

116TH CONGRESS
1ST SESSION

H. R. 3386

To amend title XI of the Social Security Act to require hospitals and critical access hospitals to provide uninsured individuals with access to the lowest negotiated rate for items and services furnished to such individuals.

IN THE HOUSE OF REPRESENTATIVES

JUNE 20, 2019

Mr. COLLINS of New York introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title XI of the Social Security Act to require hospitals and critical access hospitals to provide uninsured individuals with access to the lowest negotiated rate for items and services furnished to such individuals.

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 “Protect the Uninsured
5 Act of 2019”.

1 **SEC. 2. REQUIRING HOSPITALS AND CRITICAL ACCESS**
2 **HOSPITALS TO PROVIDE UNINSURED INDI-**
3 **VIDUALS WITH ACCESS TO THE LOWEST NE-**
4 **GOTIATED RATE FOR ITEMS AND SERVICES**
5 **FURNISHED TO SUCH INDIVIDUALS.**

6 Section 1128A of the Social Security Act (42 U.S.C.
7 1320a–7a) is amended by adding at the end the following
8 new subsection:

9 “(t)(1) Any hospital or critical access hospital that,
10 with respect to an item or service furnished by such hos-
11 pital or critical access hospital to an uninsured individual
12 (as defined in paragraph (2)) on or after the date that
13 is 6 months after the date of the enactment of this sub-
14 section, holds such individual liable for an amount in ex-
15 cess of the lowest negotiated price (as defined in such
16 paragraph) with respect to such item or service shall be
17 subject to a civil monetary penalty in an amount equal
18 to the difference between the amount such hospital or crit-
19 ical access hospital held such individual liable for with re-
20 spect to such item or service and such lowest negotiated
21 price. The provisions of subsections (c), (d), (g), and (h)
22 shall apply to a civil monetary penalty under the preceding
23 sentence in the same manner as such provisions apply to
24 a penalty, assessment, or proceeding under subsection (a).

25 “(2) In this subsection:

1 “(A) The term ‘lowest negotiated price’ means,
2 with respect to a hospital or critical access hospital
3 and an item or service, the lowest recognized amount
4 such hospital or critical access hospital has nego-
5 tiated with any health insurance issuer or group
6 health plan (as such terms are defined in section
7 2791 of the Public Health Service Act) with which
8 such hospital or critical access hospital contracts for
9 such item or service.

10 “(B) The term ‘uninsured individual’ means an
11 individual who is not enrolled or otherwise covered
12 under any health insurance coverage, group health
13 plan, or Federal health care program (as defined in
14 section 1128B(f)), or under the health insurance
15 program under chapter 89 of title 5, United States
16 Code.”.

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