



IN THE GENERAL ASSEMBLY STATE OF _____

Right to Treat Act

1 Be it enacted by the People of the State of _____, represented in the General
2 Assembly:

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

4 **Section 2. Definitions.**

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

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

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

1 **Section 4. Relationship between Hospital Staff or Admitting Privileges and Maintenance of**
2 **Certification/Osteopathic Continuous Certification**

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

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

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

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

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

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

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

24 **Section 6. Effective.** This Act shall become effective immediately upon being enacted into law.

1 **Section 7. Severability.** If any provision of this Act is held by a court to be invalid, such
2 invalidity shall not affect the remaining provisions of this Act, and to this end the provisions of
3 this Act are hereby declared severable.