

118TH CONGRESS  
2D SESSION

# S. 3744

To amend title XI of the Social Security Act to lower barriers to increase patient access to health care.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 7, 2024

Mr. CASSIDY (for himself and Mr. PADILLA) introduced the following bill;  
which was read twice and referred to the Committee on Finance

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## A BILL

To amend title XI of the Social Security Act to lower barriers to increase patient access to health care.

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 “Health Accelerating  
5 Consumer’s Care by Expediting Self-Scheduling Act” or  
6 the “Health ACCESS Act”.

7 **SEC. 2. AMENDMENTS TO SECTION 1128B.**

8 Section 1128B(b) of the Social Security Act (42  
9 U.S.C. 1320a–7b(b)) is amended—

10 (1) in paragraph (3)—

1 (A) by moving the left margins of subpara-  
2 graphs (J) and (K) 2 ems to the left;

3 (B) in subparagraph (K), by striking  
4 “and” at the end;

5 (C) in subparagraph (L), by striking the  
6 period at the end and inserting “; and”; and

7 (D) by adding at the end the following new  
8 subparagraph:

9 “(M) any remuneration paid by a provider of  
10 services (as defined in section 1861(u)) or a supplier  
11 (as defined in section 1861(d)) to an information  
12 service provider (as defined in paragraph (5)), if—

13 “(i) such information service provider does  
14 not—

15 “(I) steer or lead a consumer to select  
16 a particular provider of services or supplier  
17 based on the amount a provider of services  
18 or supplier pays or may pay the informa-  
19 tion service provider;

20 “(II) provide, or represent itself as  
21 providing, any medical items or services,  
22 diagnostic or counseling services or assess-  
23 ments of illness or injury, or make any  
24 promises of cure or guarantees of treat-  
25 ment;

1           “(III) provide contact information re-  
2           garding a consumer (as defined in para-  
3           graph (5)) to providers of services or sup-  
4           pliers, except to the specific provider of  
5           services or supplier selected by the con-  
6           sumer;

7           “(IV) provide or arrange for transpor-  
8           tation of an individual to, or from, the lo-  
9           cation of a provider of services or supplier;

10          “(V) provide or arrange for the provi-  
11          sion of any other remuneration to a Fed-  
12          eral health care program beneficiary other  
13          than the inherent convenience of the infor-  
14          mation service or as permitted pursuant to  
15          the nominal value guidance; or

16          “(VI) engage in targeted marketing of  
17          a particular provider or supplier through  
18          phone calls or text messages, with respect  
19          to consumers or potential consumers who  
20          have not previously interacted with the in-  
21          formation service provider and who have  
22          not opted out;

23          “(ii) the methodology for determining com-  
24          pensation paid to the information service pro-  
25          vider by a provider of services or supplier is set

1 in advance in writing, and the compensation:  
2 (I) does not exceed fair market value; (II) is for  
3 services, specified in writing; and (III) does not  
4 take into account the value of any items or  
5 services payable in whole or in part by a Fed-  
6 eral health care program that result from rec-  
7 ommendations by the information service pro-  
8 vider for the provider of services or supplier;

9 “(iii) such information service provider  
10 clearly discloses the financial arrangement be-  
11 tween it and the providers of services or sup-  
12 pliers participating in such service to con-  
13 sumers;

14 “(iv) such information service provider fur-  
15 nishes provider- and supplier-specific informa-  
16 tion to consumers based only on objective, con-  
17 sumer-centric criteria;

18 “(v) such information service provider de-  
19 velops objective criteria for participation in such  
20 information service and does not exclude any  
21 providers of services or suppliers who meet such  
22 criteria from participating therein; and

23 “(vi) such information service provider  
24 meets such other conditions as may be deter-  
25 mined appropriate by the Secretary.”; and

1 (E) by adding at the end the following new  
2 paragraph:

3 “(5) DEFINITION OF CONSUMER; INFORMATION  
4 SERVICE PROVIDER.—For purposes of paragraph (3)(M):

5 “(A) CONSUMER.—The term ‘consumer’ means  
6 an individual who uses a web-based platform oper-  
7 ated by an information service provider for the pur-  
8 pose of searching providers of services or suppliers.

9 “(B) INFORMATION SERVICE PROVIDER.—The  
10 term ‘information service provider’ means any indi-  
11 vidual or entity operating a web-based platform that  
12 makes information regarding providers of services or  
13 suppliers available to consumers.”.

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