

AMENDMENT TO H.R. 3962
OFFERED BY MR. TIM MURPHY OF PENNSYLVANIA, MR. GINGREY OF GEORGIA, MR. FLEMING OF LOUISIANA, AND MR. ROE OF TENNESSEE

[H.R. 3962]

Add at the end of the heading for section 2586 the following: **“AND PHYSICIANS PARTICIPATING IN MEDICARE, MEDICAID, OR THE PUBLIC HEALTH INSURANCE OPTION”**.

Add at the end of section 2586 the following subsection:

- 1 (c) APPLICATION OF LIABILITY PROTECTIONS TO
2 PHYSICIANS PARTICIPATING IN MEDICARE, MEDICAID, OR
3 THE PUBLIC HEALTH INSURANCE OPTION.—Section
4 224(g) of the Public Health Service Act (42 U.S.C.
5 233(g)) is amended—
6 (1) in paragraph (4), by striking “An entity”
7 and inserting “Subject to paragraph (6), an entity”;
8 and
9 (2) by adding at the end the following new
10 paragraph:

1 “(6)(A) For purposes of this section, subject to
2 subparagraph (B)—

3 “(i) an entity described in subparagraph
4 (C) shall be considered to be an entity described
5 in paragraph (4); and

6 “(ii) the provisions of this section shall
7 apply to an entity described in subparagraph
8 (B) in the same manner as such provisions
9 apply to an entity described in paragraph (4).

10 “(B) Subparagraph (A) shall apply to an entity
11 described in subparagraph (C) only with respect to
12 medical, surgical, dental, or related functions fur-
13 nished to an individual entitled to benefits under
14 part A of title XVIII of the Social Security Act or
15 enrolled under part B of such title, receiving benefits
16 under a State plan for medical assistance under title
17 XIX of such Act, or enrolled under the public health
18 insurance option established under section 321 of
19 the Affordable Health Care for America Act.

20 “(C) An entity described in this subparagraph
21 is a physician who participates under title XVIII of
22 the Social Security Act, under a State plan for med-
23 ical assistance under title XIX of such Act, or under
24 the public health insurance option established under

1 section 321 of the Affordable Health Care for Amer-
2 ica Act.”.

