Bill Cassidy M.D.

AMENDMENT NO._____ Calendar No._____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—119th Cong., 2d Sess.

S. 2355

To amend the Public Health Service Act to provide for hospital and insurer price transparency.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by _____

Viz:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Patients Deserve Price Tags Act".

SEC. 2. STRENGTHENING HOSPITAL PRICE TRANSPARENCY.

Title XXVII of the Public Health Service Act is amended by inserting after section 2718 (42 U.S.C. 300gg–18) the following:

"SEC. 2718A. PROVIDER PRICE TRANSPARENCY.

"(a) DEFINITIONS.—In this section:

"(1) APPLICABLE IMAGING SERVICE PROVIDER.—The term 'applicable imaging provider' means a provider of services or supplier who furnishes any imaging services to patients, including an independent diagnostic testing facility, an outpatient diagnostic facility, and any other imaging center designated by the Secretary, except that such term does not include an imaging service provider with respect to which standard charges for specified imaging service provider services furnished by such service provider are made available by a hospital pursuant to subsection (b) or specified ambulatory surgical center pursuant to subsection (e).

"(2) APPLICABLE LABORATORY.—The term 'applicable laboratory' means a 'laboratory' as such term is defined in section 493.2, of title 42, Code of Federal Regulations (or a successor regulation), except that such term does not include a laboratory with respect to which standard charges for specified clinical diagnostic laboratory tests furnished by such laboratory are made available by a hospital pursuant to subsection (b) or specified ambulatory surgical center pursuant to subsection (e).

"(3) DISCOUNTED CASH PRICE.—

"(A) IN GENERAL.—The term 'discounted cash price' means the minimum charge expressed as a dollar amount, subject to subparagraph (B), that the applicable service provider subject to this section accepts from an individual who pays cash, or cash equivalent, for a furnished item or service, without regard to health insurance coverage, as payment in full.

"(B) EXCLUSIONS.—For purposes of subparagraph (A), the minimum charge described in such subparagraph, with respect to a furnished item or service, as applicable, shall be calculated without taking into account any financial assistance, including assistance attributable to charity care (in the case of a hospital, as such term is used for purposes of hospital cost reporting under title XVIII of the Social Security Act), or third-party assistance for such item or service.

"(4) EXTRAORDINARY COLLECTION ACTIONS.—The term 'extraordinary collection action' has the meaning given such term for purposes of section 501(r) of the Internal Revenue Code of 1986.

"(5) GROSS CHARGE.—The term 'gross charge' means the charge for an individual item or service

that is reflected on a hospital's chargemaster or similar list of prices facilitated by any other provider, as defined by the Secretary, absent any discounts.

"(6) HOSPITAL.—The term 'hospital' means an institution in any State in which State or applicable local law provides for the licensing of hospitals, that is licensed as a hospital pursuant to such law or is approved, by the agency of such State or locality responsible for licensing hospitals, as meeting the standards established for such licensing. For purposes of this paragraph, the term 'State' includes each of the several States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

"(7) PAYER-SPECIFIC NEGOTIATED CHARGE.—The term 'payer-specific negotiated charge' means the charge that a hospital has negotiated with a third-party payer for an item or service.

"(8) SHOPPABLE SERVICE.—The term 'shoppable service' means a service that can be scheduled by a healthcare consumer in advance. Such services are routinely provided in non-urgent situations that do not require immediate action or attention to the patient, thus allowing patients to

price shop and schedule a service at a time that is convenient for them.

"(9) SPECIFIED AMBULATORY SURGICAL CENTER.—The term 'specified ambulatory surgical center' means any distinct entity that operates exclusively for the purpose of providing surgical services to patients not requiring hospitalization and in which the expected duration of services would not exceed 24 hours following an admission, except that such term does not include a surgical center with respect to which standard charges for specified ambulatory surgical center services furnished by such surgical center are made available by a hospital pursuant to subsection (b).

"(10) SPECIFIED CLINICAL DIAGNOSTIC LABORATORY TEST.—The term 'specified clinical diagnostic laboratory test' means any clinical diagnostic laboratory test or service that is provided by the applicable laboratory, excluding advanced diagnostic laboratory tests (as defined in section 1834A(d)(5) of the Social Security Act).

"(11) SPECIFIED IMAGING SERVICE.—The term 'specified imaging service' has the meaning given to the term 'radiology and certain other imaging services' for purposes of section 411.351 of title 42,

Code of Federal Regulations (or successor regulations).

"(12) THIRD PARTY PAYER.—The term 'third party payer' means an entity that is, by statute, contract, or agreement, legally responsible for payment of a claim for a health care item or service.

"(b) HOSPITAL PRICE TRANSPARENCY.—

"(1) IN GENERAL.—Beginning January 1 of the year that begins on or after the date that is 1 year after the date of enactment of the Patients Deserve Price Tags Act, each hospital shall, in accordance with a method and format established by the Secretary under paragraph (3), on a quarterly basis (if there have been any changes to the standard charges described in subparagraph (2) compile and make publicly available on an internet website (without subscription and free of charge)—

"(A) all of the hospital's standard charges for each item and service furnished by such hospital in a machine-readable format (or a successor technology specified by the Secretary);

"(B) all of the hospital's standard charges in a consumer-friendly format (as specified by the Secretary), that includes—

"(i) as many of the Centers for Medicare & Medicaid Services-specified shoppable services that are furnished by the hospital, and as many additional hospital-selected shoppable services (or all such additional services, if such hospital furnishes fewer than 300 shoppable services) as may be necessary for a combined total of at least 300 shoppable services through the January 1 described in this subparagraph, after which the hospital shall include all shoppable services that the hospital furnishes; and

"(ii) with respect to each Centers for Medicare & Medicaid Services-specified shoppable service that is not furnished by the hospital, an indication that such service is not so furnished; and

"(C) the name and business address for each person or entity that, with respect to the hospital—

"(i) has an ownership or investment interest;

"(ii) has a controlling interest

"(iii) is a management services organization; or

"(iv) is a significant equity investor.

"(2) STANDARD CHARGES DEFINED.—For purposes of paragraph (1), the term 'standard charges' means the following:

"(A) A plain language description of each item and service, accompanied by any applicable billing codes, including modifiers, using commonly recognized billing code sets, including—

"(i) the Diagnosis Related Group;

"(ii) the Healthcare Common Procedure Coding System code;

"(iii) the National Drug Code; and

"(iv) other applicable identifiers as determined by the Secretary (or successor code sets).

"(B) The gross charge, expressed as a dollar amount, for each such item or service, when provided in, as applicable, the inpatient setting and outpatient department setting.

"(C) The discounted cash price.

"(D) The payer-specific negotiated charges, expressed as a dollar amount and clearly associated with the name of the applica-

ble third-party payer and name of each plan, that apply to each such item or service when provided in, as applicable, the inpatient setting and outpatient department setting. If the charges are based on an algorithm, percentage of another amount, or other formula or criteria, the hospital shall also disclose such algorithm, percentage, formula, or criteria as set forth in its contract and any other information necessary to determine the negotiated charge as a dollar amount.

"(E) The de-identified maximum and minimum negotiated charges for each such item or service, expressed as a non-zero dollar amount.

"(F) The amount of any facility fee, as defined by the Secretary, or add-on charges that will be part of the final payment amount, in addition to any information that might help the patient understand when a facility fee or add-on charge may apply and how to avoid such charges.

"(G) Any other additional information the Secretary may require for the purpose of improving the accuracy of, or enabling consumers to easily understand and compare, standard

charges for an item or service, except information that is duplicative of any other reporting requirement under this subsection. In the case of standard charges for an item or service included as part of a bundled, per diem, episodic, or other similar arrangement, the information described in this subparagraph shall be made available as determined appropriate by the Secretary.

"(3) UNIFORM METHOD AND FORMAT.—The Secretary shall establish a standard, uniform method and format for hospitals to use in compiling and making public information described in paragraph (1). Such method and format shall—

"(A) include a machine-readable format (or successor technology specified by the Secretary) containing the information described in paragraph (2) for all items and services furnished by each hospital;

"(B) meet such standards as determined appropriate by the Secretary in order to ensure the accessibility and usability of such charges; and

"(C) be updated as determined appropriate by the Secretary, in consultation with stakeholders.

"(4) NO DEEMED COMPLIANCE.—Hospitals may offer a price estimator tool, but the availability of such a price estimator tool shall not be considered to deem compliance with or otherwise vitiate the requirements of paragraph (1)(B) or any other requirements of this subsection.

"(5) MONITORING COMPLIANCE.—The Secretary shall, in consultation with the Inspector General of the Department of Health and Human Services, establish a process to monitor compliance with this subsection. Such process shall ensure that each hospital's compliance with this subsection is reviewed not less frequently than once every year.

"(6) ATTESTATION.—A senior official from each hospital (the Chief Executive Officer, Chief Financial Officer, or an official of equivalent seniority) shall attest to the accuracy and completeness of the disclosures, and any other attestations as required by the Secretary, made in accordance with the hospital price transparency requirements based on criteria established by the Secretary.

"(7) ENFORCEMENT.—

"(A) IN GENERAL.—In the case of a hospital that fails to comply with the requirements of this subsection, not later than 30 days after the date on which the Secretary determines such failure exists, the Secretary shall notify such hospital of such determination, which shall include a request for a corrective action plan if applicable to comply with such requirements.

