is otherwise permitted under applicable Federal, State or local law.

**(d) No effect on existing requirements**

Nothing in this title<sup>1</sup> (or an amendment made by this title,<sup>1</sup> unless specified by direct statutory reference) shall be construed to modify any existing Federal requirement concerning the State agency responsible for determining eligibility for programs identified in section 18083 of this title.

(Pub. L. 111-148, title I, §1560, Mar. 23, 2010, 124 Stat. 261.)

**Editorial Notes**

REFERENCES IN TEXT

This title, where footnoted in text, is title I of Pub. L. 111-148, Mar. 23, 2010, 124 Stat. 130, which enacted this chapter and enacted, amended, and transferred numerous other sections and notes in the Code. For complete classification of title I to the Code, see Tables.

The Higher Education Act of 1965, referred to in subsec. (c), is Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1219, which is classified generally to chapter 28 (§1001 et seq.) of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 20 and Tables.

**§ 18119. Small business procurement**

Part 19 of the Federal Acquisition Regulation, section 644 of title 15, and any other applicable laws or regulations establishing procurement requirements relating to small business concerns (as defined in section 632 of title 15) may not be waived with respect to any contract awarded under any program or other authority under this Act or an amendment made by this Act.

(Pub. L. 111-148, title I, §1563, as added Pub. L. 111-148, title X, §10107(b)(2), Mar. 23, 2010, 124 Stat. 912.)

**Editorial Notes**

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 111-148, Mar. 23, 2010, 124 Stat. 119, known as the Patient Protection and Affordable Care Act. For complete classification of this Act to the Code, see Short Title note set out under section 18001 of this title and Tables.

CODIFICATION

Another section 1563 of Pub. L. 111-148 enacted section 18120 of this title, section 9815 of Title 26, Internal

Revenue Code, and section 1185d of Title 29, Labor, and amended sections 300gg-1 to 300gg-3, 300gg-9, 300gg-11, 300gg-12, 300gg-21 to 300gg-23, 300gg-25 to 300gg-28, 300gg-62, and 300gg-91 of this title.

**§ 18120. Application**

Notwithstanding any other provision of the Patient Protection and Affordable Care Act, nothing in such Act (or an amendment made by such Act) shall be construed to—

(1) prohibit (or authorize the Secretary of Health and Human Services to promulgate regulations that prohibit) a group health plan or health insurance issuer from carrying out utilization management techniques that are commonly used as of March 23, 2010; or

(2) restrict the application of the amendments made by this subtitle.

(Pub. L. 111-148, title I, §1563(d), formerly §1562(d), title X, §10107(b)(1), Mar. 23, 2010, 124 Stat. 269, 911.)

**Editorial Notes**

REFERENCES IN TEXT

The Patient Protection and Affordable Care Act, referred to in text, is Pub. L. 111-148, Mar. 23, 2010, 124 Stat. 119. For complete classification of this Act to the Code, see Short Title note set out under section 18001 of this title and Tables.

The amendments made by this subtitle, referred to in par. (2), mean the amendments made by subtitle G (§§1551-1563) of title I of Pub. L. 111-148, which enacted section 300jj-51 of this title, sections 4980H, 5000A, 6055, 6056, and 9815 of Title 26, Internal Revenue Code, and sections 218a to 218c and 1185d of Title 29, Labor, amended sections 300gg-1 to 300gg-3, 300gg-9, 300gg-11, 300gg-12, 300gg-21 to 300gg-23, 300gg-25 to 300gg-28, 300gg-62, and 300gg-91 of this title, sections 125 and 6724 of Title 26, and sections 921 and 932 of Title 30, Mineral Lands and Mining.

CODIFICATION

Another section 1563 of Pub. L. 111-148 is classified to section 18119 of this title.

**§ 18121. Implementation funding**

**(a) In general**

There is hereby established a Health Insurance Reform Implementation Fund (referred to in this section as the "Fund") within the Department of Health and Human Services to carry out the Patient Protection and Affordable Care Act and this Act (and the amendments made by such Acts).

**(b) Funding**

There is appropriated to the Fund, out of any funds in the Treasury not otherwise appropriated, \$1,000,000,000 for Federal administrative expenses to carry out such Act<sup>1</sup> (and the amendments made by such Acts).

(Pub. L. 111-152, title I, §1005, Mar. 30, 2010, 124 Stat. 1036.)

**Editorial Notes**

REFERENCES IN TEXT

The Patient Protection and Affordable Care Act, referred to in subsec. (a), is Pub. L. 111-148, Mar. 23, 2010,

<sup>1</sup> So in original. Probably should be "Acts".

124 Stat. 119. For complete classification of this Act to the Code, see Short Title note set out under section 18001 of this title and Tables.

