

118TH CONGRESS
2D SESSION

S. _____

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

_____ introduced the following bill; which was read twice and referred to the Committee on _____

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”.

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

8 (a) IN GENERAL.—Title XXVII of the Public Health
9 Service Act is amended by inserting after section 2719A
10 (42 U.S.C. 300gg–19a) the following new section:

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

2 “(a) IN GENERAL.—With respect to a group health
3 plan or individual or group health insurance coverage that
4 provides benefits for items and services relating to vision
5 care (including such a plan or coverage that offers limited
6 scope vision benefits), the following shall apply:

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

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

14 “(B) the agreement may be extended with
15 the prior acceptance by the doctor of optometry
16 or facility employing a doctor of optometry for
17 each such term extension, and any such exten-
18 sion may be for a term not longer than 2 years;
19 and

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

22 “(2) NO RESTRICTIONS ON CHOICE OF LABORA-
23 TORIES AND SOURCES AND SUPPLIERS.—A group
24 health plan or health insurance issuer offering such
25 coverage may not, directly or indirectly, restrict or
26 limit a doctor of optometry or facility employing a

1 doctor of optometry with respect to choice of labora-
2 tories, or choice of source or supplier of services or
3 materials provided by the doctor or facility to an in-
4 dividual who is enrolled under the plan or coverage.

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

18 “(c) DEFINITIONS.—In this section—

19 “(1) the term ‘doctor of optometry’ means a
20 doctor of optometry who is legally authorized to
21 practice optometry by the State in which the doctor
22 so practices; and

23 “(2) the term ‘facility that employs a doctor of
24 optometry’ means an entity that retains the services
25 of a doctor of optometry for purposes that include

1 the delivery of limited scope vision benefits serv-
2 ices.”.

3 (b) CONFORMING AMENDMENT.—Section 2722(c)(1)
4 of the Public Health Service Act (42 U.S.C. 300gg–
5 21(c)(1)) is amended by inserting “(other than the re-
6 quirements under section 2719B)”.

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