"(B) CIVIL MONETARY PENALTY.—

"(i) IN GENERAL.—In addition to any other enforcement actions or penalties that may apply under another provision of law, a hospital that has received a request for a corrective action plan under subparagraph (A) and fails to comply with the requirements of this subsection by the date that is 90 days after such request is made shall be subject to a civil monetary penalty of an amount specified by the Secretary for each day (beginning on the day the hospital was first out of compliance, as determined by the Secretary) during which such failure was ongoing. Such amount shall not exceed—

"(I) in the case of a specified hospital with 30 or fewer beds, $300 per day (or, in the case of such a hospital that has been noncompliant with such requirements for a 1-year period or longer, beginning with the first day following such 1-year period, $400 per day);

"(II) in the case of a specified hospital with more than 30 beds but fewer than 101 beds, $12.50 per bed per day (or, in the case of such a hospital that has been noncompliant with such requirements for a 1-year period or longer, beginning with the first day following such 1-year period, $15 per bed per day);

"(III) in the case of a specified hospital with more than 100 beds but fewer than 201 beds, $17.50 per bed per day (or, in the case of such a hospital that has been noncompliant with such requirements for a 1-year period or longer, beginning with the first day

following such 1-year period, $20 per bed per day);

"(IV) in the case of a specified hospital with more than 200 beds but fewer than 501 beds, $20 per bed per day (or, in the case of such a hospital that has been noncompliant with such requirements for a 1-year period or longer, beginning with the first day following such 1-year period, $25 per bed per day); and

"(V) in the case of a specified hospital with more than 500 beds, $25 per bed per day (or, in the case of such a hospital that has been noncompliant with such requirements for a 1-year period or longer, beginning with the first day following such 1-year period, $35 per bed per day).

"(ii) INCREASE AUTHORITY.—In applying this subparagraph with respect to hospitals that fail to comply in 2028 or a subsequent year, the Secretary may through notice and comment rulemaking increase—

"(I) the limitation on the per day amount of any penalty applicable to a hospital under clause (i)(I);

"(II) the limitations on the per bed per day amount of any penalty applicable under any of subclauses (II) through (V) of clause (i); and

"(III) the limitation on the increase of any penalty applied under clause (iii) pursuant to the amounts specified in subclause (II) of such clause.

"(iii) PERSISTENT NONCOMPLIANCE.—

"(I) IN GENERAL.—In the case of a hospital that the Secretary has determined to be noncompliant with the provisions of this subsection two or more times during a 1-year period (as determined by the Secretary), the Secretary may increase any penalty otherwise applicable under this subparagraph by the amount specified in subclause (II) with respect to such hospital and may require such hos-

pital to complete such additional corrective actions plans as the Secretary may specify.

"(II) SPECIFIED AMOUNT.—For purposes of subclause (I), the amount specified in this subclause is, with respect to a hospital—

"(aa) with more than 30 beds but fewer than 101 beds, an amount that is not less than $500,000 and not more than $1,000,000;

"(bb) with more than 100 beds but fewer than 301 beds, an amount that is greater than $1,000,000 and not more than $2,000,000;

"(cc) with more than 300 beds but fewer than 501 beds, an amount that is greater than $2,000,000 and not more than $4,000,000; and

"(dd) with more than 500 beds, and amount that is not less

than $5,000,000 and not more than $10,000,000.

"(iv) PROVISION OF TECHNICAL ASSISTANCE.—The Secretary may, to the extent practicable, provide technical assistance relating to compliance with the provisions of this section to hospitals requesting such assistance.

"(v) APPLICATION OF CERTAIN PROVISIONS.—The provisions of section 1128A of the Social Security Act (other than subsections (a) and (b) of such section) shall apply to a civil monetary penalty imposed under this subparagraph in the same manner as such provisions apply to a civil monetary penalty imposed under subsection (a) of such section.

"(C) NO AUTHORITY TO WAIVE OR REDUCE PENALTY.—The Secretary shall not grant or extend any waiver, delay, tolling, or other mitigation of a civil monetary penalty for failing to comply with the requirements of this subsection except where the Secretary determines that imposing the maximum civil monetary penalty, including penalties for persistent non-

compliance, will disrupt hospital operations in a manner that impacts patient care. The Secretary may request documentation in such form and manner as the Secretary may require in order to evaluate impact on hospital operations.

"(D) PROHIBITION ON EXTRAORDINARY COLLECTION.—In addition to civil monetary penalties applicable under subparagraph (B) and any other enforcement actions or penalties that may apply under any other provision of law, for a hospital that has received a request for a corrective action plan under subparagraph (A) and fails to comply with the requirements of this subsection by the date that is 90 days after such request, that hospital or any other person or entity collecting on behalf of the hospital shall—

"(i) not take any extraordinary collection actions against any patient or patient guarantor for debt incurred by any patient on the date or dates of service when the hospital was not in compliance with the requirements of this subsection;

"(ii) cease any extraordinary collection actions that have begun against any

patient or patient guarantor for debt incurred by any patient on the date or dates of service when the hospital was not in compliance with the requirements of this subsection; and

"(iii) not take any extraordinary collection actions against any patient or patient guarantor for debt incurred by any patient on the date or dates of service when the hospital was not in compliance with the requirements of this subsection after the hospital comes back into compliance with the requirements of this subsection.

"(8) RULEMAKING.—

"(A) IN GENERAL.—The Secretary shall implement this subsection through notice and comment rulemaking in accordance with section 553 of title 5, United States Code.

"(B) OWNERSHIP INFORMATION.—In promulgating regulations under this paragraph, the Secretary shall define the individuals and organizations that must be disclosed under paragraph (1)(C) in a manner that harmonizes disclosure requirements with requirements estab-

lished under section 1124 of the Social Security Act and prioritizes the disclosure of individuals and organizations who's ownership or management relationship with a hospital impacts operational, financial, or clinical decision making for such hospital.".

SEC. 3. CLINICAL DIAGNOSTIC LABORATORY PRICE TRANSPARENCY.

Section 2718A of the Public Health Service Act, as added by section 2, is amended by adding at the end the following:

"(e) CLINICAL DIAGNOSTIC LABORATORY PRICE TRANSPARENCY.—

"(1) IN GENERAL.—Beginning January 1 of the year that begins on or after the date that is 1 year after the date of enactment of the Patients Deserve Price Tags Act, an applicable laboratory shall, on a quarterly basis (if there have been any changes to the standard charges described in paragraph (2)) compile and make publicly available on an internet website (without subscription and free of charge)—

"(A) the standard charges described in paragraph (2) with respect to each specified clinical diagnostic laboratory test that such laboratory so furnishes; and

"(B) the name and business address for each person or entity that, with respect to the laboratory—

"(i) has an ownership or investment interest;

"(ii) has a controlling interest

"(iii) is a management services organization; or

"(iv) is a significant equity investor.

"(2) STANDARD CHARGES DEFINED.—For purposes of paragraph (1), the term 'standard charges' means, with respect to an applicable laboratory and a specified clinical diagnostic laboratory test, the following:

"(A) A plain language description of each item or service, accompanied by any applicable billing codes (including modifiers that materially change the price for insurers or providers, and that materially change out-of-pocket costs for consumers) using commonly recognized billing code sets, including—

"(i) the Healthcare Common Procedure Coding System code;

"(ii) the National Drug Code; or

"(iii) other applicable identifier as determined by the Secretary (or successor code sets).

"(B) The gross charge expressed as a dollar amount, for each such test.

"(C) The discounted cash price.

"(D) The payer-specific negotiated charges, expressed as a dollar amount and clearly associated with the name of the applicable third-party payer and name of each plan, that apply to each such test. If the charges are based on an algorithm, percentage of another amount, or other formula or criteria, the applicable laboratory also shall disclose such algorithm, percentage, formula, or criteria as set forth in its contract and any other information necessary to determine the negotiated charge as a dollar amount.

"(E) The de-identified maximum and minimum negotiated charges for each such item or service, expressed as a non-zero dollar amount.

"(F) Any other additional information the Secretary may require for the purpose of improving the accuracy of, or enabling consumers to easily understand and compare, standard

charges for an item or service, except information that is duplicative of any other reporting requirement under this section. In the case of standard charges for an item or service included as part of a bundled, per diem, episodic, or other similar arrangement, the information described in this subparagraph shall be made available as determined appropriate by the Secretary.

"(3) UNIFORM METHOD AND FORMAT.—The Secretary shall establish a standard, uniform method and format for applicable laboratories to use in compiling and making public information pursuant to paragraph (1). Such method and format shall—

"(A) include a machine-readable format (or a successor technology specified by the Secretary) containing the information described in paragraph (2) for all specified clinical diagnostic laboratory tests furnished by each laboratory and the ownership information described in paragraph (1)(B);

"(B) meet such standards as determined appropriate by the Secretary in order to ensure the accessibility and usability of such information; and

"(C) be updated as determined appropriate by the Secretary, in consultation with stakeholders.

"(4) MONITORING COMPLIANCE.—The Secretary shall, in consultation with the Inspector General of the Department of Health and Human Services, establish a process to monitor compliance with this subsection. Such process shall ensure that each applicable laboratory's compliance with this subsection is reviewed not less frequently than once every year.

"(5) INCLUSION OF ANCILLARY SERVICES.—Any charge for a specified clinical diagnostic laboratory test furnished by an applicable laboratory made publicly available in accordance with paragraph (1) shall include the charge for any ancillary item or service (such as specimen collection services, specimen transport, centrifugation, aliquoting, labeling, requisition processing, and standard result reporting services) that would customarily and routinely be furnished by such laboratory as part of such test, as specified by the Secretary.

"(6) ATTESTATION.—A senior official from each clinical diagnostic laboratory (the Chief Executive Officer, Chief Financial Officer, or an official of

equivalent seniority) shall attest to the accuracy and completeness of the disclosures, and any other attestations as required by the Secretary, made in accordance with the clinical laboratory price transparency requirements based on criteria established by the Secretary.

"(7) ENFORCEMENT.—

"(A) IN GENERAL.—In the case of an applicable laboratory that fails to comply with the requirements of this subsection—

"(i) the Secretary shall notify such laboratory of such failure not later than 30 days after the date on which the Secretary determines such failure exists; and

"(ii) upon request of the Secretary, such laboratory shall submit to the Secretary, not later than 45 days after the date of such request, a corrective action plan to comply with such requirements.

"(B) CIVIL MONETARY PENALTY.—

"(i) IN GENERAL.—An applicable laboratory that has received a notification under subparagraph (A)(i) and fails to comply with the requirements of this subsection by the date that is 90 days after

such notification (or, in the case of an applicable laboratory that has submitted a corrective action plan described in subparagraph (A)(ii) in response to a request so described, by the date that is 90 days after such submission) shall be subject to a civil monetary penalty of an amount specified by the Secretary for each day (beginning with the day on which the Secretary first determined that such laboratory was not complying with such requirements) during which such failure is ongoing (not to exceed $300 per day).

