

Public Law 111–148
111th Congress

An Act

Entitled The Patient Protection and Affordable Care Act.

Mar. 23, 2010
[H.R. 3590]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Patient Protection and Affordable Care Act”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

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Subtitle A—Immediate Improvements in Health Care Coverage for All Americans

Sec. 1001. Amendments to the Public Health Service Act.

“PART A—INDIVIDUAL AND GROUP MARKET REFORMS

“SUBPART II—IMPROVING COVERAGE

“Sec. 2711. No lifetime or annual limits.

“Sec. 2712. Prohibition on rescissions.

“Sec. 2713. Coverage of preventive health services.

“Sec. 2714. Extension of dependent coverage.

“Sec. 2715. Development and utilization of uniform explanation of coverage documents and standardized definitions.

“Sec. 2716. Prohibition of discrimination based on salary.

“Sec. 2717. Ensuring the quality of care.

“Sec. 2718. Bringing down the cost of health care coverage.

“Sec. 2719. Appeals process.

Sec. 1002. Health insurance consumer information.

Sec. 1003. Ensuring that consumers get value for their dollars.

Sec. 1004. Effective dates.

Subtitle B—Immediate Actions to Preserve and Expand Coverage

Sec. 1101. Immediate access to insurance for uninsured individuals with a pre-existing condition.

Sec. 1102. Reinsurance for early retirees.

Sec. 1103. Immediate information that allows consumers to identify affordable coverage options.

Sec. 1104. Administrative simplification.

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Subtitle C—Quality Health Insurance Coverage for All Americans

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“SUBPART I—GENERAL REFORM

“Sec. 2704. Prohibition of preexisting condition exclusions or other discrimination based on health status.

“Sec. 2701. Fair health insurance premiums.

“Sec. 2702. Guaranteed availability of coverage.

Patient
Protection and
Affordable Care
Act.
42 USC 18001
note.

- “Sec. 2703. Guaranteed renewability of coverage.
- “Sec. 2705. Prohibiting discrimination against individual participants and beneficiaries based on health status.
- “Sec. 2706. Non-discrimination in health care.
- “Sec. 2707. Comprehensive health insurance coverage.
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- Sec. 10102. Amendments to subtitle B.
- Sec. 10103. Amendments to subtitle C.
- Sec. 10104. Amendments to subtitle D.
- Sec. 10105. Amendments to subtitle E.
- Sec. 10106. Amendments to subtitle F.
- Sec. 10107. Amendments to subtitle G.
- Sec. 10108. Free choice vouchers.
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Subtitle B—Provisions Relating to Title II

PART I—MEDICAID AND CHIP

- Sec. 10201. Amendments to the Social Security Act and title II of this Act.
- Sec. 10202. Incentives for States to offer home and community-based services as a long-term care alternative to nursing homes.
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PART II—SUPPORT FOR PREGNANT AND PARENTING TEENS AND WOMEN

- Sec. 10211. Definitions.

- Sec. 10212. Establishment of pregnancy assistance fund.
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- Sec. 10221. Indian health care improvement.

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- Sec. 10301. Plans for a Value-Based purchasing program for ambulatory surgical centers.
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- Sec. 10306. Improvements under the Center for Medicare and Medicaid Innovation.
- Sec. 10307. Improvements to the Medicare shared savings program.
- Sec. 10308. Revisions to national pilot program on payment bundling.
- Sec. 10309. Revisions to hospital readmissions reduction program.
- Sec. 10310. Repeal of physician payment update.
- Sec. 10311. Revisions to extension of ambulance add-ons.
- Sec. 10312. Certain payment rules for long-term care hospital services and moratorium on the establishment of certain hospitals and facilities.
- Sec. 10313. Revisions to the extension for the rural community hospital demonstration program.
- Sec. 10314. Adjustment to low-volume hospital provision.
- Sec. 10315. Revisions to home health care provisions.
- Sec. 10316. Medicare DSH.
- Sec. 10317. Revisions to extension of section 508 hospital provisions.
- Sec. 10318. Revisions to transitional extra benefits under Medicare Advantage.
- Sec. 10319. Revisions to market basket adjustments.
- Sec. 10320. Expansion of the scope of, and additional improvements to, the Independent Medicare Advisory Board.
- Sec. 10321. Revision to community health teams.
- Sec. 10322. Quality reporting for psychiatric hospitals.
- Sec. 10323. Medicare coverage for individuals exposed to environmental health hazards.
- Sec. 10324. Protections for frontier States.
- Sec. 10325. Revision to skilled nursing facility prospective payment system.
- Sec. 10326. Pilot testing pay-for-performance programs for certain Medicare providers.
- Sec. 10327. Improvements to the physician quality reporting system.
- Sec. 10328. Improvement in part D medication therapy management (MTM) programs.
- Sec. 10329. Developing methodology to assess health plan value.
- Sec. 10330. Modernizing computer and data systems of the Centers for Medicare & Medicaid services to support improvements in care delivery.
- Sec. 10331. Public reporting of performance information.
- Sec. 10332. Availability of medicare data for performance measurement.
- Sec. 10333. Community-based collaborative care networks.
- Sec. 10334. Minority health.
- Sec. 10335. Technical correction to the hospital value-based purchasing program.
- Sec. 10336. GAO study and report on Medicare beneficiary access to high-quality dialysis services.

