

SENATE FILE NO. SF0057

Transparency in hospital service pricing.

Sponsored by: Senator(s) Brennan, Boner, Dockstader, Landen, Love, Nethercott and Scott and Representative(s) Clouston, Davis, Filer and Geringer

A BILL

for

1 AN ACT relating to public health and safety; requiring  
2 hospitals to list prices for medical items and services as  
3 specified; requiring the department of health to monitor  
4 and enforce the provisions of this act; providing  
5 penalties; providing definitions; requiring recommendations  
6 for future legislation; requiring rulemaking; making  
7 conforming amendments; and providing for effective dates.  
8

9 *Be It Enacted by the Legislature of the State of Wyoming:*

10

11 **Section 1.** W.S. 35-2-1501 through 35-2-1507 are  
12 created to read:

13

14 ARTICLE 15

# 1 HOSPITAL PRICE TRANSPARENCY ACT

2

3 35-2-1501. Short title; purpose.

4

5 (a) This act shall be known and may be cited as the  
6 "Hospital Price Transparency Act."

7

11

12 35-2-1502. Definitions.

13

14 (a) As used in this act:

15

16 (i) "Department" means the department of health;

17

18 (ii) "De-identified maximum negotiated charge"  
19 means the highest charge a facility has negotiated with any  
20 third party payors for a facility item or service;

21

1 (iii) "De-identified minimum negotiated charge" means the lowest charge a facility has negotiated with any  
2 third party payors for a facility item or service;

4

5 (iv) "Discounted cash price" means the charge  
6 that applies to a person who pays cash, or a cash  
7 equivalent, for a facility item or service;

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12

13 (vi) "Facility item or service" means all items  
14 and services, including individual items and services and  
15 service packages, that may be provided by a facility to a  
16 patient in connection with an inpatient admission or an  
17 outpatient department visit, including:

18

19 (A) Supplies and procedures;

20

21 (B) Room and board;

22

1 (C) Use of the facility and other areas,  
2 generally referred to as facility fees;

3

4 (D) Services of health care providers,  
5 generally referred to as professional charges;

6

7 (E) Any other item or service offered by  
8 the facility.

9

10 (vii) "Gross charge" means the charge for a  
11 facility item or service that is reflected on a facility's  
12 list, less any discounts;

13

14 (viii) "Machine-readable format" means a digital  
15 representation of information that can be imported or read  
16 into a computer system for processing;

17

18 (ix) "Payor-specific negotiated charge" means  
19 the charge that a facility has negotiated with a third  
20 party payor for a facility item or service:

21

22 (x) "Shoppable service" means a facility item or  
23 service that may be scheduled by a patient in advance.

1

2 (xi) "Standard charge" means the regular rate  
3 established by the facility for a facility item or service  
4 provided to a specific group of paying patients. The term  
5 includes all of the following:

6

7 (A) The gross charge;

8

9 (B) The payor-specific negotiated charge;

10

11 (C) The de-identified minimum negotiated  
12 charge;

13

14 (D) The de-identified maximum negotiated  
15 charge;

16

17 (E) The discounted cash price.

18

19 (xii) "Third party payor" means a person who is,  
20 by statute, contract or agreement, legally responsible for  
21 payment of a claim for a facility item or service;

22

1 (xiii) "This act" means W.S. 35-2-1501 through  
2 35-2-1507.

3

4 35-2-1503. List of standard charges required.

5

6 (a) A facility shall:

7

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16

17 (iii) Make the lists required by paragraphs (i)  
18 and (ii) of this subsection available to the public at all  
19 times.

20

21 (b) The lists required to be maintained by a facility  
22 under subsection (a) of this section shall reflect the

1 standard charges applicable to each location as required by  
2 federal rules and regulations.

3

4 (c) The lists required under subsection (a) of this  
5 section shall include the following items, if applicable:

6

7 (i) A description of each facility item or  
8 service provided by the facility;

9

10 (ii) The following charges, expressed in dollar  
11 amounts, for each individual facility item or service:

12

13 (A) All standard charges;

14

15 (B) Any code used by the facility for  
16 purposes of accounting or billing; and

17

18 (C) A list of charges for shoppable  
19 services as required by paragraph (a) (ii) of this section,  
20 including but not limited to:

21

1 (I) The charges for shoppable services  
2 specified by the centers for Medicare and Medicaid services  
3 in 45 C.F.R. part 180; or

4

5 (II) If the facility does not provide  
6 all of the shoppable services described by subdivision (I)  
7 of this subparagraph, then the facility shall provide as  
8 many of the charges for those shoppable services as the  
9 facility does provide.

10

11 (d) The lists required by subsection (a) of this  
12 section shall be displayed in a prominent location on the  
13 home page of the facility's publicly accessible website or  
14 accessible through a link on that website.

15

16 (e) The lists required under subsection (a) of this  
17 section shall:

18

19 (i) Be available:

20

21 (A) Free of charge;

22

1 (B) Without having to establish a user  
2 account or password;

3

4 (C) Without having to submit personal  
5 identifying information;

6

7 (D) Without having to enter a code to  
8 access the list.