"(ii) INCREASE AUTHORITY.—In applying this subparagraph with respect to an applicable laboratory that fails to comply with the requirements of this subsection in 2028 or a subsequent year, the Secretary may through notice and comment rulemaking increase the limitation on the per day amount of any penalty applicable to an applicable laboratory under clause (i).

"(iii) APPLICATION OF CERTAIN PROVISIONS.—The provisions of section 1128A

of the Social Security Act (other than subsections (a) and (b) of such section) shall apply to a civil monetary penalty imposed under this subparagraph in the same manner as such provisions apply to a civil monetary penalty imposed under subsection (a) of such section.

"(iv) NO AUTHORITY TO WAIVE OR REDUCE PENALTY.—The Secretary shall not grant or extend any waiver, delay, tolling, or other mitigation of a civil monetary penalty for failing to comply with the requirements of this subsection except where the Secretary determines that imposing the maximum civil monetary penalty will disrupt applicable laboratory operations in a manner that impacts patient care. The Secretary may request documentation in such form and manner as the Secretary may require in order to evaluate impact on applicable laboratory operations.

"(8) PROVISION OF TECHNICAL ASSISTANCE.—The Secretary shall, to the extent practicable, provide technical assistance relating to compliance with

the provisions of this subsection to applicable laboratories requesting such assistance.

"(9) RULEMAKING.—

"(A) IN GENERAL.—The Secretary shall implement this subsection through notice and comment rulemaking in accordance with section 553 of title 5, United States Code.

"(B) OWNERSHIP INFORMATION.—In promulgating regulations under this paragraph, the Secretary shall define the individuals and organizations that must be disclosed under paragraph (1)(C) in a manner that harmonizes disclosure requirements with requirements established under section 1124 of the Social Security Act and prioritizes the disclosure of individuals and organizations who's ownership or management relationship with a hospital impacts operational, financial, or clinical decision making for such hospital.".

SEC. 4. IMAGING SERVICES PRICE TRANSPARENCY.

Section 2718A of the Public Health Service Act, as amended by section 3, is further amended by adding at the end the following:

"(d) IMAGING SERVICES PRICE TRANSPARENCY.—

"(1) IN GENERAL.—Beginning January 1 of the year that begins on or after the date that is 1 year after the date of enactment of the Patients Deserve Price Tags Act, each applicable imaging service provider shall, on a quarterly basis (if there have been any changes to the standard charges described in paragraph (2)) compile and make publicly available on an internet website (without subscription and free of charge)—

"(A) the standard charges described in paragraph (2) with respect to each such specified imaging service provided by such provider; and

"(B) the name and business address for each person or entity that, with respect to the imaging services provider—

"(i) has an ownership or investment interest;

"(ii) has a controlling interest

"(iii) is a management services organization; or

"(iv) is a significant equity investor.

"(2) STANDARD CHARGES DEFINED.—For purposes of paragraph (1), the term 'standard charges', with respect to an applicable imaging service pro-

vider and a specified imaging service, means the following:

"(A) A plain language description of each item or service, accompanied by any applicable billing codes (including modifiers that materially change the price for insurers or providers, and that materially change out-of-pocket costs for consumers) using commonly recognized billing code sets, including—

"(i) the Healthcare Common Procedure Coding System code;

"(ii) the National Drug Code; or

"(iii) other applicable identifier as determined by the Secretary (or successor code sets).

"(B) The gross charge expressed as a dollar amount, for each such item or service.

"(C) The discounted cash price.

"(D) The payer-specific negotiated charges, expressed as a dollar amount and clearly associated with the name of the applicable third-party payer and name of each plan, that apply to each such service. If the charges are based on an algorithm, percentage of another amount, or other formula or criteria, the

provider or supplier also shall disclose such algorithm, percentage, formula, or criteria as set forth in its contract and any other information necessary to determine the negotiated charge as a dollar amount.

"(E) The de-identified maximum and minimum negotiated charges for each such item or service, expressed as a non-zero dollar amount.

"(F) Any other additional information the Secretary may require for the purpose of improving the accuracy of, or enabling consumers to easily understand and compare, standard charges and prices for an item or service, except information that is duplicative of any other reporting requirement under this subsection. In the case of standard charges for an item or service included as part of a bundled, per diem, episodic, or other similar arrangement, the information described in this subparagraph shall be made available as determined appropriate by the Secretary.

"(3) UNIFORM METHOD AND FORMAT.—The Secretary shall establish a standard, uniform method and format for applicable imaging service providers

to use in making public information described in paragraph (1). Any such method and format shall—

"(A) include a machine-readable format (as specified by the Secretary) containing the information described in paragraph (2) for all specified imaging services furnished by each applicable imaging service provider and ownership information described in paragraph (1)(B);

"(B) meet such standards as determined appropriate by the Secretary in order to ensure the accessibility and usability of such information; and

"(C) be updated as determined appropriate by the Secretary, in consultation with stakeholders.

"(4) MONITORING COMPLIANCE.—The Secretary shall, in consultation with the Inspector General of the Department of Health and Human Services, establish a process to monitor compliance with this subsection.

"(5) ATTESTATION.—A senior official from each specified imaging service provider (the Chief Executive Officer, Chief Financial Officer, or an official of equivalent seniority) shall attest to the accuracy and completeness of the disclosures, and any

other attestations as required by the Secretary, made in accordance with the imaging service provider price transparency requirements based on criteria established by the Secretary.

"(6) ENFORCEMENT.—

"(A) IN GENERAL.—In the case of a specified imaging service provider that fails to comply with the requirements of this subsection—

"(i) the Secretary shall notify such imaging service provider of such failure not later than 30 days after the date on which the Secretary determines such failure exists; and

"(ii) upon request of the Secretary, such imaging service provider shall submit to the Secretary, not later than 45 days after the date of such request, a corrective action plan to comply with such requirements.

"(B) CIVIL MONETARY PENALTY.—

"(i) IN GENERAL.—A specified imaging service provider that has received a notification under subparagraph (A)(i) and fails to comply with the requirements of this subsection by the date that is 90 days

after such notification (or, in the case of a specified imaging service provider that has submitted a corrective action plan described in subparagraph (A)(ii) in response to a request so described, by the date that is 90 days after such submission) shall be subject to a civil monetary penalty of an amount specified by the Secretary for each day (beginning with the day on which the Secretary first determined that such imaging service provider was not complying with such requirements) during which such failure is ongoing (not to exceed $300 per day).

"(ii) INCREASE AUTHORITY.—In applying this subparagraph with respect to a specified imaging service provider that fails to comply with the requirements of this subsection in 2028 or a subsequent year, the Secretary may through notice and comment rulemaking increase the limitation on the per day amount of any penalty applicable to a specified imaging service provider under clause (i).

"(iii) APPLICATION OF CERTAIN PROVISIONS.—The provisions of section 1128A of the Social Security Act (other than subsections (a) and (b) of such section) shall apply to a civil monetary penalty imposed under this subparagraph in the same manner as such provisions apply to a civil monetary penalty imposed under subsection (a) of such section.

"(iv) NO AUTHORITY TO WAIVE OR REDUCE PENALTY.—The Secretary shall not grant or extend any waiver, delay, tolling, or other mitigation of a civil monetary penalty for failing to comply with the requirements of this subsection except where the Secretary determines that imposing the maximum civil monetary penalty will disrupt specified imaging service provider operations in a manner that impacts patient care. The Secretary may request documentation in such form and manner as the Secretary may require in order to evaluate impact on specified imaging service provider operations.

"(7) PROVISION OF TECHNICAL ASSISTANCE.—The Secretary shall, to the extent practicable, provide technical assistance relating to compliance with the provisions of this subsection to providers of services and suppliers requesting such assistance.

"(8) RULEMAKING.—

"(A) IN GENERAL.—The Secretary shall implement this subsection through notice and comment rulemaking in accordance with section 553 of title 5, United States Code.

"(B) OWNERSHIP INFORMATION.—In promulgating regulations under this paragraph, the Secretary shall define the individuals and organizations that must be disclosed under paragraph (1)(C) in a manner that harmonizes disclosure requirements with requirements established under section 1124 of the Social Security Act and prioritizes the disclosure of individuals and organizations who's ownership or management relationship with a hospital impacts operational, financial, or clinical decision making for such hospital.".

SEC. 5. AMBULATORY SURGICAL CENTER PRICE TRANSPARENCY.

Section 2718A of the Public Health Service Act, as amended by section 4, is further amended by adding at the end the following:

"(e) AMBULATORY SURGICAL CENTER PRICE TRANSPARENCY.—

"(1) IN GENERAL.—Beginning January 1 of the year that begins on or after the date that is 1 year after the date of enactment of the Patients Deserve Price Tags Act, each specified ambulatory surgical center shall, on a quarterly basis (if there have been any changes to the standard charges described in paragraph (2)), compile and make publicly available on an internet website (without subscription and free of charge)—

"(A) the standard charges described in paragraph (2) with respect to each specified service furnished by such surgical center; and

"(B) the name and business address for each person or entity that, with respect to the ambulatory surgical center—

"(i) has an ownership or investment interest;

"(ii) has a controlling interest

"(iii) is a management services organization; or

"(iv) is a significant equity investor.

"(2) STANDARD CHARGES DEFINED.—For purposes of paragraph (1), the term 'standard charges' with respect to standard charges and prices made public by a specified ambulatory surgical center means the following:

"(A) A plain language description of each item or service, accompanied by any applicable billing codes (including modifiers that materially change the price for insurers or providers, and that materially change out-of-pocket costs for consumers) using commonly recognized billing code sets, including—

"(i) the Healthcare Common Procedure Coding System code;

"(ii) the National Drug Code; or

"(iii) other applicable identifier as determined by the Secretary (or successor code sets).

"(B) The gross charge, expressed as a dollar amount, for each such item or service.

"(C) The discounted cash price.

