

116TH CONGRESS  
1ST SESSION

# H. R. 3965

To amend the Public Health Service Act to provide for enhancements to requirements for public disclosure of hospital price data.

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IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2019

Mr. LIPINSKI introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Public Health Service Act to provide for enhancements to requirements for public disclosure of hospital price data.

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 “Hospital Price Trans-  
5 parency and Disclosure Act”.

6 **SEC. 2. ENHANCING PUBLIC DISCLOSURE OF HOSPITAL**  
7 **PRICE DATA.**

8 Section 2718(e) of the Public Health Service Act is  
9 amended—

1           (1) by striking “CHARGES.—Each hospital”  
2 and inserting “CHARGES.—

3           “(1) IN GENERAL.—Each hospital”; and

4           (2) by adding at the end the following new  
5 paragraphs:

6           “(2) FORMAT.—The guidelines developed under  
7 paragraph (1) shall provide that all standard  
8 charges described in paragraph (1) are published in  
9 a uniform, machine-readable format.

10          “(3) PUBLIC POSTING OF DATA.—

11           “(A) PUBLIC POSTING OF DATA.—The  
12 guidelines developed under paragraph (1) shall  
13 provide that the standard charges described in  
14 paragraph (1) shall be made public by hospitals  
15 through a process specified by the Secretary  
16 under which the standard charges are sub-  
17 mitted by the hospitals to the Secretary and the  
18 Secretary promptly posts the standard charges  
19 on the official public Internet site of the De-  
20 partment of Health and Human Services. Such  
21 data shall be set forth in a manner that pro-  
22 motes charge comparison among hospitals and  
23 in a manner that compares the price data for  
24 an item or service submitted by the hospital  
25 with the price payable for the same item or

1 service under title XVIII of the Social Security  
2 Act.

3 “(B) ACCESS.—In carrying out subpara-  
4 graph (A), the Secretary shall create applica-  
5 tion programming interfaces and take any other  
6 necessary steps to facilitate access to data sub-  
7 mitted pursuant to paragraph (1) to third par-  
8 ties seeking to present such data in a con-  
9 sumer-friendly format.

10 “(C) NOTICE OF AVAILABILITY.—Each  
11 hospital required to submit data under this sub-  
12 section shall prominently post at each admis-  
13 sion site of the hospital a notice of the avail-  
14 ability of the data so submitted on the official  
15 public Internet site under subparagraph (A).

16 “(4) CIVIL MONETARY PENALTY.—The Sec-  
17 retary may impose a civil monetary penalty of not  
18 more than \$10,000 for each knowing violation of  
19 paragraph (1) or (3)(C) by a hospital. The provi-  
20 sions of subsection (i)(2) of section 351A shall apply  
21 with respect to civil monetary penalties under this  
22 paragraph in the same manner as such provisions  
23 apply to civil monetary penalties under subsection  
24 (i)(1) of such section.

1           “(5) METHOD FOR DETERMINING ACTUAL  
2 CHARGE.—Not later than 18 months after the date  
3 of the enactment of the Hospital Price Transparency  
4 and Disclosure Act, the Secretary shall pursuant to  
5 rulemaking develop a method to determine and make  
6 publicly available information on total amounts actu-  
7 ally negotiated for and charged by a hospital to pa-  
8 tients for the items and services appearing on its  
9 standard charge list, and accepted by the hospital as  
10 payment in full. In determining the method for the  
11 disclosure of such negotiated charges, the Secretary  
12 may take steps to reduce the risk of the anti-com-  
13 petitive use of such data or market collusion, such  
14 as by using averages, ranges, rankings, trends, or  
15 other means as the Secretary determines reasonable.

16           “(6) REPORTS.—Beginning not later than 18  
17 months after the date of the enactment of the Hos-  
18 pital Price Transparency and Disclosure Act, and  
19 annually thereafter, the Secretary shall make public  
20 on the Internet site described in paragraph (3)(A) a  
21 report analyzing trends in standard and negotiated  
22 charges over time, analyzing trends in standard and  
23 negotiated rates relative to Medicare payments, and  
24 providing recommendations as needed on statutory

- 1 changes to increase medical price transparency and
- 2 public insight into health care pricing.”.

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