Subtitle D—Provisions Relating to Title IV

- Sec. 10401. Amendments to subtitle A.
- Sec. 10402. Amendments to subtitle B.
- Sec. 10403. Amendments to subtitle C.
- Sec. 10404. Amendments to subtitle D.
- Sec. 10405. Amendments to subtitle E.
- Sec. 10406. Amendment relating to waiving coinsurance for preventive services.
- Sec. 10407. Better diabetes care.
- Sec. 10408. Grants for small businesses to provide comprehensive workplace wellness programs.
- Sec. 10409. Cures Acceleration Network.
- Sec. 10410. Centers of Excellence for Depression.
- Sec. 10411. Programs relating to congenital heart disease.
- Sec. 10412. Automated Defibrillation in Adam's Memory Act.
- Sec. 10413. Young women's breast health awareness and support of young women diagnosed with breast cancer.

Subtitle E—Provisions Relating to Title V

- Sec. 10501. Amendments to the Public Health Service Act, the Social Security Act, and title V of this Act.

- Sec. 10502. Infrastructure to Expand Access to Care.
 Sec. 10503. Community Health Centers and the National Health Service Corps Fund.
 Sec. 10504. Demonstration project to provide access to affordable care.

Subtitle F—Provisions Relating to Title VI

- Sec. 10601. Revisions to limitation on medicare exception to the prohibition on certain physician referrals for hospitals.
 Sec. 10602. Clarifications to patient-centered outcomes research.
 Sec. 10603. Striking provisions relating to individual provider application fees.
 Sec. 10604. Technical correction to section 6405.
 Sec. 10605. Certain other providers permitted to conduct face to face encounter for home health services.
 Sec. 10606. Health care fraud enforcement.
 Sec. 10607. State demonstration programs to evaluate alternatives to current medical tort litigation.
 Sec. 10608. Extension of medical malpractice coverage to free clinics.
 Sec. 10609. Labeling changes.

Subtitle G—Provisions Relating to Title VIII

- Sec. 10801. Provisions relating to title VIII.

Subtitle H—Provisions Relating to Title IX

- Sec. 10901. Modifications to excise tax on high cost employer-sponsored health coverage.
 Sec. 10902. Inflation adjustment of limitation on health flexible spending arrangements under cafeteria plans.
 Sec. 10903. Modification of limitation on charges by charitable hospitals.
 Sec. 10904. Modification of annual fee on medical device manufacturers and importers.
 Sec. 10905. Modification of annual fee on health insurance providers.
 Sec. 10906. Modifications to additional hospital insurance tax on high-income taxpayers.
 Sec. 10907. Excise tax on indoor tanning services in lieu of elective cosmetic medical procedures.
 Sec. 10908. Exclusion for assistance provided to participants in State student loan repayment programs for certain health professionals.
 Sec. 10909. Expansion of adoption credit and adoption assistance programs.

TITLE I—QUALITY, AFFORDABLE HEALTH CARE FOR ALL AMERICANS

Subtitle A—Immediate Improvements in Health Care Coverage for All Americans

SEC. 1001. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

Part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg et seq.) is amended—

(1) by striking the part heading and inserting the following:

**“PART A—INDIVIDUAL AND GROUP MARKET
REFORMS”;**

(2) by redesignating sections 2704 through 2707 as sections 2725 through 2728, respectively;

(3) by redesignating sections 2711 through 2713 as sections 2731 through 2733, respectively;

(4) by redesignating sections 2721 through 2723 as sections 2735 through 2737, respectively; and

(5) by inserting after section 2702, the following:

42 USC
300gg-4—
300gg-7,
300gg-25—
300gg-28.
42 USC
300gg-11—
300gg-13,
300gg-9.
42 USC
300gg-21—
300gg-23.

(2) **ELIGIBILITY.**—To be eligible for a grant under paragraph (1), a State Attorney General shall submit an application to the designated State agency at such time, in such manner, and containing such information, as specified by the State.