"(D) The payer-specific negotiated charges, expressed as a dollar amount and clearly associated with the name of the applicable third party payer and name of each plan, that apply to each such item or service. If the charges are based on an algorithm, percentage of another amount, or other formula or criteria, the ambulatory surgical center also shall disclose such algorithm, percentage, formula, or criteria as set forth in its contract and any other information necessary to determine the negotiated charge as a dollar amount.

"(E) The de-identified maximum and minimum negotiated charges for each such item or service, expressed as a non-zero dollar amount.

"(F) Any other additional information the Secretary may require for the purpose of improving the accuracy of, or enabling consumers to easily understand and compare, standard charges and prices for an item or service. In the case of standard charges for an item or service included as part of a bundled, per diem, episodic, or other similar arrangement, the information described in this subparagraph shall be

made available as determined appropriate by the Secretary.

"(3) UNIFORM METHOD AND FORMAT.—The Secretary shall establish a standard, uniform method and format for specified ambulatory surgical centers to use in compiling and making public information pursuant to paragraph (1). Such method and format shall—

"(A) include a machine-readable format (or a successor technology specified by the Secretary) containing the information described in paragraph (2) for all specified services furnished by each ambulatory surgical center and for the ownership information described in paragraph (1)(B);

"(B) meet such standards as determined appropriate by the Secretary in order to ensure the accessibility and usability of such charges; and

"(C) be updated as determined appropriate by the Secretary, in consultation with stakeholders.

"(4) MONITORING COMPLIANCE.—The Secretary shall, in consultation with the Inspector General of the Department of Health and Human Serv-

ices, establish a process to monitor compliance with this subsection. Such process shall ensure that each specified ambulatory surgical center's compliance with this subsection is reviewed not less frequently than once every year.

"(5) ATTESTATION.—A senior official from each specified ambulatory surgical center (the Chief Executive Officer, Chief Financial Officer, or an official of equivalent seniority) shall attest to the accuracy and completeness of the disclosures, and any other attestations as required by the Secretary, made in accordance with the ambulatory center price transparency requirements based on criteria established by the Secretary.

"(6) ENFORCEMENT.—

"(A) IN GENERAL.—In the case of a specified ambulatory surgical center that fails to comply with the requirements of this subsection—

"(i) the Secretary shall notify such ambulatory surgical center of such failure not later than 30 days after the date on which the Secretary determines such failure exists; and

"(ii) upon request of the Secretary, such ambulatory surgical center shall submit to the Secretary, not later than 45 days after the date of such request, a corrective action plan to comply with such requirements.

"(B) CIVIL MONETARY PENALTY.—

"(i) IN GENERAL.—A specified ambulatory surgical center that has received a notification under subparagraph (A)(i) and fails to comply with the requirements of this subsection by the date that is 90 days after such notification (or, in the case of a specified ambulatory surgical center that has submitted a corrective action plan described in subparagraph (A)(ii) in response to a request so described, by the date that is 90 days after such submission) shall be subject to a civil monetary penalty of an amount specified by the Secretary for each day (beginning with the day on which the Secretary first determined that such ambulatory surgical center was not complying with such requirements) during which such

failure is ongoing (not to exceed $300 per day).

"(ii) INCREASE AUTHORITY.—In applying this subparagraph with respect to a specified ambulatory surgical center that fails to comply with the requirements of this subsection in 2028 or a subsequent year, the Secretary may through notice and comment rulemaking increase the limitation on the per day amount of any penalty applicable to a specified ambulatory surgical center under clause (i).

"(iii) APPLICATION OF CERTAIN PROVISIONS.—The provisions of section 1128A of the Social Security Act (other than subsections (a) and (b) of such section) shall apply to a civil monetary penalty imposed under this subparagraph in the same manner as such provisions apply to a civil monetary penalty imposed under subsection (a) of such section.

"(iv) NO AUTHORITY TO WAIVE OR REDUCE PENALTY.—The Secretary shall not grant or extend any waiver, delay, tolling, or other mitigation of a civil monetary

penalty for failing to comply with the requirements of this subsection except where the Secretary determines that imposing the maximum civil monetary penalty will disrupt specified ambulatory surgical center operations in a manner that impacts patient care. The Secretary may request documentation in such form and manner as the Secretary may require in order to evaluate impact on specified ambulatory surgical center operations.

"(7) PROVISION OF TECHNICAL ASSISTANCE.—The Secretary shall, to the extent practicable, provide technical assistance relating to compliance with the provisions of this subsection to specified ambulatory surgical centers requesting such assistance.

"(8) RULEMAKING.—

"(A) IN GENERAL.—The Secretary shall implement this subsection through notice and comment rulemaking in accordance with section 553 of title 5, United States Code.

"(B) OWNERSHIP INFORMATION.—In promulgating regulations under this paragraph, the Secretary shall define the individuals and organizations that must be disclosed under para-

graph (1)(C) in a manner that harmonizes disclosure requirements with requirements established under section 1124 of the Social Security Act and prioritizes the disclosure of individuals and organizations who's ownership or management relationship with a hospital impacts operational, financial, or clinical decision making for such hospital.

"(f) CONTINUED APPLICABILITY OF STATE LAW.—The provisions of this section shall not supersede any provision of State law that establishes, implements, or continues in effect any requirement or prohibition related to health care price transparency, except to the extent that such requirement or prohibition prevents the application of a requirement or prohibition of this section.".

SEC. 6. STRENGTHENING HEALTH COVERAGE TRANSPARENCY REQUIREMENTS.

(a) TRANSPARENCY IN COVERAGE.—Section 2715A of the Public Health Service Act (42 U.S.C. 300gg-15a) is amended—

(1) by striking "A Group health" and inserting the following:

"(a) IN GENERAL.—A group health"; and

(2) by ending at the end the following:

"(b) ADDITIONAL TRANSPARENCY REQUIREMENTS.—

"(1) SPECIFIED INFORMATION REQUIRED.—

"(A) IN GENERAL.—A group health plan or health insurance issuer offering coverage in the individual or group market shall provide to each participant, beneficiary, or enrollee, at the time of enrollment in the plan or coverage, the information described in subparagraph (B).

"(B) INFORMATION REQUIRED.—For purposes of subparagraph (A), the information specified in this subparagraph is, with respect to benefits available under the plan or coverage for an item or service furnished by a health care provider, the following (or other information as determined appropriate by the Secretary):

"(i) If such provider is an in-network provider with respect to such item or service, the in-network rate (as defined in paragraph (5)) for such item or service.

"(ii) If such provider is not described in clause (i), the out-of-network allowed amount (as such term is defined for purposes of section 147.210(a)(2)(xvii) of title

45, Code of Federal Regulation) for such item or service that the plan or coverage will pay without regard to the amount in clause (iii).

"(iii) The amount of cost-sharing liability (including deductibles, copayments, and coinsurance) that the individual will incur for such item or service based on the information available to the plan or coverage at the time the request is made (which, in the case such item or service is to be furnished by a provider described in clause (ii), shall be calculated using the maximum amount described in such clause).

"(iv) The accumulated amounts with respect to any deductible or out-of-pocket maximum under the plan or coverage reflected in the plan's or coverage's records at the time the request is made (broken down, in the case separate deductibles or maximums apply to separate individuals enrolled in the plan or coverage, by such separate deductibles or maximums, in ad-

dition to any cumulative deductible or maximum).

"(v) In the case such plan or coverage imposes any frequency or volume limitations with respect to such item or service (excluding medical necessity determinations), the amount that such individual has accrued towards such limitation with respect to such item or service reflected in the plan's or coverage's records at the time the request is made.

"(vi) Information about any utilization management requirements, such as prior authorization, concurrent review, step therapy, fail first, or similar requirements applicable to coverage of such item or service under such plan or coverage, including information regarding utilization management practices and determinations, including aggregate information related to approval and denial rates, associated timelines, and appeals, as determined appropriate by the Secretary.

"(C) SELF-SERVICE TOOL .—For purposes of subparagraph (A), a self-service tool estab-

lished by a health plan meets the requirements of this subparagraph if such tool—

"(i) is based on an internet website;

"(ii) provides for real-time responses to requests described in such subparagraph;

"(iii) is updated in a manner such that the information is accurate based on the information available to the plan or coverage at the time the request is made;

"(iv) allows such a request to be made for information with respect to an item or service furnished by—

"(I) a specific provider that is an in-network provider with respect to such item or service; or

"(II) all providers that are in-network providers with respect to such plan or coverage and such item or service;

"(v) provides that such a request may be made for information with respect to an item or service through use of—

"(I) the billing code for such item or service; or

"(II) through use of a descriptive term for such item or service; and

"(vi) is made available in plain language, without subscription or other fee.

"(D) NONDUPLICATION.—A group health plan or health insurance issuers shall be deemed to be in compliance with this paragraph if such plan or issuer has a tool in place under section 2799A–4.

"(2) RATE AND PAYMENT INFORMATION.—

"(A) IN GENERAL.—Beginning January 1 of the year that begins on or after the date that is 1 year after the date of enactment of the Patients Deserve Price Tags Act, and every quarter thereafter (if there have been any changes to the rate and payment information described in subparagraphs (B) and (C), each group health plan or health insurance issuer offering coverage in the group or individual market shall make available to the public, the rate and payment information described in subparagraph (B) in accordance with subparagraph (C).

"(B) RATE AND PAYMENT INFORMATION DESCRIBED.—For purposes of subparagraph (A), the rate and payment information de-

scribed in this subparagraph is, with respect to a plan or coverage, the following:

"(i) With respect to each item or service for which benefits are available under such plan or coverage, excluding those included in clause (ii), identified by CPT, HCPCS, DRG, or other applicable nationally recognized identifier, including any applicable code modifiers, and accompanied by a plain language description of the item or service, the in-network rate (expressed as a dollar amount or percentage of charges, unless otherwise specified by the Secretary), including the individual and total amounts for any bundled rates, in effect as of the date of the submission of such information with each provider (identified by national provider identifier) that is an in-network provider with respect to such item or service, other than such a rate in effect with a provider that an issuer has determined based on factors determined by the Secretary (such as medical specialty) that it is unlikely that the pro-

vider would be reimbursed for the item or service.

