

116TH CONGRESS
2D SESSION

S. 4106

To amend the Public Health Service Act to provide for hospital and insurer price transparency.

IN THE SENATE OF THE UNITED STATES

JUNE 30, 2020

Mr. BRAUN (for himself, Mr. KENNEDY, Mrs. LOEFFLER, Mr. GRASSLEY, Mr. ENZI, Ms. ERNST, and Mr. BARRASSO) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Public Health Service Act to provide for hospital and insurer price transparency.

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 “Health Care Prices
5 Revealed and Information to Consumers Explained Trans-
6 parency Act” or the “Health Care PRICE Transparency
7 Act”.

1 **SEC. 2. PRICE TRANSPARENCY REQUIREMENTS.**

2 (a) HOSPITALS.—Section 2718(e) of the Public
3 Health Service Act (42 U.S.C. § 300gg–18(e)) is amend-
4 ed—

5 (1) by striking “Each hospital” and inserting
6 the following:

7 “(1) IN GENERAL.—Each hospital”;

8 (2) by inserting “, in a machine-readable for-
9 mat, via open application program interfaces
10 (APIs)” after “a list”;

11 (3) by inserting “, along with such additional
12 information as the Secretary may require with re-
13 spect to such charges for purposes of promoting
14 public awareness of hospital pricing in advance of
15 receiving a hospital item or service” before the pe-
16 riod; and

17 (4) by adding at the end the following:

18 “(2) DEFINITION OF STANDARD CHARGES.—
19 Notwithstanding any other provision of law, for pur-
20 poses of paragraph (1), the term ‘standard charges’
21 means the rates hospitals, including providers or en-
22 tities that contract with or practice at a hospital,
23 charge for all items and services at a minimum,
24 chargemaster rates, rates that hospitals negotiate
25 with third party payers across all plans, including
26 those related to a patient’s specific plan, discounted

1 cash prices, and other rates determined by the Sec-
2 retary.

3 “(3) ENFORCEMENT.—In addition to any other
4 enforcement actions or penalties that may apply
5 under subsection (b)(3) or another provision of law,
6 a hospital that fails to provide the information re-
7 quired by this subsection and has not completed a
8 corrective action plan to comply with the require-
9 ments of such subsection shall be subject to a civil
10 monetary penalty of an amount not to exceed \$300
11 per day that the violation is ongoing as determined
12 by the Secretary. Such penalty shall be imposed and
13 collected in the same manner as civil money pen-
14 alties under subsection (a) of section 1128A of the
15 Social Security Act are imposed and collected.”.

16 (b) TRANSPARENCY IN COVERAGE.—Section
17 1311(e)(3) of the Patient Protection and Affordable Care
18 Act (42 U.S.C. 18031(e)(3)) is amended—

19 (1) in subparagraph (A)—

20 (A) in clause (vii), by inserting before the
21 period the following: “, including, for all items
22 and services covered under the plan, aggregate
23 information on specific payments the plan has
24 made to out-of-network health care providers on
25 behalf of plan enrollees”; and

1 (B) by designating clause (ix) as clause
2 (x); and

3 (C) by inserting after clause (viii), the fol-
4 lowing:

5 “(ix) Information on the specific nego-
6 tiated payment rates between the plan and
7 health care providers for all items and
8 services covered under the plan.”;

9 (2) in subparagraph (B)—

10 (A) in the heading, by striking “USE” and
11 inserting “DELIVERY METHODS AND USE”;

12 (B) by inserting “, as applicable,” after
13 “English proficiency”; and

14 (C) by inserting after the second sentence,
15 the following: “The Secretary shall establish
16 standards for electronic delivery and access to
17 such information by individuals, free of charge,
18 in machine readable format, through an inter-
19 net website and via open APIs.”;

20 (3) in subparagraph (C)—

21 (A) in the first sentence, by inserting “or
22 out-of-network provider” after “item or service
23 by a participating provider”;

24 (B) in the second sentence, by striking
25 “through an internet website” and inserting

1 “free of charge, in machine readable format,
2 through an internet website, and via open APIs,
3 in accordance with standards established by the
4 Secretary,”; and

5 (C) by adding at the end the following:
6 “Such information shall include specific nego-
7 tiated rates that allow for comparison between
8 providers and across plans, and related to a pa-
9 tient’s specific plan, including after an enrollee
10 has exceeded their deductible responsibility.”;
11 and

12 (4) in subparagraph (D) by striking “subpara-
13 graph (A)” and inserting “subparagraphs (A), (B),
14 and (C)”.

○