

**ANNOUNCEMENT REGARDING LISTENING SESSION
REGARDING PROVIDER NONDISCRIMINATION UNDER SECTION 2706(A) OF
THE PUBLIC HEALTH SERVICE ACT
Hosted by the Departments of Labor, HHS and the Treasury
January 19, 2022
1pm ET**

The Departments of Labor, Health and Human Services and the Treasury (collectively, the Departments) are hosting a listening session on January 19, 2022 regarding implementation of the provider nondiscrimination provision under section 2706(a) of the Public Health Service Act (the PHS Act), which is incorporated by reference in section 715 of the Employee Retirement Income Security Act and section 9815 of the Internal Revenue Code. The listening session will be held virtually, and will begin at 1pm ET.

Section 2706(a) of the PHS Act states that a “group health plan and a health insurance issuer offering group or individual health insurance coverage shall not discriminate with respect to participation under the plan or coverage against any health care provider who is acting within the scope of that provider's license or certification under applicable State law.” It does not “require that a group health plan or health insurance issuer contract with any health care provider willing to abide by the terms and conditions for participation established by the plan or issuer,” and nothing in the section prevents “a group health plan, a health insurance issuer, or the Secretary from establishing varying reimbursement rates based on quality or performance measures.”

Section 108 of the Consolidated Appropriations Act, 2021, requires the Departments to issue a notice of proposed rulemaking, followed by a final rule, to fully implement section 2706(a) of the PHS Act. The purpose of the listening session is to foster an exchange of information and views and afford interested individuals and organizations an opportunity to share their perspective on what should be included in forthcoming proposed regulations.

LOCATION AND TIME

The listening session will be held on January 19, 2022, 1pm ET via video conference.

REGISTRATION, ATTENDANCE AND PARTICIPATION

Individuals and organizations interested in attending are requested to register electronically by emailing their name, organization, title, email address, and phone number to phsa2706listeningsession@dol.gov (please indicate “Listening Session Regarding Section

2706(a) of the PHS Act” in the subject line of the e-mail. Please indicate whether you would like to speak at the forum. Requests to register must be submitted by January 13, 2021. Information regarding how to join the session will be sent to registered attendants in advance of the session.

We may not be able to accommodate all requests to register as a speaker as the time allotted for the listening session is limited. If we are unable to accommodate all requests to speak, we will select approved speakers with an objective of hearing from a cross section of interested persons during the available time.

CONTACT INFORMATION

If you have any questions, please submit them to phsa2706listeningsession@dol.gov and a representative from EBSA will respond. Individuals with disabilities who may need special accommodations are asked to notify EBSA when registering.