

CS FOR HOUSE BILL NO. 123(HSS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE HEALTH AND SOCIAL SERVICES COMMITTEE

Offered: 3/10/17

Referred: Judiciary

Sponsor(s): REPRESENTATIVES SPOHNHOLZ, Tuck, Drummond, Parish, Gara, Tarr, LeDoux, Wool, Grenn, Birch, Josephson

A BILL

FOR AN ACT ENTITLED

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

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

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

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

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

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

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

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

(5) health care services and price information collected under

1 **AS 18.23.400; and**

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

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

5 **Article 4. Health Care Services and Price Information.**

6 **Sec. 18.23.400. Disclosure and reporting of health care services and price**
7 **information.** (a) A health care provider shall annually compile a list, by procedure
8 code, including a brief description, in plain language that an individual with no
9 medical training can understand, of the 25 health care services most commonly
10 performed by the provider in the state in the previous calendar year and the
11 undiscounted price charged for each of those health care services.

12 (b) A health care facility in the state shall annually compile a list, by
13 procedure code, including a brief description, in plain language that an individual with
14 no medical training can understand, of the 50 health care services most commonly
15 performed at the facility in the previous calendar year and the undiscounted price
16 charged for each of those health care services.

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

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

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

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

26 (d) A health care provider or health care facility may include a statement with
27 a list published under (c) of this section explaining that the undiscounted price may be
28 higher or lower than the amount an individual actually pays for the health care
29 services described in the list.

30 (e) The department shall compile and annually update the lists provided under
31 (a) and (b) of this section by health care service and, where relevant, provider and

1 health care facility name and location, and post the information on the department's
 2 Internet website and enter the information in the database maintained under
 3 AS 18.15.360.

4 (f) If a health care provider performs fewer than 25 health care services in the
 5 state or fewer than 50 health care services are performed at a health care facility in the
 6 state in the annual reporting period under this section, the provider or facility shall
 7 provide a list of all of the health care services performed by the provider or at the
 8 facility.

9 (g) A health care provider or health care facility that fails to comply with the
 10 requirements of this section is liable for a civil penalty. The department may impose a
 11 civil penalty of not more than \$50 for each day after March 31 that a health care
 12 provider or health care facility fails to provide and post information as required under
 13 (c) of this section. The total penalty may not exceed \$2,500. A person penalized under
 14 this subsection is entitled to a hearing conducted by the office of administrative
 15 hearings under AS 44.64.

16 (h) In this section,

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

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

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

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

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

30 (D) a facility operated by an Alaska tribal health organization;

31 and

1 (E) a hospital operated by the United States Department of
2 Veterans Affairs or the United States Department of Defense, or any other
3 federally operated hospital or institution;

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

7 (4) "health care service" means a service or procedure provided in
8 person or remotely by telemedicine or other means by a health care provider or at a
9 health care facility for the purpose of or incidental to the care, prevention, or treatment
10 of a physical or mental illness or injury;

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

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

18 (7) "undiscounted price" means the charges billed for services
19 rendered without complications or exceptional circumstances; "undiscounted price"
20 does not include a negotiated discount for in-network, out-of-network, or self-insured
21 services rendered or the costs paid by a third party for those services.

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