

HOUSE BILL No. 1272

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-21-17.

Synopsis: Hospital pricing information and penalties. Requires a hospital to post certain pricing information on the hospital's website. Sets forth civil penalties for the Indiana department of health to assess a hospital or ambulatory outpatient surgical center that fails to post the pricing information.

Effective: July 1, 2023.

Schaibley

January 17, 2023, read first time and referred to Committee on Public Health.



First Regular Session of the 123rd General Assembly (2023)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2022 Regular Session of the General Assembly.

HOUSE BILL No. 1272

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-21-17-1, AS AMENDED BY P.L.151-2021,
2 SECTION 11 AND P.L.198-2021, SECTION 14, IS AMENDED TO
3 READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. (a) ~~Not~~
4 ~~later than December 31, 2021~~, An ambulatory outpatient surgical
5 center shall post on the ~~Internet web site~~ **website** of the ambulatory
6 outpatient surgical center pricing and other information specified in
7 this chapter for the following:

8 (1) For as many of the seventy (70) shoppable services specified
9 in the final rule of the Centers for Medicare and Medicaid
10 Services published in 84 FR 65524 that are provided by the
11 ambulatory outpatient surgical center.

12 (2) In addition to the services specified in subdivision (1):
13 (A) the thirty (30) most common services that are provided by
14 the ambulatory outpatient surgical center not included in
15 subdivision (1); or
16 (B) if the ambulatory outpatient surgical center offers less than
17 thirty (30) services not included under subdivision (1), all of



1 the services provided by the ambulatory outpatient surgical
2 center.

3 (b) The following information, to the extent applicable, must be
4 included on the ~~internet web site~~ **website** by an ambulatory outpatient
5 surgical center for the shoppable and common services described in
6 subsection (a):

- 7 (1) A description of the shoppable and common service.
8 (2) The standard charge per item or service for each of the
9 following categories:
10 (A) Any nongovernment sponsored health benefit plan or
11 insurance plan provided by a health carrier in which the
12 provider is in the network.
13 (B) Medicare, including fee for service and Medicare
14 Advantage.
15 (C) Self-pay without charitable assistance from the ambulatory
16 outpatient surgical center.
17 (D) Self-pay with charitable assistance from the ambulatory
18 outpatient surgical center.
19 (E) Medicaid, including fee for service and risk based
20 managed care.

21 ~~(c) If:~~
22 ~~(1) the federal Hospital Price Transparency Rule is repealed; or~~
23 ~~(2) federal enforcement of the federal Hospital Price~~
24 ~~Transparency Rule is stopped;~~
25 ~~the state health commissioner shall notify the legislative council of the~~
26 ~~occurrence referred to in subdivision (1) or (2) in an electronic format~~
27 ~~under IC 5-14-6.~~

28 ~~(d) This subsection takes effect when the legislative council receives~~
29 ~~a notification from the state health commissioner under subsection (c):~~

30 **(c)** A hospital shall post **on the hospital's website** pricing
31 information in compliance with the federal Hospital Price
32 Transparency Rule of the federal Centers for Medicare and Medicaid
33 Services as published at 84 FR 65524 and in effect on January 1, 2021.

34 SECTION 2. IC 16-21-17-3 IS ADDED TO THE INDIANA CODE
35 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY
36 1, 2023]: **Sec. 3. (a) The state department may assess the following**
37 **civil penalties against a hospital that fails to post the information**
38 **required under section 1 of this chapter:**

- 39 **(1) For a hospital with less than thirty-one (31) beds, three**
40 **hundred dollars (\$300) per day.**
41 **(2) For a hospital with at least thirty-one (31) beds, but not**
42 **more than five hundred fifty (550) beds, the number of beds**



1 **for the hospital multiplied by ten dollars (\$10) per day.**
2 **(3) For a hospital with more than five hundred fifty (550)**
3 **beds, five thousand five hundred dollars (\$5,500) per day.**
4 **(b) The state department may assess a civil penalty against an**
5 **ambulatory outpatient surgical center that fails to post the**
6 **information required under section 1 of this chapter. The penalty**
7 **may not exceed one thousand dollars (\$1,000) for each day the**
8 **information is not posted.**

