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The Honorable Andy Harris, MD
U.S. House of Representatives
1533 Longworth House Office Building
Washington, DC 20515

Dear Dr. Harris:

On behalf of the physician and medical student members of the American Medical Association (AMA), I am writing to express our support for your legislative proposal to repeal the “Non-Discrimination in Health Care Providers” provision of section 2706(a) of the Affordable Care Act (ACA). This provision prevents group health plans, and health insurance issuers offering group or individual health insurance coverage, from discriminating “with respect to participation under the plan or coverage against any health care provider who is acting within the scope of that provider’s license or certification under applicable State law.” Though insurers could vary reimbursement and would not have to contract “with any willing provider,” the vague anti-discrimination language is open to wide interpretation, raises the specter of conflicts with state scope of practice policies, and could lead to policies that have harmful consequences for patients.

The AMA is a proponent of the importance of physician-led health care teams. In order to ensure safe, high quality health care, all health professionals must be held to the highest standard of care under strict scope of practice policies that appropriately match education and experience levels to particular procedures, services, and other aspects of patient care. AMA policy supports repeal of section 2706(a), as it represents federal intrusion into scope of practice, generally the province of state law and regulations. Moreover, section 2706(a) has already been invoked, improperly, to support efforts by health professionals to expand their scope of practice under state policies.

We appreciate your leadership on this important issue and look forward to working with you to advance it through Congress.

Sincerely,

James L. Madara, MD