"(ii) With respect to each drug and biologic (identified by National Drug Code, J-code, or other commonly recognized billing code used for drugs) for which benefits are available under such plan or coverage, the in-network rate (expressed as a dollar amount or percentage of charges, unless otherwise specified by the Secretary) in effect as of the first day of the quarter in which such information is made public with each pharmacy or other prescription drug dispenser that is an in-network pharmacy or other prescription drug dispenser with respect to such drug.

"(iii) With respect to each item or service for which benefits are available under such plan or coverage (expressed as a dollar amount), identified by CPT, DRG, HCPCS, or other applicable nationally recognized identifier, including any applicable code modifiers, and accompanied by a brief description of the item or service, the amount billed or charged by the provider,

and the amount allowed by the plan or coverage, for each such item or service furnished during a representative lookback window established by the Secretary by each provider that was an out-of-network provider with respect to such item or service, broken down by each such provider (identified by national provider identifier), other than items and services with respect to which not fewer than 11 claims for such item or service were submitted to such plan during such period.

"(C) MANNER OF SUBMISSION.—Rate and payment information required to be submitted and made available under this paragraph shall be so submitted and so made available as follows:

"(i) Information shall be contained in at least 3 separate machine-readable files corresponding to the information described in each of clauses (i) through (iii) of subparagraph (B) that meet such requirements as specified by the Secretary through rulemaking, in consultation with the Secretaries of Labor and the Treasury,

to apply comparable requirements to group health plans and health insurance coverage and to entities providing benefit management or other third-party administration services on a contractual basis with a group health plan or coverage.

"(ii) Requirements specified by the Secretary through rulemaking (or subregulatory guidance) shall ensure the following:

"(I) Such files are made available in a widely available format that allows for information contained in such files to be compared across plans and coverage and are freely accessible to individuals at no cost and without the need to establish a user account or provide other credentials.

"(II) Each such file includes each of the following data elements:

"(aa) A numerical identifier for the group health plan or health insurance issuer (such as a Health Insurance Oversight System identifier).

"(bb) A plain-language description of the item or service (including, for drugs, the proprietary and nonproprietary name assigned).

"(cc) The billing code, including any applicable modifiers, associated with such item or service, including the Healthcare Common Procedure Coding System code, diagnosis-related group, national drug code, or other commonly recognized code set.

"(dd) The place of service code.

"(ee) The National Provider Identifier and provider Tax Identification Number.

"(iii) The rate and payment information disclosed under clauses (i) through (iii) of subparagraph (B) shall be separately delineated for each item or service, regardless of whether such item or service is reimbursed as a part of a bundle, epi-

sode, or other grouping of items and services.

"(iv) An officer or executive of competent authority shall attest to the accuracy and completeness of information submitted and made available under this subparagraph. In the case of a plan or coverage that relies on a third-party administrator or other service provider to compile the information submitted and made available under this subparagraph, such plan or coverage may satisfy the requirement under this clause by obtaining such an attestation from the third-party administrator or other service provider. Such attestation shall be subject to enforcement under paragraph (6).

"(3) OWNERSHIP INFORMATION.—Beginning January 1 of the year that begins on or after the date that is 1 year after the date of enactment of the Patients Deserve Price Tags Act, and every quarter thereafter (if there have been any changes in the required information), each group health plan or health insurance issuer offering coverage in the individual or group market shall submit to the Sec-

retary, the applicable State authority, and make available to the public, the name and business address of each person or entity that, with respect to such plan or coverage—

"(A) has an ownership or investment interest;

"(B) has a controlling interest;

"(C) is a management services organization; or

"(D) is a significant equity investor.

"(4) ENFORCEMENT.—

"(A) IN GENERAL.—Each year, the Secretary shall audit the machine-readable files required by paragraph (2)(B) posted by not fewer than 50 group health plans or health insurance issuers for compliance with format and accessibility standards.

"(B) NOTIFICATION AND REQUEST FOR CORRECTIVE ACTION.—In the case of a group health plan or health insurance issuer that fails to comply with the requirements of this paragraph, not later than 30 days after the date on which the Secretary determines such failure exists, the Secretary shall submit to such plan or issuer a notification of such determination,

which shall include a request for a corrective action plan to comply with such requirements.

"(C) CIVIL MONETARY PENALTY.—A plan or issuer that has received a request for a corrective action plan under subparagraph (B) and fails to comply with the requirements of this paragraph by the date that is 30 days after such request is made shall be subject to a civil monetary penalty of an amount specified by the Secretary for each day (beginning with the day on which such health plan or health insurance issuer was failing to comply with such paragraph) during which such failure was ongoing. Such amount shall not exceed $300 per participant, beneficiary, or covered individual per day or $10,000,000, whichever is lesser.

"(5) DEFINITIONS.—In this subsection:

"(A) IN-NETWORK PROVIDER.—The term 'in-network provider' has the meaning given such term in section 54.9815-2715A1(a)(2)(xii) of title 26, Code of Federal Regulations.

"(B) IN-NETWORK RATE.—The term 'in-network rate' means, with respect to a health plan and an item or service furnished by a provider that is a participating provider with re-

spect to such plan and item or service, the contracted rate in effect between such plan and such provider for such item or service. If the rate is based on an algorithm, percentage of another amount, or other formula or criteria, the health plan also shall disclose such algorithm, percentage, formula, or criteria as set forth in its contract and any other terms, schedules, exhibits, data, or other information referenced in any such contract as shall be required to determine and disclose the negotiated rate.

"(6) RULEMAKING.—

"(A) IN GENERAL.—The Secretary shall implement this subsection through notice and comment rulemaking in accordance with section 553 of title 5, United States Code. The Secretary may implement the manner of submission of data described in paragraph (2)(C) through subregulatory guidance.

"(B) REGULATIONS.—Regulations promulgated pursuant to this subsection shall provide the following:

"(i) The Secretary shall annually audit the machine-readable files required by paragraph (2)(B) posted by not fewer

than 50 group health plans or health insurance issuers for compliance with format and accessibility standards.

"(ii) The Secretary of Labor shall annually audit the machine-readable files required by paragraph (2)(B) posted by not fewer than 250 group health plans or service providers furnishing third-party administrator services to a group health plan for compliance with format and accessibility standards.

"(iii) The Secretary of Health and Human Services, in conjunction with the Secretary of Labor and the Secretary of the Treasury, shall annually issue a report to Congress that includes findings, conclusions, and enforcement actions taken based on audits of the machine-readable files. Such report shall be provided no later than July 1 following the calendar year during which the audits were completed. The Secretary of Health and Human Services shall make such report to Congress accessible to the public.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsections (a) and (b) shall apply beginning January 1 of the year that begins on or after the date that is 1 year after the date of enactment of the Patients Deserve Price Tags Act.

(2) CONTINUED APPLICABILITY OF RULES FOR PREVIOUS YEARS.—Nothing in the amendments made by this section may be construed as affecting the applicability of the rule entitled "Transparency in Coverage" published by the Department of the Treasury, the Department of Labor, and the Department of Health and Human Services on November 12, 2020 (85 Fed. Reg. 72158), or amendments made to such rule that are applicable before the date of enactment of the Patients Deserve Price Tags Act.

SEC. 7. INCREASING GROUP HEALTH PLAN ACCESS TO HEALTH DATA.

(a) GROUP HEALTH PLAN ACCESS TO INFORMATION.—

(1) IN GENERAL.—Section 2799A-9 of the Public Health Service Act (42 U.S.C. 300gg-119) is amended by adding at the end the following:

"(1) GROUP HEALTH PLAN ACCESS TO INFORMATION.—

"(A) IN GENERAL.—No contract or arrangement for services, and no extension or renewal of such contract or arrangement, between a group health plan that is offered by a specified large employer or that is a specified large plan (as such terms are defined in subparagraph (F)) and a health care provider (which for purposes of this subparagraph, includes a health care facility), network or association of providers, service provider offering access to a network of providers, third-party administrator, health insurance issuer offering group or individual health insurance coverage, or pharmacy benefit manager, or any entity acting as an intermediary between the group health plan and the health care provider, network association of providers, service provider offering access to a network or association of providers (including a licensed health insurance issuer or third-party administrator), or pharmacy benefit manager (collectively referred to in this subsection as 'Covered Service Providers'), is reasonable within the meaning of this subsection unless such contract or arrangement—

"(i) allows the responsible plan fiduciary (as that term is defined in section 408(b)(2)(B)(ii)(I)(ee)) access to all claims and encounter information or data, and any documentation supporting claim payments, including, but not limited to, medical records and policy documents, or information or data described in subsection (a)(1)(B) to—

"(I) comply with applicable law; and

"(II) determine the accuracy or reasonableness of claims payment; and

"(ii) does not—

"(I) unreasonably limit or delay access, as determined by the Secretary but in any event not longer than 15 days, after a request for access by a plan fiduciary to such information or data;

"(II) limit the volume of claims and encounter information or data that the group health plan, the plan sponsor, the plan administrator, or a business associate of such plan may

access during an audit or pursuant to any request for such information or data;

"(III) limit the disclosure of pricing terms for value-based payment arrangements or capitated payment arrangements, including—

"(aa) payment calculations and formulas;

"(bb) quality measures;

"(cc) contract terms;

"(dd) payment amounts;

"(ee) measurement periods for all incentives; and

"(ff) other payment methodologies used by an entity, including a health care provider (including a health care facility), network or association of providers, service provider offering access to a network of providers, third-party administrator, or pharmacy benefit manager;

"(IV) limit the disclosure of overpayments and overpayment recovery terms;

"(V) limit the right of the group health plan, the plan sponsor, or the plan administrator of such plan to select an auditor or define audit scope or frequency;

"(VI) otherwise limit or unduly delay the group health plan, the plan sponsor, the plan administrator, or a business associate of such plan from accessing claims and encounter information or data;

"(VII) limit the disclosure of fees charged to the group health plan related to plan administration and claims processing, including renegotiation fees, access fees, repricing fees, or enhanced review fees;

"(VIII) limit the right of the group health plan, the plan sponsor, or the plan administrator to request action on any suspect claim payments;

"(IX) limit public disclosure of de-identified or aggregate information;

"(X) limit the disclosure of, with respect to a provider that files claims under such plan, whether a Covered Service Provider—

"(aa) has an ownership or investment interest;

"(bb) has a controlling interest;

"(cc) is a management services organization; or

"(dd) is a significant equity investor; or

"(XI) limit the disclosure of the name and address of each person or entity that, with respect to the health plan service provider—

"(aa) has an ownership or investment interest;

"(bb) has a controlling interest; or

"(cc) is a significant equity investor.

