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January 15, 2020

To: The Honorable Delores G. Kelley
Chair, Finance Committee

From: Patricia F. O'Connor, Health Education and Advocacy Unit

Re: Senate Bill 42 (Health Services Cost Review Commission - Duties and Reports -
Revisions): Letter of Concern

The Office of the Attorney General's Health Education and Advocacy Unit (HEAU) is concerned the provisions in Senate Bill 42 could, depending on how the language is interpreted, unnecessarily limit the investigatory and other authority of the Health Services Cost Review Commission (HSCRC). The HEAU is not concerned about the bill's other provisions that would streamline HSCRC's reporting obligations.

The HEAU mediates complaints from consumers about hospital billing (facility fees, surprise billing, balance billing, etc.). As a result, the HEAU understands that consumers need the HSCRC to have robust regulatory authority relating to the cost of hospital services in Maryland. Consumers must be able to rely on the HSCRC to investigate and remediate violations of the applicable laws and we are concerned about any perceived decrease in HSCRC's authority.

We have expressed our concerns to the HSCRC which has stated the intention of the bill is to *increase* and *not* to decrease the agency's investigatory and other authority. The HEAU has proffered amendments to HSCRC to clarify the intent of the bill.

If accepted, the amendments would change the bill as follows (page 6, line 30 through page 7, lines 1 through 12):

19-225 (a) In any matter that relates to the cost of services in facilities ~~AND CONSISTENT WITH OR THE ALL-PAYER MODEL CONTRACT~~, the Commission may: (1) Hold a public hearing; (2) Conduct an investigation; (3) Require the filing of any information; or (4) Subpoena any witness or evidence.

19-226 (a) If the Commission considers a further investigation necessary or desirable to authenticate information in a report that a facility files under this subtitle, ~~CONSISTENT WITH~~ OR THE ALL-PAYER MODEL CONTRACT, the Commission may make any necessary further examination of the records or accounts of the facility, in accordance with the rules or regulations of the Commission.

We believe the amendments preserve the HSCRC's current investigatory and other authority, and makes clear the HSCRC's authority with regard to the All-Payer Model Contract. If there is to be an increase or decrease in authority, the HEAU would ask that there be a full discussion of all relevant information, with express consideration of the consequences for consumers.

cc: Members of the Finance Committee