



Protect Nondiscrimination in Healthcare

In 2010, Congress enacted into law a Provider Nondiscrimination provision¹ that prohibits health plans from discriminating against qualified licensed healthcare professionals solely on the basis of their licensure. This bipartisan law took effect Jan. 1, 2014, and is supported by the American Association of Nurse Anesthetists (AANA) and the Patients Access to Responsible Care Alliance (PARCA), a major coalition of advanced practice registered nurses (APRNs) and allied health professionals recognized by Medicare as Part B providers, because it promotes access to healthcare and consumer choice of healthcare professionals, and helps reduce healthcare costs through competition.

- **Why the Provider Nondiscrimination provision is needed.** Health plans have latitude to determine the quantity, type, and geographic location of healthcare professionals they need to ensure availability of healthcare benefits to their enrollees. However, when health plans organize their healthcare delivery in such a way that they discriminate against whole classes of qualified licensed healthcare professionals by licensure – for example, by prohibiting reimbursement for anesthesia and pain management services provided by Certified Registered Nurse Anesthetists (CRNAs) – patient access to care is impaired, consumer choice suffers, and healthcare costs climb for lack of competition.
- **What the Provider Nondiscrimination provision does.** This law promotes competition and consumer choice by prohibiting discrimination based on provider licensure that keeps patients from getting the care they need. To promote patient access to care, health insurance exchanges, health insurers and health plans must all avoid discrimination against qualified, licensed healthcare professionals solely on the basis of licensure.
- **The Provider Nondiscrimination provision respects local control of healthcare.** This important law also respects local control and autonomy in the organization of health plans and benefits. It does not impose “any willing provider” requirements on health plans, and it does not prevent group health plans or health insurance issuers from establishing varying reimbursement rates based on quality or performance measures.
- **Oppose attempts to repeal this important law.** Legislation introduced by Rep. Andy Harris (R-MD), HR 2817, would repeal Provider Nondiscrimination, and would effectively promote health plans discriminating against qualified licensed providers solely on the basis of their licensure.

Action for Congress: Contact the Administration in support of proper implementation and oversight of the Provider Nondiscrimination Provision, and in doing so promote patient access to healthcare, consumer choice of healthcare providers, and lower healthcare costs through competition. Oppose and do not cosponsor HR 2817.

¹ P.L. 111-148, Sec. 1201, creating a new Sec. 2706 in the Public Health Service Act, “Non-Discrimination in Health Care.”