

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 3200
OFFERED BY M . _____**

(AINS-EC_001)

In section 100(c) (relating to general definitions) re-designate paragraphs (14) through (25) as paragraphs (16) through (27), respectively.

In section 100(c), after paragraph 13, insert the following new paragraphs:

1 (14) INDIAN.—The term “Indian” has the
2 meaning given such term in section 4 of the Indian
3 Health Care Improvement Act (24 U.S.C. 1603).

4 (15) INDIAN HEALTH CARE PROVIDER.—The
5 term “Indian health care provider” means a health
6 care program operated by the Indian Health Service,
7 an Indian tribe, tribal organization, or urban Indian
8 organization as such terms are defined in section 4
9 of the Indian Health Care Improvement Act (25
10 U.S.C. 1603).

In section 204(b) (relating to standards for QHBP offering entities) redesignate paragraph (8) as paragraph (9).

In section 204(b), after paragraph (7), insert the following new paragraph:

1 (8) SPECIAL RULES WITH RESPECT TO INDIAN
2 ENROLLEES AND INDIAN HEALTH CARE PRO-
3 VIDERS.—

4 (A) CHOICE OF PROVIDERS.—The entity
5 shall—

6 (i) demonstrate to the satisfaction of
7 the Commissioner that it has contracted
8 with a sufficient number of Indian health
9 care providers to ensure timely access to
10 covered services furnished by such pro-
11 viders to individual Indians through the
12 entity's Exchange-participating health ben-
13 efits plan; and

14 (ii) agree to pay Indian health care
15 providers, whether such providers are par-
16 ticipating or nonparticipating providers
17 with respect to the entity, for covered serv-
18 ices provided to those enrollees who are eli-
19 gible to receive services from such pro-
20 viders at a rate that is not less than the
21 level and amount of payment which the en-
22 tity would make for the services of a par-

1 participating provider which is not an Indian
2 health care provider.

3 (B) SPECIAL RULE RELATING TO DIS-
4 CRIMINATION.—Provision of services by an In-
5 dian health care provider exclusively to Indians
6 and their dependents shall not constitute dis-
7 crimination under this Act.

 In section 204(c), add at the end the following new
paragraph:

8 (5) SPECIAL RULE RELATED TO COST-SHARING
9 AND INDIAN HEALTH CARE PROVIDERS.—The con-
10 tract under this section with a QHBP offering entity
11 for a health benefits plan shall provide that if an in-
12 dividual who is an Indian is enrolled in such a plan
13 and such individual receives a covered item or serv-
14 ice from an Indian health care provider (regardless
15 of whether such provider is in the plan’s provider
16 network), the cost sharing for such item or service
17 shall be equal to the amount of cost-sharing that
18 would be imposed if such item or service—

19 (A) had been furnished by another pro-
20 vider in the plan’s provider network; or

21 (B) in the case that the plan has no such
22 network, was furnished by a non-Indian pro-
23 vider.

In section 225 (relating to provider participation) strike subsection (b) and insert the following subsection:

1 (b) LICENSURE OR CERTIFICATION.—

2 (1) IN GENERAL.—Except as provided in para-
3 graph (2), the Secretary shall not allow a health
4 care provider to participate in the public health in-
5 surance option unless such provider is appropriately
6 licensed or certified under State law.

7 (2) SPECIAL RULE FOR IHS FACILITIES AND
8 PROVIDERS .—The requirements under paragraph
9 (1) shall not apply to—

10 (A) a facility that is operated by the In-
11 dian Health Service;

12 (B) a facility operated by an Indian Tribe
13 or tribal organization under the Indian Self De-
14 termination Act (Public Law 93-638);

15 (C) a health care professional employed by
16 the Indian Health Service; or

17 (D) A health care professional—

18 (i) who is employed to provide health
19 care services in a facility operated by an
20 Indian Tribe or tribal organization under
21 the Indian Self Determination Act; and

1 (ii) who is licensed or certified in any
2 State.

