



H.R. 3962, "Affordable Health Care for America Act"
Passed November 7, 2009 – 220 to 215

Doctors / Hospitals

- Enrolls all Medicare-participating physicians in a new government-run insurance plan unless they opt out (Section 323)
- The Secretary of Health and Human Services will establish conditions of participation for health care providers in the government-run plan (Section 325)
- Grants the Secretary of Health and Human Services the power to force physicians to decline patients with private health insurance as a condition of participation in the public option plan (Section 323)
- Creates a Health Choices Commissioner who can decide which doctors and hospitals can participate in the public plan and in private plan provider networks (Section 241 and Section 242)
- Introduces permanent annual productivity adjustments to price updates for institutional providers such as hospitals (Section 1103)
- The Secretary of Health and Human Services will negotiate payment rates for the public insurance option with health care providers (Section 323 and Section 325)
 - The CBO estimates that the \$245 billion in Medicare payment cuts to physicians will include an over 20 percent cut in Medicare reimbursement rates relative to private payment levels as a result of the bill¹
 - The result would be a net decrease in physician reimbursement levels of over \$16,000 annually, even after accounting for additional revenue from the newly insured

- The bill does not include liability reform, and therefore does not discourage physicians from practicing what is known as “defensive medicine” in order to avoid high dollar malpractice suits

- Institutes new reporting requirements for physicians and hospitals (Section 325)
 - Must be licensed and certified to practice under state law (Section 325)
 - Hospitals are required to report any healthcare associated infection that develops in the hospital or center through the Center for Disease Control (Section 1138A)
 - Physicians required to comply with certain electronic health record reporting guidelines as established by the Secretary of Health and Human Services by 2012 (Section 1124)

¹ Congressional Budget Office and Joint Committee on Taxation. *Letter to Congressman John Dingell*, available at http://www.cbo.gov/ftpdocs/107xx/doc10710/hr3962Dingell_mgr_amendment_update.pdf. 6 November 2009.