(3) **TECHNICAL ASSISTANCE AND TRAINING DESCRIBED.**—For purposes of paragraph (1)(B), technical assistance and training is—

(A) the identification of eligible pregnant women experiencing domestic violence, sexual violence, sexual assault, or stalking;

(B) the assessment of the immediate and short-term safety of such a pregnant woman, the evaluation of the impact of the violence or stalking on the pregnant woman's health, and the assistance of the pregnant woman in developing a plan aimed at preventing further domestic violence, sexual violence, sexual assault, or stalking, as appropriate;

(C) the maintenance of complete medical or forensic records that include the documentation of any examination, treatment given, and referrals made, recording the location and nature of the pregnant woman's injuries, and the establishment of mechanisms to ensure the privacy and confidentiality of those medical records; and

(D) the identification and referral of the pregnant woman to appropriate public and private nonprofit entities that provide intervention services, accompaniment, and supportive social services.

(4) **ELIGIBLE PREGNANT WOMAN.**—In this subsection, the term “eligible pregnant woman” means any woman who is pregnant on the date on which such woman becomes a victim of domestic violence, sexual violence, sexual assault, or stalking or who was pregnant during the one-year period before such date.

Definition.

(e) **PUBLIC AWARENESS AND EDUCATION.**—A State may use amounts received under a grant under section 10212 to make funding available to increase public awareness and education concerning any services available to pregnant and parenting teens and women under this part, or any other resources available to pregnant and parenting women in keeping with the intent and purposes of this part. The State shall be responsible for setting guidelines or limits as to how much of funding may be utilized for public awareness and education in any funding award.

Guidelines.

SEC. 10214. APPROPRIATIONS.

42 USC 18204.

There is authorized to be appropriated, and there are appropriated, \$25,000,000 for each of fiscal years 2010 through 2019, to carry out this part.

**PART III—INDIAN HEALTH CARE
IMPROVEMENT**

SEC. 10221. INDIAN HEALTH CARE IMPROVEMENT.

(a) **IN GENERAL.**—Except as provided in subsection (b), S. 1790 entitled “A bill to amend the Indian Health Care Improvement Act to revise and extend that Act, and for other purposes.”, as reported by the Committee on Indian Affairs of the Senate in December 2009, is enacted into law.

Incorporation by reference.
25 USC 1601
et seq.

(b) **AMENDMENTS.**—

(1) Section 119 of the Indian Health Care Improvement Act (as amended by section 111 of the bill referred to in subsection (a)) is amended—

25 USC 1616l.

(A) in subsection (d)—

(i) in paragraph (2), by striking “In establishing” and inserting “Subject to paragraphs (3) and (4), in establishing”; and

(ii) by adding at the end the following:

“(3) ELECTION OF INDIAN TRIBE OR TRIBAL ORGANIZATION.—

“(A) IN GENERAL.—Subparagraph (B) of paragraph (2) shall not apply in the case of an election made by an Indian tribe or tribal organization located in a State (other than Alaska) in which the use of dental health aide therapist services or midlevel dental health provider services is authorized under State law to supply such services in accordance with State law.

“(B) ACTION BY SECRETARY.—On an election by an Indian tribe or tribal organization under subparagraph (A), the Secretary, acting through the Service, shall facilitate implementation of the services elected.

“(4) VACANCIES.—The Secretary shall not fill any vacancy for a certified dentist in a program operated by the Service with a dental health aide therapist.”; and

(B) by adding at the end the following:

“(e) EFFECT OF SECTION.—Nothing in this section shall restrict the ability of the Service, an Indian tribe, or a tribal organization to participate in any program or to provide any service authorized by any other Federal law.”.

25 USC 1616r.

(2) The Indian Health Care Improvement Act (as amended by section 134(b) of the bill referred to in subsection (a)) is amended by striking section 125 (relating to treatment of scholarships for certain purposes).

(3) Section 806 of the Indian Health Care Improvement Act (25 U.S.C. 1676) is amended—

(A) by striking “Any limitation” and inserting the following:

“(a) HHS APPROPRIATIONS.—Any limitation”; and

(B) by adding at the end the following:

Applicability.
Abortions.

“(b) LIMITATIONS PURSUANT TO OTHER FEDERAL LAW.—Any limitation pursuant to other Federal laws on the use of Federal funds appropriated to the Service shall apply with respect to the performance or coverage of abortions.”.

42 USC 1395l,
1395qq.

(4) The bill referred to in subsection (a) is amended by striking section 201.

Subtitle C—Provisions Relating to Title III

SEC. 10301. PLANS FOR A VALUE-BASED PURCHASING PROGRAM FOR AMBULATORY SURGICAL CENTERS.

(a) IN GENERAL.—Section 3006 is amended by adding at the end the following new subsection:

“(f) AMBULATORY SURGICAL CENTERS.—

“(1) IN GENERAL.—The Secretary shall develop a plan to implement a value-based purchasing program for payments under the Medicare program under title XVIII of the Social