J3 5lr0953

By: Delegates Grammer, Arikan, Chisholm, Fisher, M. Morgan, Nawrocki, Szeliga, and Valentine

Introduced and read first time: January 22, 2025 Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

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Hospitals - Price Transparency - Requirements and Fund

3 FOR the purpose of requiring hospitals in the State to comply with a certain federal price 4 transparency law; requiring hospitals to maintain and make available a list of 5 standard charges for the hospital's shoppable services; prohibiting hospitals from 6 selling certain personal data; requiring the Secretary of Health to perform certain 7 hospital monitoring duties; requiring hospitals who violate certain provisions of this 8 Act to submit corrective action plans; requiring the Secretary to impose certain 9 administrative penalties under certain circumstances; establishing the Hospital 10 Price Transparency Fund as a special, nonlapsing fund and requiring that the 11 interest of the Fund be credited to the Fund; and generally relating to hospitals and 12 price transparency.

13 BY adding to

14 Article – Health – General

Section 19–349.3 and 19–349.4

16 Annotated Code of Maryland

17 (2023 Replacement Volume and 2024 Supplement)

- 18 BY repealing and reenacting, without amendments,
- 19 Article State Finance and Procurement
- 20 Section 6–226(a)(1) and (2)(i)
- 21 Annotated Code of Maryland
- 22 (2021 Replacement Volume and 2024 Supplement)
- 23 BY repealing and reenacting, with amendments,
- 24 Article State Finance and Procurement
- 25 Section 6–226(a)(2)(ii)204. and 205.
- 26 Annotated Code of Maryland
- 27 (2021 Replacement Volume and 2024 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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OF PERSONAL DATA.

$\frac{1}{2}$	BY adding to Article – State Finance and Procurement						
3	Section 6–226(a)(2)(ii)206.						
4	Annotated Code of Maryland						
5	(2021 Replacement Volume and 2024 Supplement)						
6 7	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:						
8	Article – Health – General						
9	19–349.3.						
0	(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS						
1	INDICATED.						
$_{12}$	(2) "FEDERAL PRICE TRANSPARENCY LAW" MEANS 42 U.S.C. §						
13	•						
4							
5							
6	INCLUDING THE RULES AND REQUIREMENTS UNDER 45 C.F.R. § 180.						
17	(3) "HOSPITAL" HAS THE MEANING STATED IN § 19–301 OF THIS						
18	SUBTITLE.						
9	(4) (I) "PERSONAL DATA" MEANS INFORMATION THAT IS LINKED						
20							
21	STATE.						
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22	(II) "PERSONAL DATA" DOES NOT INCLUDE:						
23	1. Publicly available information; or						
24	2. DATA THAT HAS BEEN DEIDENTIFIED OR						
25	AGGREGATED USING COMMERCIALLY REASONABLE METHODS IN A MANNER THAT						
26	NEITHER THE ASSOCIATED INDIVIDUAL, NOR A DEVICE LINKED TO THE INDIVIDUAL,						
27	CAN BE REASONABLY IDENTIFIED.						
28	(5) "Process" means an operation performed on personal						
29	DATA, WHETHER OR NOT BY AUTOMATED MEANS, INCLUDING THE COLLECTION,						
30	USE, STORAGE, DISCLOSURE, ANALYSIS, DELETION, TRANSFER, OR MODIFICATION						