"(B) MANNER OF PROVIDING INFORMATION OR DATA.—

"(i) IN GENERAL.—A Covered Service Provider shall provide information or data under this subsection in a manner consistent with the privacy regulations promulgated under section 13402(a) of the Health Information Technology for Economic and Clinical Health Act (42 U.S.C. 17932(a)) and consistent with the privacy regulations promulgated under the Health Insurance Portability and Accountability Act of 1996 in part 160 and subparts A and E of part 164 of title 45, Code of Federal Regulations (or successor regulations) (referred to in this paragraph as the 'HIPAA privacy regulations') and shall restrict the use and disclosure of such information according to such privacy regulations and such HIPAA privacy regulations. A Covered Service Provider shall not be required to disclose information or data under this subsection that could reasonably identify a participant or beneficiary through individually identifiable health in-

formation (as such term is defined under HIPAA privacy regulations).

"(ii) ADDITIONAL REQUIREMENTS.—In carrying out this subsection, a Covered Service Provider shall comply with section 164.504(f) of title 45, Code of Federal Regulations (or a successor regulation).

"(iii) RULE OF CONSTRUCTION.—

"(I) IN GENERAL.—Nothing in this subsection shall be construed to modify the requirements for the creation, receipt, maintenance, or transmission of protected health information under the HIPAA privacy regulations.

"(II) CIVIL RIGHTS LAWS.—Nothing in this subsection shall be construed to affect the application of any Federal or State privacy or civil rights law, including the HIPAA privacy regulations, the Genetic Information Nondiscrimination Act of 2008 (Public Law 110–233) (including the amendments made by such Act), the Americans with Disabilities Act of

1990 (42 U.S.C. 12101 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), section 1557 of the Patient Protection and Affordable Care Act (42 U.S.C. 18116), title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), and title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e).

"(iv) WRITTEN NOTICE.—Each plan year, a Covered Service Provider shall provide to each participant or beneficiary written notice informing the participant or beneficiary of the requirement that Covered Service Providers respond to requests to submit information or data under paragraph (1), as applicable, which may include incorporating such notification in plan documents provided to the participant or beneficiary, or providing individual notification.

"(v) CLARIFICATION REGARDING PUBLIC DISCLOSURE OF INFORMATION.—Nothing in this subsection shall prevent a Covered Service Provider from placing reason-

able restrictions on the public disclosure of the information or data described in paragraph (1), except that such Provider may not restrict disclosure of such report to the Department of Health and Human Services, the Department of Labor, or the Department of the Treasury.

"(vi) LIMITATION.—This paragraph shall not be construed to abridge or limit the disclosure requirements under this subsection or to impose additional privacy or security requirements on Covered Service Providers or plan sponsors.

"(C) LIMITATION ON DISCLOSURE.—A group health plan receiving information or data under this subsection may disclose such information only in a manner that is consistent with HIPAA and the privacy and security regulations promulgated thereunder, regardless of their direct or indirect applicability to the plan or any entities that could be or are business associates. A group health plan (and any business associate or other entity acting on behalf of such plan) may use such information or data only for purposes of plan administration and

may not sell, license, or otherwise commercially exploit such information or data or provide such information or data to any third party that may take such action.

"(D) REQUIREMENTS OF INFORMATION.—Information made available under this subsection shall conform to the following standards:

"(i) All claims from a healthcare provider shall be made to the group health plan in accordance with transaction standards adopted by regulation under HIPAA, as follows:

"(I) Institutional, professional, and dental claims shall be in ASC X12N 837D format or any subsequent standard as established by the Secretary.

"(II) Pharmacy claims shall be in the National Council for Prescription Drug Programs (NCPDP) format or any subsequent standard as established by the Secretary.

"(III) The files shall be unmodified copies of the files sent from the

provider, or, upon request, delivered in a machine readable format. In the event that paper claims are sent by the provider, they shall be converted to the appropriate standard electronic format. Files shall be accessible to the plan at no cost to the group health plan.

"(ii) All claim payment (or EFT, electronic funds transfer) and electronic remittance advice (ERA) notices sent by a Covered Service Provider shall be made available to the group health plan as ASC X12N 835 files (or any other format as identified by the Secretary) in accordance with standards adopted by regulation under HIPAA. The files shall be unmodified copies of the files sent by the Covered Service Provider to the healthcare provider. Files shall be accessible at no cost to the group health plan.

"(iii) The contractual terms containing payment calculations and formulas, pricing methodologies, and other information used to determine the dollar value of

reimbursement, in a format as specified by the Secretary.

"(iv) All non-claim costs shall be itemized and made available to the group health plan as requested through a web-based portal, through an application program interface (API), through a downloadable Comma-Separated Value (CSV) file, and, as appropriate, through other downloadable machine-readable file types.

"(E) IMPLEMENTATION.—The Secretary shall implement this subsection through notice and comment rulemaking in accordance with section 553 of title 5, United States Code.

"(F) DEFINITIONS.—

"(i) IN GENERAL.—The provisions of sections 408 and 410 of the Employee Retirement Income Security Act of 1974 shall apply with respect to terms used under this subsection.

"(ii) SPECIFIED LARGE EMPLOYER.—In this subsection, the term 'specified large employer' means, in connection with a group health plan (including group health

insurance coverage offered in connection with such a plan) established or maintained by a single employer, with respect to a calendar year or a plan year, as applicable, an employer who employed an average of at least 50 employees on business days during the preceding calendar year or plan year and who employs at least 1 employee on the first day of the calendar year or plan year.

"(iii) SPECIFIED LARGE PLAN.—In this subsection, the term 'specified large plan' means a group health plan (including group health insurance coverage offered in connection with such a plan) established or maintained by a plan sponsor described in clause (ii) or (iii) of section 3(16)(B) of the Employee Retirement Income Security Act of 1974 that had an average of at least 50 participants on business days during the preceding calendar year or plan year, as applicable.".

(2) CIVIL ENFORCEMENT.—

(A) CIVIL ENFORCEMENT.—Subsection (c) of section 502 of such Act (29 U.S.C. 1132) is

amended by adding at the end the following new paragraph:

"(13)(A) In the case of an agreement between a group health plan (as defined in section 733(a)), the plan sponsor of such plan (as defined in section 3(16)(B)), or the plan administrator of such plan (as defined in section 3(16)(A)) and a health care provider (which, for purposes of this paragraph, includes a health care facility), network or association of providers, service provider offering access to a network or association of providers, third-party administrator, or pharmacy benefit manager, that violates the provisions of section 724(b), the Secretary may assess a civil penalty against such provider, network or association, service provider offering access to a network or association of providers, third-party administrator, pharmacy benefit manager, or other service provider in the amount of up to $10,000 for each day during which such violation continues. Such penalty shall be in addition to other penalties as may be prescribed by law.

"(B) Nothing in subparagraph (A) shall be construed to permit the Secretary to regulate health care providers acting in their capacity as medical or-

ganizations furnishing items and services to patients.".

(B) EXISTING PROVISIONS VOID.—Section 410 of such Act (29 U.S.C. 1110) is amended by adding at the end the following:

"(c) Any provision in an agreement or instrument shall be void as against public policy if such provision—

"(1) unduly delays or limits a group health plan (as defined in section 733(a)), the plan sponsor of such plan (as defined in section 3(16)(B)), or the plan administrator of such plan (as defined in section 3(16)(A)) from accessing the claims and encounter information or data described in section 724(b)(1)(B); or

"(2) violates the requirements of section 408(b)(2)(C).".

(C) TECHINICAL AMENDMENTS.—Section 408(b)(2)(B) of such Act (29 U.S.C. 1108(b)(2)) is amended—

(i) in clause (i), by striking "this clause" and inserting "this paragraph"; and

(ii) by adding at the end the following:

"(xi) A contract or arrangement shall not be reasonable under this subparagraph if it fails to comply with section 724(b).".

(b) UPDATED ATTESTATION FOR PRICE AND QUALITY INFORMATION.—Section 2799A-9(a)(4) of the Public Health Service Act (42 U.S.C. 300gg-119(a)(4)) is amended to read as follows:

"(4) ATTESTATION.—

"(A) IN GENERAL.—Subject to subparagraph (C), a group health plan or health insurance issuer offering group health insurance coverage shall annually submit to the Secretary an attestation that such plan or issuer of such coverage is in compliance with the requirements of this subsection. Such attestation shall also include a statement verifying that—

"(i) the information or data described under subparagraphs (A) and (B) of paragraph (1) is available upon request and provided to the group health plan, the plan sponsor, the plan administrator, or the business associate of such plan, or the issuer, as applicable, in a timely manner; and

"(ii) there are no terms in the agreement under such paragraph (1) that directly or indirectly restrict or unduly delay a group health plan, the plan sponsor, the plan administrator, a business associate of such plan, or the issuer from auditing, reviewing, or otherwise accessing such information.

"(B) LIMITATION ON SUBMISSION.—A group health plan or issuer offering group health insurance coverage may not enter into an agreement with a third-party administrator or other service provider to submit the attestation required under subparagraph (A).

"(C) EXCEPTION.—In the case of a group health plan or health insurance issuer offering group health insurance coverage that is unable to obtain the information or data needed to submit the attestation required under subparagraph (A), such plan or issuer may submit a written statement in lieu of such attestation that includes—

"(i) an explanation of why such plan or issuer was unsuccessful in obtaining such information or data, including wheth-

er such plan, the plan sponsor, or the plan administrator or issuer was limited or prevented from auditing, reviewing, or otherwise accessing such information or data;

"(ii) a description of the efforts made by the group health plan, the plan sponsor, or the plan administrator to remove any gag clause provisions from the agreement under paragraph (1); and

"(iii) a description of any response by the third-party administrator or other service provider with respect to efforts to comply with the attestation requirement under subparagraph (A), including the name of the third-party administrator or other service provider.".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply with respect to a plan beginning with the first plan year that begins on or after the date that is 1 year after the date of enactment of this Act.