9

10 (ii) Be accessible to a common commercial  
11 operator of an internet search engine to the extent  
12 necessary for the search engine to index and display the  
13 lists as a result in response to a search query of a user  
14 of the search engine;

15

16 (iii) Be digitally searchable;

17

18 (iv) Use the naming convention specified by the  
19 centers for Medicare and Medicaid services.

20

21 (f) Each facility shall update the lists required by  
22 subsection (a) of this section not less than annually. Each

1 facility shall clearly indicate on its website the date  
2 that the lists were updated.

3

4 **35-2-1504. Monitoring.**

5

6 (a) The department may monitor each facility's  
7 compliance with the requirements of this act using any of  
8 the following methods:

9

10 (i) Evaluating complaints made by persons to the  
11 department regarding noncompliance with the act;

12

13 (ii) Reviewing any analysis prepared regarding  
14 noncompliance with this act;

15

16 (iii) Auditing the websites of facilities for  
17 compliance with this act.

18

19 (b) Notwithstanding any provision of law to the  
20 contrary, in considering an application for renewal of a  
21 facility's license or certificate, the department may  
22 consider whether a facility is or has been in substantial  
23 compliance with this act.

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2       **35-2-1505. Material violation; corrective action**  
3       **plan.**

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5       (a) A facility materially violates this act if the  
6 facility fails to comply with the requirements of W.S.  
7 35-2-1503.

8

9       (b) If the department determines that a facility has  
10 materially violated this act, the department shall issue a  
11 material violation notice to the facility and require that  
12 the facility submit a corrective action plan. The notice  
13 shall indicate the form and manner that the corrective  
14 action plan shall be submitted to the department and shall  
15 clearly state the date by which the facility shall submit  
16 the plan.

17

18       (c) The facility that receives a notice under  
19 subsection (b) of this section shall:

20

21           (i) Submit a corrective action plan in the form  
22 and manner, and by the specified date, prescribed by the  
23 notice of violation; and

1

2 (ii) Act to comply with the corrective action  
3 plan by the date required by paragraph (d)(ii) of this  
4 section.

5

6 (d) A corrective action plan submitted to the  
7 department shall:

8

13

14 (ii) Provide a date that corresponds with  
15 federal rules and regulations by which the facility will  
16 complete the corrective action plan.

17

18 (e) A corrective action plan is subject to review and  
19 approval by the department. After the department reviews  
20 and approves a facility's corrective action plan, the  
21 department shall monitor and evaluate the facility's  
22 compliance with the plan.

23

1           **35-2-1506. Civil penalty for violations.**

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3           (a) The department may impose a civil penalty on a  
4 facility if a facility fails to:

5

6           (i) Respond to the department's notice to submit  
7 a corrective action plan within the timeframe specified by  
8 federal rules and regulations; or

9

10           (ii) Comply with the requirements of a  
11 corrective action plan submitted to the department within  
12 the timeframe specified by federal rules and regulations.

13

14           (b) A civil penalty imposed under subsection (a) of  
15 this section shall be:

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17           (i) For facilities categorized as critical  
18 access hospitals:

19

20           (A) For a first offense within any twelve  
21 (12) month period, one hundred dollars (\$100.00) per day  
22 for each day the department imposes a civil penalty under  
23 subsection (a) of this section;

1

2 (B) For a second offense within any twelve  
3 (12) month period, five hundred dollars (\$500.00) per day  
4 for each day the department imposes a civil penalty under  
5 subsection (a) of this section;

6

7 (C) For a third or subsequent offense  
8 within any twelve (12) month period, one thousand dollars  
9 (\$1,000.00) per day for each day the department imposes a  
10 civil penalty under subsection (a) of this section.

11

12 (ii) For hospitals with prospective payment  
13 systems, one thousand dollars (\$1,000.00) per day for each  
14 day within any twelve (12) month period the department  
15 imposes a civil penalty under subsection (a) of this  
16 section.

17

18 **35-2-1507. Legislative recommendations.**

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20 The department may propose to the legislature any necessary  
21 recommendations for amending this act, including  
22 recommendations in response to amendments by the centers  
23 for Medicare and Medicaid services to 45 C.F.R. part 180.

1

2           **Section 2.** W.S. 35-2-905(a) by creating a new  
3 paragraph (vi) is amended to read:

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5           **35-2-905. Conditions, monitoring or revoking a**  
6 **license.**

7

8           (a) The division may place conditions upon a license,  
9 install a division approved monitor or manager at the  
10 owner's or operator's expense, suspend admissions, or deny,  
11 suspend or revoke a license issued under this act if a  
12 licensee:

13

14           (vi) Violates any provision of W.S. 35-2-1501  
15 through 35-2-1507.

16

17           **Section 3.** The department of health shall promulgate  
18 all rules necessary to implement this act.

19

## 1 Section 4.

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5

6 (b) Sections 3 and 4 of this act are effective  
7 immediately upon completion of all acts necessary for a  
8 bill to become law as provided by Article 4, Section 8 of  
9 the Wyoming Constitution.

10

11

(END)