

SB0803/927971/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 803
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “times;” insert “requiring the Health Education and Advocacy Unit within the Office of the Attorney General and the Health Services Cost Review Commission jointly to develop a certain form and develop a certain process; requiring the Commission to determine a certain range of fees and fee estimates; requiring each hospital that charges an outpatient facility fee to use a certain form and a certain range of fees and fee estimates for a certain purpose; requiring that, to the extent practicable, a certain notice be provided in a certain language or format under certain circumstances; requiring certain hospitals annually to report certain information to the Commission; requiring the Commission to post certain information on its website and to provide certain information to the Maryland Insurance Administration and the Unit;”; and strike beginning with “prohibiting” in line 12 down through “circumstances;” in line 13 and substitute “requiring the Unit, in consultation with the Commission, consumers, and other stakeholders, to develop a certain uniform disclosure form and a process for determining and updating certain information on or before a certain date; requiring the Office of the Attorney General to submit a certain report to certain committees on or before a certain date;”.

AMENDMENT NO. 2

On page 2, in line 12, strike “MEANS” and substitute “INCLUDES”; strike beginning with “AN” in line 13 down through “(II)” in line 14; in line 15, strike “ADULT” and substitute “INDIVIDUAL”; in line 17, strike “A” and substitute “AN INDIVIDUAL WHO IS A”; in lines 17, 20, and 22, strike “(III)”, “(IV)”, and “(V)”, respectively, and substitute “(II)”, “(III)”, and “(IV)”, respectively; in line 21, strike “THE” and substitute “AN INDIVIDUAL WHO IS A”; in the same line, strike “OR” and substitute “AND”; and in line 23, strike the first “THE” and substitute “AN INDIVIDUAL WHO IS A”.

(Over)

On page 3, in line 3, strike “**THAT**” and substitute “**WHETHER**”; after line 4, insert:

“(IV) THAT THE PATIENT SHOULD CONTACT THE PATIENT’S INSURANCE CARRIER, IF ANY, TO DETERMINE THE NETWORK STATUS OF THE LOCATION THAT IS NOT AT THE HOSPITAL AT WHICH THE SAME PROFESSIONAL MEDICAL SERVICES CAN BE OBTAINED FROM THE PROVIDER;”;

in line 5, strike “**(IV)**” and substitute “**(V)**”; in line 7, strike “**AND**”; after line 7, insert:

“(VI) THAT THE PATIENT SHOULD CONTACT THE PATIENT’S INSURANCE CARRIER, IF ANY, TO DETERMINE THE PATIENT’S INSURANCE COVERAGE AND ESTIMATED FINANCIAL RESPONSIBILITY, INCLUDING CO-PAYMENTS, COINSURANCE, AND DEDUCTIBLE AMOUNTS FOR THE OUTPATIENT FACILITY FEE;

“(VII) THAT THE PATIENT SHOULD CONTACT THE HEALTH SERVICES COST REVIEW COMMISSION IF THE PATIENT HAS A COMPLAINT DISPUTING A HOSPITAL CHARGE FOR AN OUTPATIENT FACILITY FEE; AND”;

in line 8, strike “**(V)**” and substitute “**(VIII) BEGINNING JULY 1, 2020:**

1.”;

in line 10, after “**APPOINTMENT**” insert “**, INCLUDING AN ESTIMATE BASED ON TYPICAL OR AVERAGE FACILITY FEES FOR THE SAME OR SIMILAR APPOINTMENTS; AND**

2. THAT A FEE RANGE IS PROVIDED BECAUSE THE ACTUAL AMOUNT OF THE FACILITY FEE INCURRED WILL DEPEND ON THE SERVICES ACTUALLY PROVIDED”;

and in line 11, after “(2)” insert “(I) THE HEALTH EDUCATION AND ADVOCACY UNIT IN THE OFFICE OF THE ATTORNEY GENERAL AND THE HEALTH SERVICES COST REVIEW COMMISSION JOINTLY SHALL:

1. DEVELOP A UNIFORM DISCLOSURE FORM TO NOTIFY PATIENTS OF OUTPATIENT FACILITY FEES, WHICH SHALL INCLUDE CONTACT INFORMATION FOR:

A. THE HEALTH EDUCATION AND ADVOCACY UNIT;
AND

B. THE HEALTH SERVICES COST REVIEW COMMISSION; AND

2. DEVELOP THE PROCESS FOR DETERMINING THE RANGE OF HOSPITAL OUTPATIENT FACILITY FEES AND FEE ESTIMATES TO BE PROVIDED UNDER PARAGRAPH (1)(VIII) OF THIS SUBSECTION.

(II) THE HEALTH SERVICES COST REVIEW COMMISSION SHALL DETERMINE THE RANGE OF HOSPITAL OUTPATIENT FACILITY FEES AND FEE ESTIMATES TO BE PROVIDED UNDER PARAGRAPH (1)(VIII) OF THIS SUBSECTION.

(III) TO COMPLY WITH PARAGRAPH (1) OF THIS SUBSECTION, EACH HOSPITAL THAT CHARGES AN OUTPATIENT FACILITY FEE SHALL:

1. USE THE UNIFORM DISCLOSURE FORM DEVELOPED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH; AND

2. USE THE RANGE OF HOSPITAL OUTPATIENT FACILITY FEES AND FEE ESTIMATES DETERMINED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

(IV) 1.”;

in line 11, strike “**THE**” and substitute “**SUBJECT TO SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, THE**”; and after line 14, insert:

“2. IF A PATIENT DOES NOT SPEAK ENGLISH OR REQUIRES THE NOTICE TO BE IN AN ALTERNATIVE FORMAT, THE HOSPITAL SHALL, TO THE EXTENT PRACTICABLE, PROVIDE THE NOTICE IN A LANGUAGE OR FORMAT THAT IS UNDERSTOOD BY THE PATIENT.

(3) (I) EACH HOSPITAL ANNUALLY SHALL REPORT TO THE HEALTH SERVICES COST REVIEW COMMISSION A LIST OF THE HOSPITAL-BASED, RATE-REGULATED OUTPATIENT SERVICES PROVIDED BY THE HOSPITAL.

(II) THE HEALTH SERVICES COST REVIEW COMMISSION ANNUALLY SHALL:

1. POST ON ITS WEBSITE THE LIST OF THE HOSPITAL-BASED, RATE-REGULATED OUTPATIENT SERVICES REPORTED BY EACH HOSPITAL UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH; AND

2. PROVIDE THE LIST OF THE HOSPITAL-BASED, RATE-REGULATED OUTPATIENT SERVICES REPORTED BY EACH HOSPITAL TO

THE MARYLAND INSURANCE ADMINISTRATION AND THE HEALTH EDUCATION AND ADVOCACY UNIT IN THE OFFICE OF THE ATTORNEY GENERAL.”.

AMENDMENT NO. 3

On page 4, in line 3, strike “(1)”; strike in their entirety lines 6 through 8, inclusive; after line 8, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1, 2019, the Health Education and Advocacy Unit within the Office of the Attorney General, in consultation with the Health Care Services Cost Review Commission, the Maryland Hospital Association, consumers, and other stakeholders, shall develop:

(1) the uniform disclosure form required under § 19–349.2(b)(2) of the Health – General Article, as enacted by Section 1 of this Act; and

(2) a process for determining and updating the range of fees and fee estimates to be used under § 19–349.2(b)(2) of the Health – General Article, as enacted by Section 1 of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That, on or before July 31, 2022, the Office of the Attorney General, in consultation with the Health Services Cost Review Commission and the Maryland Hospital Association, shall report to the Senate Finance Committee and the House Health and Government Operations Committee, in accordance with § 2-1246 of the State Government Article, on the development and use of the uniform disclosure form required under § 19–349.2(b)(2) of the Health – General Article.”;

and in line 9, strike “2.” and substitute “4.”.