SEC. 8. OVERSIGHT OF ADMINISTRATIVE SERVICE PROVIDERS.

(a) PHSA AMENDMENT.—Part D of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–111 et

seq.), as amended by section 6701(a) of the Consolidated Appropriations Act, 2026, is amended by adding at the end the following:

"SEC. 2799A–12. OVERSIGHT OF ADMINISTRATIVE SERVICE PROVIDERS.

"(a) IN GENERAL.—For plan years beginning on or after January 1 of the year that begins on or after the date that is 1 year after the date of enactment of the Patients Deserve Price Tags Act, no agreement between a group health plan that is offered by a specified large employer or that is a specified large plan (as such terms are defined in section 2799A–11(f)) or a health insurance issuer offering individual or group health coverage (that makes an election subject to subsection (b)(5)) and a health insurance issuer that is operating as a third-party administrator, a health care provider, network or association of providers, third-party administrator, service provider offering access to a network of providers, pharmacy benefit managers, or any other third party (each referred to in this section as a 'health plan service provider') is permissible if such agreement limits (or delays beyond the applicable reporting period described in subsection (b)(1)) the disclosure of information to such group health plans and health insurance issuers in a manner that prevents

any health plan service provider from providing the information described in subsection (b)).

"(b) REQUIRED DISCLOSURES.—

"(1) CONTENTS AND FREQUENCY.—With respect to plan years beginning on or after the date that is 1 year after the date of enactment of this section, not less frequently than quarterly, a health plan service provider shall provide to the group health or the health insurance issuer offering individual or group health insurance coverage the following information at no cost to the plan or issuer:

"(A) The information described in section 2799A–9(a)(1)(B) (42 U.S.C. 300gg–119(a)(1)(B)).

"(B) Any contractual and subcontractual calculation methodologies, pricing or fee schedules, or other formulae used to determine reimbursement amounts to providers and subcontractors, including methodologies, schedules, fee structures, and any applied adjustments or modifiers, with such information provided in a manner sufficiently detailed to enable the group health plan or issuer to accurately assess, verify, and ensure compliance with the terms of

any contractual and subcontractual agreement governing the reimbursement amounts.

"(C) The total amount received or expected to be received by the health plan service provider or its subcontractors in provider or supplier rebates, fees, alternative discounts, and all other remuneration including amounts held in escrow or variance accounts that has been paid or is to be paid for claims incurred and administrative services including data sales or network payments.

"(D) The total amount paid or expected to be paid by the health plan service provider to its subcontractors in rebates, fees, contractual arrangements, and all other remuneration for administrative and other services.

"(E) All payment data, calculation methodologies, and reconciliation information related to alternative compensation arrangements, including accountable care organizations, value-based programs, shared savings programs, incentive compensation, bundled payments, capitation arrangements, performance payments, and any other reimbursement or payment models, where the group health plan paid fees, in-

curred obligations, or made payments in connection with the group health plan or issuer related to such arrangements.

"(F) Whether, with respect to a provider that files claims under such plan or coverage, the health plan service provider—

"(i) has an ownership or investment interest;

"(ii) has a controlling interest;

"(iii) is a management services organization; or

"(iv) is a significant equity investor.

"(G) The name and business address for each person or entity that, with respect to the health plan service provider—

"(i) has an ownership or investment interest;

"(ii) has a controlling interest; or

"(iii) is a significant equity investor.

"(2) MANNER OF PROVIDING INFORMATION OR DATA.—

"(A) IN GENERAL.—A health plan service provider shall provide information or data under paragraph (1) in a manner consistent with the privacy regulations promulgated under

section 13402(a) of the Health Information Technology for Economic and Clinical Health Act (42 U.S.C. 17932(a)) and consistent with the privacy regulations promulgated under the Health Insurance Portability and Accountability Act of 1996 in part 160 and subparts A and E of part 164 of title 45, Code of Federal Regulations (or successor regulations) (referred to in this paragraph as the 'HIPAA privacy regulations') and shall restrict the use and disclosure of such information according to such privacy regulations and such HIPAA privacy regulations.

"(B) ADDITIONAL REQUIREMENTS.—In carrying out this subsection, a health plan service provider shall comply with section 164.504(f) of title 45, Code of Federal Regulations (or a successor regulation).

"(C) RULE OF CONSTRUCTION.—

"(i) IN GENERAL.—Nothing in this subsection shall be construed to modify the requirements for the creation, receipt, maintenance, or transmission of protected health information under the HIPAA privacy regulations.

"(ii) CIVIL RIGHTS LAWS.—Nothing in this subsection shall be construed to affect the application of any Federal or State privacy or civil rights law, including the HIPAA privacy regulations, the Genetic Information Nondiscrimination Act of 2008 (Public Law 110–233) (including the amendments made by such Act), the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), section 1557 of the Patient Protection and Affordable Care Act (42 U.S.C. 18116), title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), and title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e).

"(D) WRITTEN NOTICE.—Each plan year, a health plan service provider shall provide to each participant or beneficiary written notice informing the participant or beneficiary of the requirement for health plan service providers to submit information or data under paragraph (1), as applicable, which may include incorporating such notification in plan documents

provided to the participant or beneficiary, or providing individual notification.

"(E) CLARIFICATION REGARDING PUBLIC DISCLOSURE OF INFORMATION.—Nothing in this subsection shall prevent a health plan service provider from placing reasonable restrictions on the public disclosure of the information or data described in paragraph (1), except that such provider may not restrict disclosures under subsection (b)(1) to the Department of Health and Human Services, the Department of Labor, or the Department of the Treasury.

"(F) LIMITATION.—This paragraph shall not be construed to abridge or limit the disclosure requirements under this subsection or to impose additional privacy or security requirements on health plan service providers or plan sponsors.

"(3) DISCLOSURE AND REDISCLOSURE.—

"(A) IN GENERAL.—A group health plan or health insurance issuer offering individual or group coverage receiving information under paragraph (1) may disclose such information only—

"(i) to the entity from which the information was received or to that entity's business associates as defined in section 160.103 of title 45, Code of Federal Regulations (or successor regulations); or

"(ii) as permitted by the HIPAA Privacy Rule (45 C.F.R. part 160 and subparts A and E of part 164).

"(B) AVAILABILITY OF INFORMATION.—To the extent the information required by this subsection is made available to the health insurance issuer offering group health insurance coverage, the health insurance issuer shall make such information available, at the same time, in the same format, and at no cost, to the group health plan.

"(C) LIMITATION ON USE OF INFORMATION.—A group health plan or health insurance issuer (and any business associate or other entity acting on behalf of such plan) may use information or data under this paragraph only for purposes of plan administration and may not sell, license, or otherwise commercially exploit such information or data or provide such infor-

mation or data to any third party that may take such action.

"(D) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prevent a group health plan, a health insurance issuer, or a health plan service provider providing services with respect to such a plan, from placing reasonable restrictions on the public disclosure of the information described in paragraph (1), except that such plan or entity may not restrict disclosure of such information to the Department of Health and Human Services, the Department of Labor, the Department of the Treasury, or the Comptroller General of the United States.

"(E) FAILURE TO PROVIDE.—The obligation to provide information pursuant to this subsection shall exist notwithstanding the presence of any formal data-sharing agreement between the parties. Failure to provide the required information as specified shall constitute a violation of this Act and the Secretary shall initiate enforcement action under section 2723(b) (42 U.S.C. 300gg–22(b)) within 90 days of becoming aware of a violation of this

section, except that nothing in this section shall be construed to limit the Secretary's existing authority under this Act.

"(4) DATA FORMAT STANDARDS.—All data and information provided pursuant to this subsection shall comply with the following standards:

"(A) All claims from a healthcare provider shall be made to the group health plan in accordance with standards adopted under HIPAA as described in subpart K of part 162 of title 45, Code of Federal Regulations, as follows:

"(i) Institutional, professional, and dental claims and adjustments to these claims shall be provided to the group health plan or health insurance issuer in the ASC X12N 837 format.

"(ii) Prescription drug claims shall be in the National Council for Prescription Drug Programs (NCPDP) format.

"(iii) The files shall be unmodified copies of the files sent from the provider. In the event that paper claims are sent by the provider, they shall be converted to the appropriate standard electronic format.

Such data shall be provided at no cost to the group health plan.

"(B) All claim payment (or EFT, electronic funds transfer) and electronic remittance advice (ERA) information sent by a health plan service provider shall be provided to the group health plan or health insurance issuer in the ASC X12N 835 format, in accordance with standards and operating rules adopted under HIPAA at subpart P of part 162 of title 45, Code of Federal Regulations, unmodified from the form in which it was transmitted to the healthcare provider. Such information shall be provided at no cost to the group health plan.

"(C) The Secretary may modify the standards set forth in this paragraph as necessary to align with any changes adopted by the Secretary pursuant to the authority provided under section 1173 of the Social Security Act (42 U.S.C. 1320d–2).

"(5) OPT-IN FOR HEALTH INSURANCE COVERAGE.—In the case of a health insurance issuer offering coverage in the individual or group market, such issuer may, on an annual basis, for plan years beginning on or after the effective date of this sec-

tion, elect to require a health plan service provider to submit to such issuer a report that includes all of the information described in paragraph (1).

"(e) PROHIBITED CONTRACTUAL PROVISIONS.—Any provision in an agreement that unduly delays or limits a group health plan or issuer's access to information described in this section or that restricts the format or timing of the provision of such information in a manner that is inconsistent with the requirements of this section shall be prohibited and, if a group health plan or issuer enters into such agreement, shall be deemed void as against public policy.

"(d) REGULATIONS.—The Secretary shall implement this section through notice and comment rulemaking in accordance with section 553 of title 5, United States Code.".

