



IN THE GENERAL ASSEMBLY STATE OF \_\_\_\_\_

**An Act**

**To Prohibit Mandatory Physician Participation in Health Programs as a Condition of Physician Licensure**

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 and may be cited as the "Voluntary Physician  
4 Participation Act."

5 **Section 2. Purpose.** The Legislature hereby finds and declares that:

6 (a) Physicians invest tremendous time, effort and resources to obtain and maintain their  
7 medical licenses;

8 (b) Licensure laws should only relate to requirements for admission to the practice of  
9 medicine and to assuring the continuing competence of physicians not to achieving  
10 socioeconomic objectives;

11 (c) Conditioning physician licensure to participation in any public or private insurance plans,  
12 public health care system, public service initiative, or emergency room coverage unduly  
13 restricts a physician's freedom to practice;

1 (d) Forcing physicians to participate in certain plans eliminates a physicians' ability to  
2 control their workload to ensure they are able to provide their patients with the care they  
3 need;

4 (e) Forcing physicians to participate in certain plans eliminates their ability to negotiate  
5 contracts fairly with the plans;

6 (f) Forcing physicians to participate in certain plans eliminates their ability to refuse to work  
7 for a plan that engages in abusive business practices or improperly interferes in the  
8 physician-patient relationship;

9 (g) Forcing physicians to demonstrate proficiency with electronic health records, as defined  
10 by the federal government, would cause a significant disruption in the licensing process  
11 and threaten access to important services that licensed physicians provide.

12 (h) Physicians should not be forced to participate in the state Medicaid program because  
13 physicians participating in Medicaid must comply with additional federal and state laws  
14 and regulations and are reimbursed at a lower level than most other insurance plans;

15 (i) If physicians lose their license as a result of choosing not to participate in certain public  
16 or private insurance plans, public health care system, public service initiative, emergency  
17 room coverage or other health program, they will be forced to stop practicing or leave the  
18 state as a result of their decision, having a detrimental impact on access to care in the  
19 state.

1     **Section 3. Requirements.**

2           (a) Physician licensure in this state shall not be conditioned upon or related to physician  
3           participation in any public or private insurance plan, public health care system, public  
4           service initiative, or emergency room coverage.

5           (b) Physician licensure in this state shall not be conditioned upon or related to physician  
6           compliance with the “meaningful use” of electronic health records as set forth in C.F.R.  
7           Part 170.

8     **Section 4. Effective Date.** This Act shall become effective immediately upon being enacted  
9     into law.

10    **Section 5. Severability.** If any provision of this Act is held by a court to be invalid, such  
11    invalidity shall not affect the remaining provisions of this Act, and to this end the provisions of  
12    this Act are hereby declared severable.