- 1 (6) "PUBLICLY AVAILABLE INFORMATION" MEANS INFORMATION
- 2 THAT IS LAWFULLY MADE AVAILABLE FROM FEDERAL, STATE, OR LOCAL
- 3 GOVERNMENT RECORDS OR WIDELY AVAILABLE MEDIA.
- 4 (7) "SHOPPABLE SERVICE" MEANS A SERVICE THAT MAY BE 5 SCHEDULED BY A HEALTH CARE CONSUMER IN ADVANCE.
- 6 (8) (I) "TARGETED ADVERTISING" MEANS DISPLAYING AN
- 7 ADVERTISEMENT THAT IS SELECTED BASED ON PERSONAL DATA OBTAINED FROM
- 8 THE USE OF A HOSPITAL'S INTERNET-BASED PRICE ESTIMATOR TOOL BY A PERSON
- 9 IN THE STATE.
- 10 (II) "TARGETED ADVERTISING" DOES NOT INCLUDE:
- 1. ADVERTISING IN RESPONSE TO THE USER'S REQUEST
- 12 FOR INFORMATION OR FEEDBACK;
- 2. ADVERTISING BASED ON ACTIVITIES WITHIN A
- 14 HOSPITAL'S OWN WEBSITE OR ONLINE APPLICATION;
- 3. ADVERTISING BASED ON THE CONTEXT OF A USER'S
- 16 CURRENT SEARCH QUERY, VISIT TO A WEBSITE, OR ONLINE APPLICATION; OR
- 17 4. Processing personal data solely for
- 18 MEASURING OR REPORTING ADVERTISING PERFORMANCE, REACH, OR FREQUENCY.
- 19 (B) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT, EXCEPT AS
- 20 OTHERWISE EXPRESSLY PROVIDED OR CLEARLY APPEARING FROM THE CONTEXT,
- 21 ANY TERM USED IN THIS SECTION THAT IS NOT OTHERWISE DEFINED IN THIS
- 22 SECTION HAS THE SAME MEANING AS WHEN USED IN A COMPARABLE CONTEXT IN
- 23 THE FEDERAL PRICE TRANSPARENCY LAW.
- 24 (C) (1) EACH HOSPITAL LOCATED IN THE STATE SHALL COMPLY WITH
- 25 THE FEDERAL PRICE TRANSPARENCY LAW.
- 26 (2) (I) SUBJECT TO PARAGRAPHS (3) AND (4) OF THIS
- 27 SUBSECTION, A HOSPITAL LOCATED IN THE STATE SHALL MAINTAIN AND MAKE
- 28 PUBLICLY AVAILABLE A LIST OF THE STANDARD CHARGES FOR THE HOSPITAL'S
- 29 SHOPPABLE SERVICES, IN ACCORDANCE WITH THE FEDERAL PRICE TRANSPARENCY
- 30 LAW.
- 31 (II) A HOSPITAL SHALL INCLUDE ON THE LIST REQUIRED
- 32 UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH:

- 1. From October 1, 2025, to September 30, 2029,
- 2 BOTH INCLUSIVE:
- A. IF THE HOSPITAL PROVIDES AT LEAST 400
- 4 SHOPPABLE SERVICES, AT LEAST 400 SHOPPABLE SERVICES PROVIDED BY THE
- 5 HOSPITAL; OR
- B. IF THE HOSPITAL PROVIDES FEWER THAN 400
- 7 SHOPPABLE SERVICES, ALL SHOPPABLE SERVICES PROVIDED BY THE HOSPITAL;
- 8 AND
- 9 **2. BEGINNING OCTOBER 1, 2029:**
- A. IF THE HOSPITAL PROVIDES AT LEAST 500
- 11 SHOPPABLE SERVICES, AT LEAST 500 SHOPPABLE SERVICES PROVIDED BY THE
- 12 HOSPITAL; OR
- B. If the hospital provides fewer than 500
- 14 SHOPPABLE SERVICES, ALL SHOPPABLE SERVICES PROVIDED BY THE HOSPITAL.
- 15 (III) THE HOSPITAL SHALL PUBLISH THE LIST REQUIRED UNDER
- 16 SUBPARAGRAPH (I) OF THIS PARAGRAPH:
- 17 IN A MACHINE-READABLE FORMAT THAT CONFORMS
- 18 WITH ANY TEMPLATE REQUIRED BY THE FEDERAL PRICE TRANSPARENCY LAW; AND
- 19 **2.** IN A MANNER THAT IS READABLE IN PLAIN LANGUAGE
- 20 WITHOUT THE USE OF SOFTWARE.
- 21 (3) A HOSPITAL THAT MAINTAINS AN INTERNET-BASED PRICE
- 22 ESTIMATOR TOOL DETERMINED BY THE CENTERS FOR MEDICARE AND MEDICAID
- 23 SERVICES TO MEET THE REQUIREMENTS OF THE FEDERAL PRICE TRANSPARENCY
- 24 LAW REGARDING THE LIST OF STANDARD CHARGES FOR SHOPPABLE SERVICES
- 25 MEETS THE REQUIREMENTS OF THIS SECTION IF THE HOSPITAL TAKES REASONABLE
- 26 **STEPS TO:**
- 27 (I) IMPROVE THE ACCURACY AND PERFORMANCE OF THE
- 28 INTERNET-BASED PRICE ESTIMATOR TOOL; AND
- 29 (II) REGULARLY UPDATE THE UNDERLYING DATA USED BY THE
- 30 INTERNET-BASED PRICE ESTIMATOR TOOL AND AUDIT PRICE ESTIMATES
- 31 GENERATED BY THE TOOL FOR QUALITY ASSURANCE PURPOSES.

