

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

8 (b) The purpose of this act is to require hospitals
9 to disclose prices for certain items and services and to
10 provide civil penalties.

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"
2 means the lowest charge a facility has negotiated with any
3 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;

8

9 (v) "Facility" means a hospital located within
10 the state and licensed under title 35, chapter 2, article 9
11 of the Wyoming statutes;

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

8 (i) Maintain a list of all standard charges for
9 facility items or services in accordance with this section;
10

11 (ii) Maintain a list of the standard charges
12 required under paragraph (i) of this subsection for not
13 less than three hundred (300) shoppable services provided
14 by the facility, or as many of the shoppable services the
15 facility provides, in accordance with this section; and

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.

1

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

4

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

9 (i) Describe in detail the corrective action the
10 facility will take to address any violation identified by
11 the department in the notice provided under subsection (b)
12 of this section; and

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.**

2

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:

16

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.

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