
DIGEST

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HB 427 Original

2023 Regular Session

Crews

Abstract: Requires healthcare facilities to provide a of list prices for many healthcare services and establishes penalties for noncompliance.

Proposed law defines facility items or services as all items and services that may be provided by a facility to a patient in connection with an inpatient admission or an outpatient department visit.

Proposed law defines "shoppable service" as a service that may be scheduled by a healthcare consumer in advance.

Proposed law defines "healthcare facility" as a hospital licensed pursuant to present law (R.S. 40:2100 et seq.)

Proposed law requires healthcare facilities to provide a list of prices for healthcare services provided by a facility. The facilities are required to provide a list of standard charges for all facility items or services and a consumer-friendly list of standard charges for shoppable services. A standard charge includes all of the following:

- (1) The gross charge.
- (2) The payor-specific charge which is the charge that a facility has negotiated with a third-party payor for a facility item or service.
- (3) The de-identified minimum negotiated charge which is the lowest charge that a facility has negotiated with all third-party payors for a facility item or service.
- (4) The de-identified maximum negotiated charge which is the highest charge that a facility has negotiated with all third-party payors for a facility item or service.
- (5) The discounted cash price.

Proposed law requires a healthcare facility to maintain a list of all standard charges for all facility items or services.

Proposed law requires a healthcare facility to maintain a list of all standard charges for at least 300 shoppable services provided by the facility. The facility is required to provide 70 shoppable services specified by the Centers for Medicare and Medicaid Service (CMS). The facility may select the

shoppable services to include in the list. If that facility does not offer 300 shoppable services, the facility shall provide all shoppable services it provides.

Proposed law requires that all lists shall be made readily available on the internet home page of the facility in a single digital file. The lists shall be provided free of charge and accessible without entering a username, password, or other personal identifying information in a format provided by the Louisiana Department of Health (department).

Proposed law provides that the department is tasked with monitoring and enforcing facility compliance with these provisions. If the department determines that a facility is not in compliance, the department shall take the following actions:

- (1) Provide a written notice clearly stating the manner in which the facility is not in compliance.
- (2) Request a corrective action plan that is responsive to the written notice provided by the department.
- (3) Impose an administrative penalty if the facility fails to respond to the department's request for a corrective action plan.

Proposed law establishes a monetary administrative penalty. The value of the administrative penalty is related to the size of the facility.

Proposed law prohibits facilities that fail to comply with the requirements of proposed law from collecting debts from a patient who receives services during the period of noncompliance and authorizes the patient to file a suit to determine whether the facility was materially out of compliance with proposed law.

Proposed law provides that if a facility is found to be materially out of compliance by a judge or jury, the facility will be required to all of the following:

- (1) Refund the payor any amount of the debt the payor has paid and pay a penalty to the patient or patient guarantor in an amount equal to the total amount of the debt.
- (2) Dismiss or cause to be dismissed any court action and pay any attorney fees and costs incurred by the patient or patient guarantor relating to the action.
- (3) Remove or cause to be removed from the patient's or patient's guarantor's credit report any report made to a consumer reporting agency relating to the debt.

Proposed law provides that a facility will not be prohibited from billing any patient for services and will not be required to provide a refund for any services rendered if the facility does not initiate a collection action against the patient.

(Adds R.S. 40:1176.1-1176.9)