This Act, referred to in subsec. (a), is Pub. L. 111-152, Mar. 30, 2010, 124 Stat. 1029, known as the Health Care and Education Reconciliation Act of 2010. For complete classification of this Act to the Code, see Short Title of 2010 Amendment note under section 1305 of this title and Tables.

#### CODIFICATION

Section was enacted as part of the Health Care and Education Reconciliation Act of 2010, and not as part of the Patient Protection and Affordable Care Act which comprises this chapter.

### § 18122. Rule of construction regarding health care providers

#### (1) In general

Subject to paragraph (3), the development, recognition, or implementation of any guideline or other standard under any Federal health care provision shall not be construed to establish the standard of care or duty of care owed by a health care provider to a patient in any medical malpractice or medical product liability action or claim.

#### (2) Definitions

For purposes of this section:

##### (A) Federal health care provision

The term “Federal health care provision” means any provision of the Patient Protection and Affordable Care Act (Public Law 111-148), title I or subtitle B of title II of the Health Care and Education Reconciliation Act of 2010 (Public Law 111-152), or title XVIII or XIX of the Social Security Act (42 U.S.C. 1395 et seq., 42 U.S.C. 1396 et seq.).

##### (B) Health care provider

The term “health care provider” means any individual, group practice, corporation of health care professionals, or hospital—

- (i) licensed, registered, or certified under Federal or State laws or regulations to provide health care services; or
- (ii) required to be so licensed, registered, or certified but that is exempted by other statute or regulation.

##### (C) Medical malpractice or medical product liability action or claim

The term “medical malpractice or medical product liability action or claim” means a medical malpractice action or claim (as defined in section 11151(7) of this title) and includes a liability action or claim relating to a health care provider’s prescription or provision of a drug, device, or biological product (as such terms are defined in section 321 of title 21 or section 262 of this title).

##### (D) State

The term “State” includes the District of Columbia, Puerto Rico, and any other commonwealth, possession, or territory of the United States.

#### (3) No preemption

Nothing in paragraph (1) or any provision of the Patient Protection and Affordable Care Act (Public Law 111-148), title I or subtitle B of title

II of the Health Care and Education Reconciliation Act of 2010 (Public Law 111-152), or title XVIII or XIX of the Social Security Act (42 U.S.C. 1395 et seq., 42 U.S.C. 1396 et seq.) shall be construed to preempt any State or common law governing medical professional or medical product liability actions or claims.

(Pub. L. 114-10, title I, §106(d), Apr. 16, 2015, 129 Stat. 142.)

#### Editorial Notes

##### REFERENCES IN TEXT

The Patient Protection and Affordable Care Act, referred to in pars. (2)(A) and (3), is Pub. L. 111-148, Mar. 23, 2010, 124 Stat. 119. For complete classification of this Act to the Code, see Short Title note set out under section 18001 of this title and Tables.

The Health Care and Education Reconciliation Act of 2010, referred to in pars. (2)(A) and (3), is Pub. L. 111-152, Mar. 30, 2010, 124 Stat. 1029. For complete classification of this Act to the Code, see Short Title of 2010 Amendment note set out under section 1305 of this title and Tables.

The Social Security Act, referred to in pars. (2)(A) and (3), is act Aug. 14, 1935, ch. 531, 49 Stat. 620. Titles XVIII and XIX of the Act are classified generally to subchapters XVIII (§1395 et seq.) and XIX (§1396 et seq.), respectively, of chapter 7 of this title. For complete classification of this Act to the Code, see section 1305 of this title and Tables.

#### CODIFICATION

Section was enacted as part of the Medicare Access and CHIP Reauthorization Act of 2015, and not as part of the Patient Protection and Affordable Care Act which comprises this chapter.

### CHAPTER 158—SUPPORT FOR PREGNANT AND PARENTING TEENS AND WOMEN

Sec.

18201.	Definitions.
18202.	Establishment of Pregnancy Assistance Fund.
18203.	Permissible uses of Fund.
18204.	Appropriations.

#### § 18201. Definitions

In this chapter:

##### (1) Accompaniment

The term “accompaniment” means assisting, representing, and accompanying a woman in seeking judicial relief for child support, child custody, restraining orders, and restitution for harm to persons and property, and in filing criminal charges, and may include the payment of court costs and reasonable attorney and witness fees associated therewith.

##### (2) Eligible institution of higher education

The term “eligible institution of higher education” means an institution of higher education (as such term is defined in section 1001 of title 20) that has established and operates, or agrees to establish and operate upon the receipt of a grant under this chapter, a pregnant and parenting student services office.

##### (3) Community service center

The term “community service center” means a non-profit organization that provides social services to residents of a specific geographical area via direct service or by contract with a local governmental agency.