

118TH CONGRESS
2D SESSION

S. 5375

To amend title XXVII of the Public Health Service Act to improve health care coverage under vision and dental plans, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 21, 2024

Mr. MURPHY (for himself, Mr. CRAMER, and Mr. MULLIN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend title XXVII of the Public Health Service Act to improve health care coverage under vision and dental plans, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Vision Lab Choice Act
5 of 2024”.

1 **SEC. 2. IMPROVING HEALTH CARE COVERAGE UNDER VI-**
 2 **SION PLANS.**

3 (a) IN GENERAL.—Title XXVII of the Public Health
 4 Service Act is amended by inserting after section 2719A
 5 (42 U.S.C. 300gg–19a) the following new section:

6 **“SEC. 2719B. IMPROVING COVERAGE UNDER VISION PLANS.**

7 “(a) IN GENERAL.—With respect to a group health
 8 plan or individual or group health insurance coverage that
 9 provides benefits for items and services relating to vision
 10 care (including such a plan or coverage that offers limited
 11 scope vision benefits), the following shall apply:

12 “(1) DURATION OF LIMITED SCOPE VISION
 13 PLANS.—In the case of an agreement between a doc-
 14 tor of optometry or a facility employing a doctor of
 15 optometry, with respect to a plan or coverage that
 16 offers limited scope vision benefits—

17 “(A) the term of the initial agreement
 18 shall be not longer than 2 years;

19 “(B) the agreement may be extended with
 20 the prior acceptance by the doctor of optometry
 21 or facility employing a doctor of optometry for
 22 each such term extension, and any such exten-
 23 sion may be for a term not longer than 2 years;
 24 and

25 “(C) the agreement may be extended for
 26 unlimited terms, subject to subparagraph (B).

1 “(2) NO RESTRICTIONS ON CHOICE OF LABORA-
2 TORIES AND SOURCES AND SUPPLIERS.—A group
3 health plan or health insurance issuer offering such
4 coverage may not, directly or indirectly, restrict or
5 limit a doctor of optometry or facility employing a
6 doctor of optometry with respect to choice of labora-
7 tories, or choice of source or supplier of services or
8 materials provided by the doctor or facility to an in-
9 dividual who is enrolled under the plan or coverage.

10 “(b) NOTIFICATION.—The Secretary shall on an an-
11 nual basis notify each State of the State’s authority to
12 enforce the provisions of subsection (a) against a group
13 health plan or a health insurance issuer offering health
14 insurance coverage described in subsection (a) pursuant
15 to section 2723(a)(1) and request confirmation from the
16 State whether or not the State will enforce the provisions
17 of subsection (a). If a State notifies the Secretary that
18 the State will not enforce the provisions of subsection (a)
19 or fails to respond within 90 days of the Secretary’s re-
20 quest, the Secretary shall treat such State as failing to
21 substantially enforce such provisions for purposes of sub-
22 sections (a)(2) and (b) of section 2723.

23 “(c) DEFINITIONS.—In this section—

24 “(1) the term ‘doctor of optometry’ means a
25 doctor of optometry who is legally authorized to

1 practice optometry by the State in which the doctor
2 so practices; and

3 “(2) the term ‘facility that employs a doctor of
4 optometry’ means an entity that retains the services
5 of a doctor of optometry for purposes that include
6 the delivery of limited scope vision benefits serv-
7 ices.”.

8 (b) CONFORMING AMENDMENT.—Section 2722(c)(1)
9 of the Public Health Service Act (42 U.S.C. 300gg–
10 21(c)(1)) is amended by inserting “(other than the re-
11 quirements under section 2719B)”.

12 (c) EXCLUSIVE APPLICABILITY OF STATE LAW.—
13 Notwithstanding any amendment made by this Act, State
14 law that directly affects any standard or requirement re-
15 lating to health insurance issuers and vision benefit plans,
16 shall have exclusive application and the amendments made
17 by this Act shall not apply to the extent that such State
18 law conflicts with such amendments. The State shall re-
19 tain exclusive jurisdiction over health insurance issuers
20 and limited scope vision benefit plans that are directly gov-
21 erned by such State.

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