

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1890

By: Schreiber

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10 COMMITTEE SUBSTITUTE

11 An Act relating to medical price transparency;
12 amending 63 O.S. 2021, Section 1-725.3, which relates
13 to health care provider price transparency; creating
14 penalties; providing for the allocation of penalties;
15 amending 63 O.S. 2021, Section 1-725.4, which relates
16 to health care facility price transparency; creating
17 penalties; providing for the allocation of penalties;
18 and providing an effective date.

19 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

20 SECTION 1. AMENDATORY 63 O.S. 2021, Section 1-725.3, is
21 amended to read as follows:

22 Section 1-725.3 A. A health care provider shall make available
23 to the public, in a single document, either electronically or by
24 posting conspicuously on the provider's website if one exists, the

1 health care prices for at least the twenty most common health care
2 services the health care provider provides. If the health care
3 provider, in the normal course of his or her practice, regularly
4 provides fewer than twenty health care services, the health care
5 provider shall make available the health care prices for the health
6 care services the provider most commonly provides.

7 B. The health care provider shall identify the services by:

8 1. A Current Procedural Terminology code or other coding system
9 commonly used by the health care provider and accepted as a national
10 standard for billing; and

11 2. A plain English description.

12 C. The health care provider shall update the document as
13 frequently as the health care provider deems appropriate, but at
14 least annually.

15 D. On or after the effective date of this act, a health care
16 provider who is not in material compliance with Section 2718(e) of
17 the Public Health Service Act, P.L. 78-410, as amended, and rules
18 adopted by the United States Department of Health and Human Services
19 implementing Section 2718(e), with respect to "items of services" or
20 "items or services" as defined in 45 CFR 180.20, on the date that
21 items or services are purchased from or provided to a patient by the
22 health care provider, shall not initiate or pursue a collection
23 action against the patient or patient guarantor for a debt owed for
24 the items or services.

1 E. If a patient can demonstrate that a health care provider was
2 not in material compliance with state laws, on a date on or after
3 the effective date of this act, that items or services were
4 purchased by or provided to the patient, and the health care
5 provider takes collection action against the patient or patient
6 guarantor, the patient or patient guarantor may file suit to
7 determine if the health care provider was materially out of
8 compliance with the Transparency in Health Care Prices Act, Section
9 1-725.1 et seq. of this title, on the date of service, and the
10 noncompliance is related to the items or services. The health care
11 provider shall not take collection action against the patient or
12 patient guarantor while the lawsuit is pending.

13 F. A health care provider who has been found by a judge or
14 jury, considering compliance standards issued by the Centers for
15 Medicare and Medicaid Services, to be materially out of compliance
16 with the Transparency in Health Care Prices Act, Section 1-725.1 et
17 seq. of this title:

18 1. Shall refund the payer any amount of the debt the payer has
19 paid and shall pay a penalty to the patient or patient guarantor in
20 an amount equal to the total amount of the debt;

21 2. Shall dismiss or cause to be dismissed any court action with
22 prejudice and pay any attorney fees and costs incurred by the
23 patient or patient guarantor relating to the action; and

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1 3. Shall remove or cause to be removed from the patient's or
2 patient guarantor's credit report any report made to a consumer
3 reporting agency relating to the debt.

4 G. Nothing in this section shall:

5 1. Prohibit a health care provider from billing a patient,
6 patient guarantor, or third-party payer, including a health insurer,
7 for items or services provided to the patient; and

8 2. Require a health care provider to refund any payment made to
9 the health care provider for items or services provided to the
10 patient, so long as no collection action is taken in violation of
11 this section.

12 SECTION 2. AMENDATORY 63 O.S. 2021, Section 1-725.4, is
13 amended to read as follows:

14 Section 1-725.4 A. A health care facility shall make available
15 to the public, in a single document, either electronically or by
16 posting conspicuously on its website if one exists, the health care
17 prices for at least:

18 1. The twenty most used diagnosis-related group codes or other
19 codes for inpatient health care services per specialty service line
20 used by the health care facility for billing; and

21 2. The twenty most used outpatient CPT codes or health care
22 services procedure codes per specialty service line used for
23 billing.

1 B. A health care facility shall include with the health care
2 prices provided pursuant to subsection A of this section a plain
3 English description of the services for which the health care prices
4 are provided.

5 C. The health care facility shall update the document as
6 frequently as it deems appropriate, but at least annually.

7 D. On or after the effective date of this act, a health care
8 facility that is not in material compliance with the Transparency in
9 Health Care Prices Act, Section 1-725.1 et seq. of this title, on
10 the date that items or services are purchased by or provided to a
11 patient by the health care facility, shall not initiate or pursue a
12 collection action against the patient or patient guarantor for a
13 debt owed for the items or services.

14 E. If a patient can demonstrate that a health care facility was
15 not in material compliance with federal laws, on or after the
16 effective date of this act, that items or services were purchased by
17 or provided to the patient, and the health care facility takes
18 collection action against the patient or patient guarantor, the
19 patient or patient guarantor may file suit to determine if the
20 health care facility was materially out of compliance with Section
21 2718(e) of the Public Health Service Act, P.L. 78-410, as amended,
22 and rules adopted by the United States Department of Health and
23 Human Services implementing Section 2718(e), with respect to "items
24 of services" or "items or services" as defined in 45 CFR 180.20, on

1 the date of service, and the noncompliance is related to the items
2 or services. The health care facility shall not take collection
3 action against the patient or patient guarantor while the lawsuit is
4 pending.

5 F. A health care facility that has been found by a judge or
6 jury, considering compliance standards issued by the Centers for
7 Medicare and Medicaid Services, to be materially out of compliance
8 with the Transparency in Health Care Prices Act, Section 1-725.1 et
9 seq. of this title:

10 1. Shall refund the payer any amount of the debt the payer has
11 paid and shall pay a penalty to the patient or patient guarantor in
12 an amount equal to the total amount of the debt;

13 2. Shall dismiss or cause to be dismissed any court action with
14 prejudice and pay any attorney fees and costs incurred by the
15 patient or patient guarantor relating to the action; and

16 3. Shall remove or cause to be removed from the patient's or
17 patient guarantor's credit report any report made to a consumer
18 reporting agency relating to the debt.

19 G. Nothing in this section shall:

20 1. Prohibit a health care facility from billing a patient,
21 patient guarantor, or third-party payer, including a health insurer,
22 for items or services provided to the patient; and

23 2. Require a health care facility to refund any payment made to
24 the health care facility for items or services provided to the

1 patient, so long as no collection action is taken in violation of
2 this section.

3 SECTION 3. This act shall become effective November 1, 2023.
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5 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 03/02/2023 -
6 DO PASS, As Amended.
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