

HOUSE BILL NO. 123

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES SPOHNHOLZ, Tuck, Drummond, Parish, Gara, Tarr

Introduced: 2/13/17

Referred: Health and Social Services, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to disclosure of health care services and price information; and**
2 **providing for an effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1.** AS 18.15.360(a) is amended to read:

5 (a) The department is authorized to collect, analyze, and maintain databases of
6 information related to

7 (1) risk factors identified for conditions of public health importance;

8 (2) morbidity and mortality rates for conditions of public health
9 importance;

10 (3) community indicators relevant to conditions of public health
11 importance;

12 (4) longitudinal data on traumatic or acquired brain injury from the
13 registry established under AS 47.80.500(c)(1); [AND]

14 (5) **health care services and price information collected under**

AS 18.23.400; and

(6) any other data needed to accomplish or further the mission or goals of public health or provide essential public health services and functions.

* **Sec. 2.** AS 18.23 is amended by adding a new section to read:

Article 4. Health Care Services and Price Information.

Sec. 18.23.400. Disclosure and reporting of health care services and price information. (a) A health care provider shall annually compile a list, by procedure and diagnosis code, including a brief and easily understandable description, of the 25 health care services most commonly performed by the provider in the state in the previous calendar year and the undiscounted price charged an individual recipient for each of those health care services.

(b) A health care facility in the state shall annually compile a list, by procedure and diagnosis code, including a brief and easily understandable description, of the 50 health care services most commonly performed at the facility in the previous calendar year and the undiscounted price charged an individual recipient for each of those health care services.

(c) A health care provider and health care facility shall publish the lists compiled under (a) and (b) of this section by January 31 each year

(1) by providing the list to the department for entry in the department's database under AS 18.15.360;

(2) by posting a copy of the list in a conspicuous public reception area at the health care provider's office or health care facility where the services are performed;

(3) if the health care provider or facility has an Internet website, by posting the list on the website.

(d) The department shall compile and annually update the lists provided under (a) and (b) of this section by health care service and, where relevant, provider and health care facility name and location, and post the information on the department's Internet website and enter the information in the database maintained under AS 18.15.360.

(e) If a health care provider performs fewer than 25 health care services in the

1 state or fewer than 50 health care services are performed at a health care facility in the
 2 state in the annual reporting period under this section, the provider or facility shall
 3 provide a list of all of the health care services performed by the provider or at the
 4 facility.

5 (f) A health care provider or health care facility that fails to comply with the
 6 requirements of this section is liable for a civil penalty. The department may impose a
 7 civil penalty of not more than \$50 for each day after March 31 that a health care
 8 provider or health care facility fails to provide and post information as required under
 9 (c) of this section. The total penalty may not exceed \$2,500. A person aggrieved by
 10 the imposition of a civil penalty under this subsection may file an appeal with the
 11 superior court for judicial review of the penalty under AS 44.62.560.

12 (g) In this section,

13 (1) "department" means the Department of Health and Social Services;

14 (2) "health care facility" means a private, municipal, state, or federal
 15 hospital, psychiatric hospital, independent diagnostic testing facility, residential
 16 psychiatric treatment center as defined in AS 47.32.900, tuberculosis hospital, kidney
 17 disease treatment center (including freestanding hemodialysis units), the offices of
 18 private physicians or dentists whether in individual or group practice; ambulatory
 19 surgical center as defined in AS 47.32.900, free-standing birth center as defined in
 20 AS 47.32.900, and rural health clinic as defined in AS 47.32.900; "health care facility"
 21 does not include

22 (A) the Alaska Pioneers' Home and the Alaska Veterans' Home
 23 administered by the department under AS 47.55;

24 (B) an assisted living home as defined in AS 47.33.990; and

25 (C) a nursing facility licensed by the department to provide
 26 long-term care;

27 (3) "health care provider" means an individual licensed, certified, or
 28 otherwise authorized or permitted by law to provide health care services in the
 29 ordinary course of business or practice of a profession;

30 (4) "health care service" means a service or procedure provided in
 31 person or remotely by telemedicine or other means by a health care provider or at a

1 health care facility for the purpose of or incidental to the care, prevention, or treatment
2 of a physical or mental illness or injury;

3 (5) "price" means the charges billed directly to a recipient for services
4 rendered without complications or exceptional circumstances; "price" does not include
5 a negotiated discount for in-network, out-of-network, or self-insured services rendered
6 or the costs paid by a third party for those services;

7 (6) "recipient" means an individual to whom health care services are
8 provided in the state by a health care provider or at a health care facility;

9 (7) "third party" means a public or private entity, association, or
10 organization that provides, by contract, agreement, or other arrangement, insurance,
11 payment, price discount, or other benefit for all or a portion of the cost of health care
12 services provided to a recipient; "third party" does not include a member of the
13 recipient's immediate family.

14 * **Sec. 3.** This Act takes effect January 1, 2018.