

116TH CONGRESS  
2D SESSION

# H. R. 8419

To prevent surprise medical bills with respect to COVID–19 testing.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 2020

Mrs. FLETCHER introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and Labor, 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

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## A BILL

To prevent surprise medical bills with respect to COVID–  
19 testing.

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 “Stop COVID–19 Test  
5 Surprise Medical Bills Act of 2020”.

6 **SEC. 2. MEDICAL MANAGEMENT.**

7 Section 6001 of the Families First Coronavirus Re-  
8 sponse Act (Public Law 116–127) is amended by adding  
9 at the end the following:

1           “(e) **MEDICAL MANAGEMENT.**—For purposes of this  
2 section, the term ‘medical management’ includes deter-  
3 minations about why an individual sought testing, the na-  
4 ture of the clinical assessment that was associated with  
5 the testing, whether the individual was showing symptoms,  
6 what provider ordered the testing, the frequency of testing  
7 obtained by the individual, and other reviews of the en-  
8 counters or events that proceeded or followed a service de-  
9 scribed in subsection (a). Such term does not include rea-  
10 sonable efforts by a group health plan or health insurance  
11 issuer to encourage individuals to obtain tests from lower  
12 priced providers (provided that such reasonable efforts do  
13 not delay or otherwise impede access to testing).”.

14 **SEC. 3. IMPROVEMENTS TO TRANSPARENCY POLICY.**

15           (a) **IN GENERAL.**—Section 3202 of the CARES Act  
16 (Public Law 116–136) is amended by adding at the end  
17 the following:

18           “(c) **IMPROVEMENTS TO TRANSPARENCY POLICY.**—  
19 Not later than 30 days after the date of enactment of this  
20 subsection, the Secretary of Health and Human Services  
21 shall survey a sample of providers of the items and serv-  
22 ices described in section 6001(a) of division F of the Fam-  
23 ilies First Coronavirus Response Act (Public Law 116–  
24 127) regarding the cash prices for such items and services  
25 as listed by the providers on a public internet website. The

1 Secretary shall survey no fewer than 200 providers rep-  
2 resenting a diversity of sizes, geographic locations, test  
3 types, and care settings (such as hospitals, laboratories,  
4 and free-standing emergency rooms).

5 “(d) PUBLIC REPORT.—Not later than 45 days after  
6 the date of enactment of this subsection, the Secretary of  
7 Health and Human Services shall publish a report on cash  
8 prices for items and services published under subsection  
9 (b)(1), which shall include—

10 “(1) the compliance rate of providers with the  
11 cash price publication requirement under subsection  
12 (b)(1);

13 “(2) the average cash price for each item and  
14 service described in section 6001(a) of division F of  
15 the Families First Coronavirus Response Act (Public  
16 Law 116–127) and published under subsection  
17 (b)(1);

18 “(3) with respect to each such item and service,  
19 a comparison of such average cash price to the reim-  
20 bursement rate under the Medicare program under  
21 title XVIII of the Social Security Act (42 U.S.C.  
22 1395 et seq.); and

23 “(4) any outlier cash prices published under  
24 subsection (b)(1) (including the names of the pro-

1       viders charging such prices) that substantially ex-  
2       ceed the average cash price.”.

3       **SEC. 4. GUIDANCE ON BILLING FOR PROVIDER VISITS AS-**  
4       **SOCIATED WITH COVID-19 TESTING.**

5       The Secretary of Health and Human Services, the  
6       Secretary of Labor, and the Secretary of the Treasury,  
7       shall jointly issue guidance, not later than 30 days after  
8       the date of enactment of this Act for purposes of clari-  
9       fying—

10           (1) the process for submitting claims for items  
11           and services described in section 6001(a) of the  
12           Families First Coronavirus Response Act (Public  
13           Law 116–127) to ensure that individuals enrolled in  
14           individual or group health insurance coverage or  
15           group health plans to whom such items and services  
16           are furnished are not subject to cost sharing or prior  
17           authorization or other medical management require-  
18           ments; and

19           (2) that providers should not collect cost-shar-  
20           ing amounts from individuals seeking items and  
21           services described in section 6001(a) of such Act.

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