- 1 (4) (I) A HOSPITAL MAY NOT SELL PERSONAL DATA ACQUIRED
- 2 FROM THE USE OF A HOSPITAL'S INTERNET-BASED PRICE ESTIMATOR TOOL BY A
- 3 PERSON IN THE STATE.
- 4 (II) A HOSPITAL MAY NOT USE, SELL, OR PROCESS PERSONAL
- 5 DATA ACQUIRED FROM THE USE OF THE HOSPITAL'S INTERNET-BASED PRICE
- 6 ESTIMATOR TOOL BY A PERSON IN THE STATE FOR THE PURPOSES OF TARGETED
- 7 ADVERTISING.
- 8 (D) (1) A HOSPITAL SHALL:
- 9 (I) COMPLY WITH THE REQUIREMENT TO MAKE PUBLIC
- 10 EITHER OR BOTH OF THE LISTS DESCRIBED IN THE FEDERAL PRICE TRANSPARENCY
- 11 LAW; AND
- 12 (II) MAINTAIN EITHER OR BOTH OF THE LISTS REQUIRED BY
- 13 THE FEDERAL PRICE TRANSPARENCY LAW IN ACCORDANCE WITH THE
- 14 REQUIREMENTS OF 45 C.F.R. § 180.
- 15 (2) THE SECRETARY SHALL MONITOR EACH HOSPITAL'S
- 16 COMPLIANCE WITH THIS SECTION THROUGH:
- 17 (I) EVALUATING COMPLAINTS MADE BY INDIVIDUALS TO THE
- 18 **SECRETARY:**
- 19 (II) REVIEWING A CREDIBLE ANALYSIS PREPARED REGARDING
- 20 COMPLIANCE OR NONCOMPLIANCE BY THE HOSPITAL; AND
- 21 (III) AUDITING A HOSPITAL'S WEBSITE FOR COMPLIANCE.
- 22 (3) (I) THE SECRETARY SHALL CREATE AND MAKE PUBLICLY
- 23 AVAILABLE A LIST THAT IDENTIFIES EACH HOSPITAL THAT IS NOT IN COMPLIANCE
- 24 WITH PARAGRAPH (1) OF THIS SUBSECTION.
- 25 (II) THE LIST OF NONCOMPLIANT HOSPITALS SHALL INCLUDE
- 26 EACH HOSPITAL THAT:
- 1. HAS BEEN SENT A NOTICE OF VIOLATION UNDER
- 28 SUBSECTION (E) OF THIS SECTION;
- 29 2. Is subject to an order imposing an
- 30 ADMINISTRATIVE PENALTY UNDER SUBSECTION (F) OF THIS SECTION;

3.	HAS BEEN	SENT OTHER	WRITTEN	COMMUNICATION
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- 2 FROM THE SECRETARY REGARDING A VIOLATION OF PARAGRAPH (1) OF THIS
- 3 SUBSECTION; OR
- 4. OTHERWISE HAS BEEN DETERMINED BY THE
- 5 SECRETARY TO BE OUT OF COMPLIANCE WITH PARAGRAPH (1) OF THIS
- 6 SUBSECTION.
- 7 (III) THE LIST OF NONCOMPLIANT HOSPITALS IS A PUBLIC
- 8 RECORD, AS DEFINED IN § 4–101 OF THE GENERAL PROVISIONS ARTICLE.
- 9 (IV) IF THE SECRETARY DETERMINES THAT A HOSPITAL IS NOT
- 10 IN COMPLIANCE WITH PARAGRAPH (1) OF THIS SUBSECTION, ANY RELATED NOTICE,
- 11 ORDER, COMMUNICATION, OR DETERMINATION MADE IN ACCORDANCE WITH THIS
- 12 SECTION IS A PUBLIC RECORD, AS DEFINED IN § 4-101 OF THE GENERAL
- 13 PROVISIONS ARTICLE.
- 14 (4) THE SECRETARY SHALL:
- 15 ON OR BEFORE DECEMBER 30, 2025, CREATE THE INITIAL
- 16 LIST OF NONCOMPLIANT HOSPITALS AND INCLUDE THE LIST ON THE
- 17 DEPARTMENT'S WEBSITE; AND
- 18 (II) UPDATE THE LIST AND WEBSITE AT LEAST EVERY 30 DAYS
- 19 THEREAFTER.
- 20 (E) (I) (I) IF THE SECRETARY DETERMINES THAT A HOSPITAL HAS
- 21 VIOLATED SUBSECTION (D)(1) OF THIS SECTION, THE SECRETARY SHALL ISSUE A
- 22 NOTICE OF VIOLATION TO THE HOSPITAL.
- 23 (II) THE NOTICE OF VIOLATION SHALL:
- 1. Clearly explain the manner in which the
- 25 HOSPITAL IS NOT IN COMPLIANCE;
- 26 REQUIRE THE HOSPITAL TO SUBMIT A CORRECTIVE
- 27 ACTION PLAN TO THE SECRETARY;
- 3. INDICATE THE FORM AND MANNER IN WHICH THE
- 29 CORRECTIVE ACTION PLAN IS TO BE SUBMITTED; AND

