

PARCA

Ensuring Patients' Access to Care

HR 1741: Bad for Patients, Providers, and the Nation's Health

Broad Health Care Provider Coalition Calls on Congress to Reject Anti-Competitive, Anti-Patient Legislation

The Patients' Access to Responsible Care Alliance (PARCA), a coalition representing the interests of nearly one million non-MD/DO health care providers and the millions of patients that they serve across the country, is calling on Congress to reject misguided and misleading legislation that would limit patient access to needed care, restrict patient freedom to seek care from the provider of their choice, stifle competition in the health care marketplace, and result in increased costs for patients, health care providers, and the Federal Government.

The Truth in Health Care Marketing Act (HR 1741) would charge the Federal Trade Commission (FTC) with launching a new effort aimed at identifying and documenting specific "misleading or deceptive" acts by health care providers. While the legislation is vague as to what would be considered "misleading or deceptive", it is clear that the FTC already has well-established authority under the Federal Trade Commission Act to ensure that health care providers do not disseminate false, unsubstantiated, or otherwise deceptive claims regarding their qualifications. Additionally, it is already illegal in every state, and enforced by federal and state authorities, for any person or entity to identify or portray themselves as being able to practice any of the professions (including in health care) where a license or certification is required, without holding that license or certification.

In addition to being redundant and unnecessary, PARCA is concerned with the negative impact that HR 1741 could have on patients. HR 1741 would, in practice, undermine patient access to needed care. Rather than helping to ensure that patients receive accurate information about health care providers, HR 1741 could potentially cause greater patient confusion by calling into question the skills and training of America's non – MD/DO health care professionals. While PARCA agrees that individuals who are not qualified and/or appropriately licensed or certified to provide health care services should not be permitted to serve patients, we believe that patients benefit by having accurate information about, and greater access to, a wide range of health care services performed by the health care professionals educated, trained, and licensed or certified to perform those needed services. HR 1741 does no more to protect patients than laws currently on the books, which is why PARCA fears that this legislation would only serve to impede access to a wide range of qualified health care providers, particularly at a time when America faces an access to care crisis.

Moreover, PARCA believes that there is no need for additional federal authority in this area and HR 1741 would unnecessarily confuse or diminish states' constitutionally-recognized police powers. In 1975, the U.S. Supreme Court recognized in *Goldfarb v. Virginia State Bar*, 421 U.S. 773 "that the states have a compelling interest in the practice of professions within their boundaries, and that as part of their power to protect public health, safety and other valid interests, they have broad power to establish standards for licensing practitioners and regulating the practice of the professions." Currently, provisions governing licensure law in the various states clearly and specifically prohibit health care providers from performing any act likely to deceive, defraud, or harm the public.

Rather than bolstering state efforts and benefiting the public, HR 1741 could actually threaten states' recognized jurisdiction over the regulation of health care, and could ultimately have serious consequences for patient access to the care that they need. As such, PARCA urges members of Congress to oppose HR 1741.

Sincerely,

Members of the Patients' Access to Responsible Care Alliance (PARCA)

American Academy of Audiology • American Association of Birth Centers • American Association of Nurse Practitioners
• American Chiropractic Association • American College of Nurse Midwives • American Optometric Association •
American Podiatric Medical Association • American Psychological Association Practice Organization • National
Association of Clinical Nurse Specialists

PARCA is a coalition of organizations that represent the interests of millions of patients and non- MD/DO health care providers. It aims to provide federal policymakers with access to information from all areas of the health care community, in order to assist in the formulation of responsible, well-rounded health care policy. The coalition is committed to quality, cost-effective care, and ensuring patients have options in the delivery of such care. For more information, visit www.accessparca.org or contact parca.coalition@gmail.com.