

AMENDMENT TO H.R. 9393
OFFERED BY MR. CARTER OF GEORGIA

At the end of the bill, add the following:

1 **SEC. 7. IMPROVING HEALTH CARE COVERAGE UNDER VI-**
2 **SION PLANS.**

3 (a) IN GENERAL.—Title XXVII of the Public Health
4 Service Act is amended by inserting after section 2719A
5 (42 U.S.C. 300gg–19a) the following new section:

6 **“SEC. 2719B. IMPROVING COVERAGE UNDER VISION PLANS.**

7 “(a) IN GENERAL.—With respect to a group health
8 plan or individual or group health insurance coverage that
9 provides benefits for items and services relating to vision
10 care (including such a plan or coverage that offers limited
11 scope vision benefits), the following shall apply:

12 “(1) DURATION OF LIMITED SCOPE VISION
13 PLANS.—In the case of a doctor of optometry who
14 has an agreement or is the beneficiary of an agree-
15 ment with respect to a group health plan or health
16 insurance coverage that offers limited scope vision
17 benefits—

18 “(A) the term of the initial agreement
19 shall be not longer than 2 years;

1 “(B) the agreement may be extended with
2 the prior acceptance by such doctor for each
3 such term extension, and any such extension
4 may be for a term not longer than 2 years; and

5 “(C) the agreement may be extended for
6 unlimited terms, subject to subparagraph (B).

7 “(2) NO RESTRICTIONS ON CHOICE OF LABORA-
8 TORIES AND SOURCES AND SUPPLIERS.—A group
9 health plan or health insurance issuer offering such
10 coverage may not, directly or indirectly, restrict or
11 limit a doctor of optometry described in paragraph
12 (1) with respect to choice of laboratories, or choice
13 of source or supplier of services or materials pro-
14 vided by the doctor to an individual who is enrolled
15 under the plan or coverage.

16 “(b) NOTIFICATION.—The Secretary shall on an an-
17 nual basis notify each State of the State’s authority to
18 enforce the provisions of subsection (a) against a group
19 health plan or a health insurance issuer offering health
20 insurance coverage described in subsection (a) pursuant
21 to section 2723(a)(1) and request confirmation from the
22 State whether or not the State will enforce the provisions
23 of subsection (a). If a State notifies the Secretary that
24 the State will not enforce the provisions of subsection (a)
25 or fails to respond within 90 days of the Secretary’s re-

1 quest, the Secretary shall treat such State as failing to
2 substantially enforce such provisions for purposes of sub-
3 sections (a)(2) and (b) of section 2723.

4 “(c) DEFINITION.—In this section, the term ‘doctor
5 of optometry’ means a doctor of optometry who is legally
6 authorized to practice optometry by the State in which the
7 doctor so practices.”.

8 (b) CONFORMING AMENDMENT.—Section 2722(c)(1)
9 of the Public Health Service Act (42 U.S.C. 300gg–
10 21(c)(1)) is amended by inserting “(other than the re-
11 quirements under section 2719B)” after “section
12 2791(c)(2)”.

13 (c) EXCLUSIVE APPLICABILITY OF STATE LAW.—
14 Notwithstanding any amendment made by this Act, State
15 law that directly affects any standard or requirement re-
16 lating to health insurance issuers and vision benefit plans,
17 shall have exclusive application and the amendments made
18 by this Act shall not apply to the extent that such State
19 law conflicts with such amendments. The State shall re-
20 tain exclusive jurisdiction over health insurance issuers
21 and limited scope vision benefit plans that are directly gov-
22 erned by such State.