- 1 4. INCLUDE THE DATE BY WHICH THE HOSPITAL IS
- 2 REQUIRED TO SUBMIT THE PLAN, WHICH MAY NOT BE LESS THAN 15 DAYS AFTER
- 3 THE NOTICE IS SENT.
- 4 (2) (I) A HOSPITAL THAT RECEIVES A NOTICE OF VIOLATION
- 5 SHALL SUBMIT TO THE SECRETARY A CORRECTIVE ACTION PLAN IN THE FORM AND
- 6 MANNER INDICATED AND BY THE DATE SPECIFIED IN THE NOTICE.
- 7 (II) IN THE CORRECTIVE ACTION PLAN, THE HOSPITAL SHALL
- 8 PROVIDE A DETAILED DESCRIPTION OF THE CORRECTIVE ACTION THE HOSPITAL
- 9 WILL TAKE TO ADDRESS EACH VIOLATION IDENTIFIED IN THE NOTICE OF
- 10 VIOLATION.
- 11 (III) THE HOSPITAL SHALL SPECIFY THE DATE BY WHICH THE
- 12 HOSPITAL WILL COMPLETE THE CORRECTIVE ACTION, WHICH MAY NOT BE MORE
- 13 THAN 90 DAYS AFTER THE PLAN IS SUBMITTED.
- 14 (3) (I) A CORRECTIVE ACTION PLAN IS SUBJECT TO REVIEW AND
- 15 APPROVAL BY THE SECRETARY.
- 16 (II) AFTER THE SECRETARY REVIEWS AND APPROVES THE
- 17 PLAN, THE SECRETARY SHALL MONITOR AND EVALUATE THE HOSPITAL'S
- 18 COMPLIANCE WITH THE PLAN.
- 19 (4) A HOSPITAL SHALL:
- 20 (I) RESPOND TO THE SECRETARY'S REQUIREMENT TO SUBMIT
- 21 A CORRECTIVE ACTION PLAN;
- 22 (II) SUBMIT A CORRECTIVE ACTION PLAN IN THE FORM AND
- 23 MANNER INDICATED IN THE NOTICE OF VIOLATION OR BY THE DATE SPECIFIED IN
- 24 THE NOTICE; AND
- 25 (III) COMPLETE THE CORRECTIVE ACTION REQUIRED IN THE
- 26 PLAN BY THE DATE SPECIFIED IN THE PLAN.
- 27 (F) (1) NOTWITHSTANDING ANY OTHER STATE LAW, THE SECRETARY
- 28 SHALL IMPOSE AN ADMINISTRATIVE PENALTY ON A HOSPITAL IF THE HOSPITAL
- 29 VIOLATES SUBSECTIONS (D)(1) AND (E)(4) OF THIS SECTION.
- 30 (2) EACH DAY A HOSPITAL VIOLATES SUBSECTIONS (D)(1) AND (E)(4)
- 31 OF THIS SECTION IS CONSIDERED A SEPARATE VIOLATION.

- 1 (3) (I) IN IMPOSING AN ADMINISTRATIVE PENALTY UNDER THIS
- 2 SECTION, THE SECRETARY SHALL ACT IN ACCORDANCE WITH THE ADMINISTRATIVE
- 3 PROCEDURE ACT UNDER TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT
- 4 ARTICLE.
- 5 (II) THE SECRETARY SHALL DETERMINE THE AMOUNT OF THE
- 6 PENALTY TO BE IMPOSED ON A HOSPITAL, SUBJECT TO THE MAXIMUM AMOUNTS AND
- 7 CONSIDERATIONS SPECIFIED IN PARAGRAPH (4) OF THIS SUBSECTION.
- 8 (III) FOR ANY PENALTY THAT IS IMPOSED, THE SECRETARY
- 9 SHALL SELECT AN AMOUNT THAT IS SUFFICIENT TO ENSURE THAT THE HOSPITAL
- 10 COMPLIES WITH THE REQUIREMENTS OF THIS SECTION.
- 11 (4) (I) AN ADMINISTRATIVE PENALTY IMPOSED UNDER THIS
- 12 SUBSECTION MAY NOT BE MORE THAN:
- 13 \$300 FOR A HOSPITAL WITH 30 OR FEWER BEDS;
- 2. \$10 PER BED FOR A HOSPITAL WITH MORE THAN 30
- 15 BEDS BUT FEWER THAN 551 BEDS; AND
- 3. \$5,500 FOR A HOSPITAL WITH MORE THAN 550 BEDS.
- 17 (II) IN DETERMINING THE AMOUNT OF THE PENALTY TO IMPOSE
- 18 ON A HOSPITAL, THE SECRETARY SHALL CONSIDER:
- 19 1. Any previous violation by the hospital's
- 20 **OPERATOR**;
- 21 2. THE SERIOUSNESS OF THE VIOLATION;
- 3. Any demonstrated good faith of the
- 23 HOSPITAL'S OPERATOR; AND
- 4. ANY OTHER MATTERS AS JUSTICE MAY REQUIRE.
- 25 (5) AN ADMINISTRATIVE PENALTY COLLECTED UNDER THIS
- 26 SUBSECTION SHALL BE DEPOSITED INTO THE HOSPITAL PRICE TRANSPARENCY
- Fund established under § 24–2501 of this article.
- 28 (G) (1) ON OR BEFORE JANUARY 1 EACH YEAR, BEGINNING IN 2027, THE
- 29 SECRETARY SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH §

- 1 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON EACH
- 2 HOSPITAL THAT VIOLATES SUBSECTIONS (D)(1) AND (E)(4) OF THIS SECTION.
- 3 (2) WITHIN 60 DAYS AFTER ANY CHANGE TO THE FEDERAL PRICE
- 4 TRANSPARENCY LAW, THE SECRETARY SHALL PREPARE A REPORT OF THE
- 5 SECRETARY'S RECOMMENDATIONS FOR CONFORMING THIS SECTION WITH THE
- 6 CHANGE, OR ALTERNATIVELY, STATING THAT NO CONFORMING CHANGES ARE
- 7 NECESSARY, AND PROMPTLY SUBMIT THE REPORT TO THE GOVERNOR AND, IN
- 8 ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL
- 9 ASSEMBLY.
- 10 (H) THE SECRETARY SHALL IMPLEMENT A PUBLIC AWARENESS CAMPAIGN
- 11 TO INFORM MEMBERS OF THE PUBLIC REGARDING THE AVAILABILITY OF THE
- 12 HOSPITAL PRICE INFORMATION AND OTHER CONSUMER RIGHTS UNDER THIS
- 13 SECTION.
- 14 (I) THE SECRETARY MAY ADOPT REGULATIONS TO CARRY OUT THIS
- 15 SECTION.
- 16 **19–349.4.**
- 17 (A) IN THIS SECTION, "FUND" MEANS THE HOSPITAL PRICE
- 18 TRANSPARENCY FUND.
- 19 (B) THERE IS A HOSPITAL PRICE TRANSPARENCY FUND.
- 20 (C) THE PURPOSE OF THE FUND IS TO PROVIDE MONEY FOR
- 21 ADMINISTERING AND ENFORCING § 19–349.3 OF THIS SUBTITLE.
- 22 (D) THE SECRETARY SHALL ADMINISTER THE FUND.
- 23 (E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT
- 24 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.
- 25 (2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,
- 26 AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.
- 27 (F) THE FUND CONSISTS OF:
- 28 (1) ADMINISTRATIVE PENALTIES COLLECTED UNDER § 19–349.3 OF
- 29 THIS SUBTITLE;
- 30 (2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

1	(3) Interest earnings of the Fund; and					
2	(4) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.					
4 5 6	(G) THE FUND MAY BE USED ONLY FOR ADMINISTERING AND ENFORCING § 19–349.3 OF THIS SUBTITLE, INCLUDING THE IMPLEMENTATION OF THE PUBLIC AWARENESS CAMPAIGN REQUIRED UNDER § 19–349.3(H) OF THIS SUBTITLE.					
7 8	(H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.					
9 10	(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO THE FUND.					
11 12	(I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.					
13	Article - State Finance and Procurement					
14	6–226.					
15 16 17	(a) (1) Except as otherwise specifically provided by law or by regulation of the Treasurer, the Treasurer shall credit to the General Fund any interest on or other income from State money that the Treasurer invests.					
18 19	(2) (i) 1. This subparagraph does not apply in fiscal years 2024 through 2028.					
20 21 22 23 24 25	2. Notwithstanding any other provision of law, and unless inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State.					
26 27	(ii) The provisions of subparagraph (i) of this paragraph do not apply to the following funds:					
28 29	204. the Victims of Domestic Violence Program Grant Fund; [and]					
30	205. the Proposed Programs Collaborative Grant Fund; AND					

206. THE HOSPITAL PRICE TRANSPARENCY FUND.

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2 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 3 October 1, 2025.