AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 5800
OFFERED BY MR. SMUCKER OF PENNSYLVANIA

Page 66, line 16, strike the end quotation marks
and second period.

Page 66, after line 16, insert the following:

“(h) RULE OF CONSTRUCTION.—Nothing in this sec-

tion shall be construed to affect any contractual agree-

ment, terms of service agreement, or other contractual re-

lationship in effect between a group health plan or health

insurance issuer offering health insurance coverage in the

group market and a nonparticipating provider or emer-
gency facility, to the extent that such agreement or rela-

tionship—

“(1) prevents or prohibits a participant or bene-

ficiary of such plan or coverage from being held lia-

tible for a payment amount for an item or service fur-

nished by such provider or facility that is more than

the cost-sharing amount for such item or service de-

termined under such agreement or relationship; or
“(2) permits the plan or issuer to seek recourse in accordance with the terms of such agreement or relationship.”.