IN THE GENERAL ASSEMBLY STATE OF __________

Right to Treat Act

Be it enacted by the People of the State of ____________, represented in the General Assembly:

Section 1. Title. This act shall be known as and may be cited as the “Right to Treat Act.”

Section 2. Definitions.

A. Maintenance of Certification is a continuous professional development program through which physicians certified by one or more of the medical specialty boards of the American Board of Medical Specialties maintain specialty certification.

B. Osteopathic Continuous Certification is a continuous professional development program through which physicians certified by one or more of the medical specialty boards of the American Osteopathic Association maintain specialty certification.

Section 3. Relationship between Licensure and Maintenance of Certification/Osteopathic Continuous Certification. Notwithstanding any provision of this Act to the contrary, the [State Board of Medicine] or [State Board of Osteopathic Medicine] shall not by order, rule, or other method require a physician applicant or physician licensee under its jurisdiction to maintain a national or regional certification that is not otherwise specifically required in this article before it issues a license or license renewal to that physician applicant or physician licensee under this article.
Section 4. Relationship between Hospital Staff or Admitting Privileges and Maintenance of Certification/Osteopathic Continuous Certification

[State Hospital Administrative Code] is amended by adding a new section to be appropriately designated:

(a) No facility licensed under this chapter shall deny a physician a hospital’s staff or admitting privileges based solely on the physician’s decision not to participate in maintenance of certification. This section does not prevent a facility's credentials committee from requiring physicians licensed pursuant to [State Medical Practice Act], to meet continuing medical education requirements, as outlined in the rules of the appropriate state licensing board.

(b) A facility licensed under this chapter shall not deny physician hospital staff or admitting privileges or employment based solely on the absence of maintenance of certification. This section does not prohibit a facility from requiring a physician to undergo remedial or corrective courses or training as required by a quality improvement committee.

Section 5. Relationship between Insurance Panel Participation and Maintenance of Certification/Osteopathic Continuous Certification

[State Insurance Code] is amended by adding the following as a new section to be appropriately designated:

(a) A health insurance entity, as defined in [state law], shall not deny reimbursement to, or prevent a physician from, participating in any of the entity's provider networks based solely on a physician's decision not to participate in maintenance of certification.

(b) A health insurance entity, as defined in [State law], shall not discriminate with respect to reimbursement levels based solely on a physician's decision not to participate in maintenance of certification.

Section 6. Effective. This Act shall become effective immediately upon being enacted into law.
Section 7. Severability. If any provision of this Act is held by a court to be invalid, such invalidity shall not affect the remaining provisions of this Act, and to this end the provisions of this Act are hereby declared severable.