(b) PENALTY.—Section 2723(b) of the Public Health Service Act (42 U.S.C. 300gg–22(b)) is amended by adding at the end the following:

"(4) ENFORCEMENT AUTHORITY RELATING TO HEALTH PLAN SERVICE PROVIDERS.—Notwithstanding any provisions to the contrary, the Secretary may assess a penalty against a health plan service provider, as defined in section 2799A–12(a) (42 U.S.C. 300gg–121(a)), of $100,000 per day for

each violation of such section, pursuant to substantially similar processes and procedures as those set forth in section 2723(b)(2)(D) through (G) (42 U.S.C. 300gg–121(b)(2)(D) through (G)).".

(c) ERISA AMENDMENTS.—

(1) IN GENERAL.—Section 502(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(c)) is amended by adding at the end the following new paragraph:

"(14) The Secretary may assess a civil penalty against any person of $100,000 per day for each violation by any person of section 727.".

(2) TECHNICAL AMENDMENT.—Paragraph (6) of section 502(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(a)) is amended by striking "or (9)" and inserting "(9), (13), or (14)".

SEC. 9. STATE PREEMPTION ONLY IN EVENT OF CONFLICT.

The provisions of section 2718A of the Public Health Service Act (as added and amended by this Act) shall not be construed to supersede any provision of State law which establishes, implements, or continues in effect any requirement or prohibition related to health care price transparency, including for hospitals, clinical diagnostic laboratories, provider of specified imaging services, and ambula-

tory surgical centers (as such terms are defined in section 2718A(a) of the Public Health Service Act), except to the extent that such requirement or prohibition prevents the application of a requirement or prohibition of such sections (or such amendments). Nothing in this section shall be construed to affect group health plans established under the Employee Retirement Income Security Act of 1974, or alter the application of section 514 of such Act (29 U.S.C. 1144).

SEC. 10. REQUIREMENT FOR EXPLANATION OF BENEFITS.

(a) ADVANCED EXPLANATION OF BENEFITS.—Section 2799A–1(f) of the Public Health Service Act (42 U.S.C. 300gg–111(f)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraph (C) and inserting the following:

"(C) A good faith estimate of the amount the plan or coverage is responsible for paying for items and services included in the estimate described in subparagraph (B), including a plain language description of each item or service and all applicable billing codes for each item or service, including modifiers, using standard and commonly recognized billing code sets that are clearly identified."; and

(B) by adding at the end the following

"(I) A notification that the recipient may be held harmless, in certain circumstances, if the information in the advanced explanation of benefits does not match the amount the recipient is billed."; and

(2) by adding at the end the following

"(3) HOLD HARMLESS.—

"(A) IN GENERAL.—For plan years beginning on or after the date that is 1 year after the date on which the Secretary implements this section, a participant, beneficiary, or enrollee shall be held harmless for any amount that is substantially in excess (as defined by the Secretary in a manner consistent with the process described in section 2799B–7) of the estimate generated by the advanced explanation of benefits.

"(B) NO PATIENT RESPONSIBILITY FOR EXCESS CHARGES.—A group health plan or a health insurance issuer in the group or individual market shall not hold a participant, beneficiary, or enrollee responsible for excess charges described in this paragraph if such excess is the result of coverage or payment deter-

minations that differ from projections made in the advanced explanation of benefits at the time such explanation was generated.

"(C) SUBSTANTIAL EXCESS.—A participant, beneficiary, or enrollee shall not be held harmless for excess amounts if such amounts reflect the cost of medically necessary items or services furnished based on unforeseen circumstances that could not have reasonably been anticipated by the provider or facility at the time the good faith estimate was generated or by the plan or issuer at the time the advanced explanation of benefits was generated.".

(b) GOOD FAITH ESTIMATES.—Section 2799B–6 of the Public Health Service Act (42 U.S.C. 300gg–136) is amended—

(1) by striking "Each health care" and inserting the following:

"(a) IN GENERAL.—Each health care"; and

(2) by adding at the end the following:

"(b) HOLD HARMLESS.—

"(1) IN GENERAL.—For plan years beginning on or after the date that is 1 year after the date on which the Secretary implements section 2799A–1(f), if an individual enrolled in a group health plan or

health insurance coverage (and seeks to have a claim for an item or service submitted to such plan or coverage) is responsible for any amount that is substantially in excess (as defined by the Secretary in a manner consistent the process described in section 2799B–7) of the estimate generated in the advanced explanation of benefits described in section 2799A–1(f) because the final charges for items and services were substantially in excess of the good faith estimate provided to the plan or coverage under this section, a provider shall not bill the patient for amounts substantially in excess of the advanced explanation of benefits.

"(2) SUBSTANTIAL EXCESS.—An individual seeking to have a claim for an item or service covered by a group health plan or health insurance coverage shall not be held harmless for excess amounts if such amounts reflect the cost of medically necessary items or services furnished based on unforeseen circumstances that could not have reasonably been anticipated by the provider or facility at the time the good faith estimate was generated or by the plan or issuer at the time the advanced explanation of benefits was generated.".

(c) EXPLANATION OF BENEFITS.—Section 2799A–1 of the Public Health Service Act (42 U.S.C. 300gg–111) is amended by adding at the end the following:

"(g) EXPLANATION OF BENEFITS.—

"(1) IN GENERAL.—For plan years beginning on January 1 of the year that begins on or after the date that is 1 year after the date of enactment of the Patients Deserve Price Tags Act, each group health plan, or a health insurance issuer offering group or individual health insurance coverage shall, within 45 days of receiving the information necessary to decide a claim for payment (as defined by the Secretary) for an item or service under the plan or coverage for which liability under the plan or coverage has been determined, provide to the participant, beneficiary, or enrollee (through mail or electronic means, as requested by the participant, beneficiary, or enrollee) a notification (in clear and understandable language and utilizing substantially the same format as the advanced explanation of benefits required by subsection (f) to enable comparison when an advanced explanation of benefits is provided) including the following:

"(A) Whether or not the provider or facility is a participating provider or a participating

facility with respect to the plan or coverage with respect to the furnishing of such item or service.

"(B) An itemized explanation of benefits that includes the following:

"(i) A plain language description of each item or service.

"(ii) All applicable billing codes for each item or service, including modifiers, using standard and commonly recognized billing code sets that are clearly identified.

"(iii) The amount the plan or coverage is responsible for paying for each item or service.

"(iv) The amount of any cost-sharing for which the participant, beneficiary, or enrollee is responsible for each item or service (as of the date of such notification).

"(v) The amount that the participant, beneficiary, or enrollee has incurred toward meeting the limit of the financial responsibility (including with respect to deductibles and out-of-pocket maximums) under the plan or coverage (as of the date of such notification).

"(vi) The type of site of each item or service, including office, facility, or emergency room.

"(vii) If applicable, a description of any discrepancies that exist between the services outlined in a patient's advanced explanation of benefits and the explanation of benefits.

"(viii) The amount of any facility fee or other patient charges that were added to the final payment amount, together with a plain language explanation of the fee, if applicable.

"(C) If the provider or facility is a participating provider or facility with respect to the plan or coverage with respect to the furnishing of such item or service, the contracted rate under such plan or coverage for such item or service.

"(D) The charges submitted by the provider or facility for each item or service.

"(E) Information pertaining to plan type, as defined the Secretary.

"(2) FORMAT.—If applicable, the notification described in paragraph (1) may be provided in con-

junction with, or as part of, a notice of a claim determination or other communication required by section 2719(a) (42 U.S.C. 300gg–19(a)), or regulations thereunder.

"(h) REGULATIONS.—The Secretary shall implement this section through notice and comment rulemaking in accordance with section 553 of title 5, United States Code.".

SEC. 11. TRANSPARENCY IN BILLING.

(a) IN GENERAL.—Part E of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–131 et seq.) is amended by adding at the end the following:

"SEC. 2799B–10. PATIENT ACCESS TO COMPLETE BILLING INFORMATION.

"(a) REQUIREMENTS.—

"(1) NOTICE OF RIGHT OF ACCESS TO ITEMIZED BILLS; IN GENERAL.—A health care provider or health care facility that requests payment from an individual for providing a health care item or service to the patient shall include with such request a written notice of the individual's right to request an itemized bill as part of the individual's designated record set under section 164,524 of title 45, Code of Federal Regulations (or a successor regulation).

"(2) REQUIRED INFORMATION.—A notice under paragraph (1) shall provide—

"(A) a phone number and internet website where an individual can make a request for access to their itemized bill;

"(B) information about the availability of language-assistance services for individuals with limited English proficiency (LEP); and

"(C) information about the health care provider's or health care facility's charity care policies and instructions on how to apply for charity care.

"(3) COLLECTIONS ACTIONS.—

"(A) IN GENERAL.—A health care provider or health care facility shall not bill or take any collections actions against an individual—

"(i) for any provided health care item or service unless the health care provider or health care facility has complied with paragraph (1) or section 13405(e)(4) of the HITECH Act; or

"(ii) with respect to any items or services for which the amount appearing on an itemized bill described above in paragraph (1) exceeds the amount disclosed pursuant

to Federal health care price transparency regulations, including part 180 of title 45, Code of Federal Regulations, or provided in a good faith estimate that complies with section 2799B-6 of this Act and section 149.610 of title 45, Code of Federal Regulations, or another good faith estimate provided by a health care entity covered under this section but not otherwise covered under such section 2799B–6, unless the provider or facility documents that the additional items or services were medically necessary due to unforeseen complications or a patient-initiated change, and could not reasonably have been anticipated.

"(B) PROVIDER REQUIREMENT.—If a provider fails to provide a documentation as required under subparagraph (A)(ii) in the case of items or services, the good faith estimate described in such subparagraph with respect to such items or services shall be binding.

"(b) FAILURE TO COMPLY.—

"(1) PENALTIES.—The Secretary shall impose penalties on any health care provider or health care facility that fails to comply with the requirements of

this section in an amount not to exceed $10,000 for each instance of failure to comply.

"(2) PRESUMPTION IN FAVOR OF INDIVIDUAL.—If a health care provider or health care facility fails to comply with the requirements of this section, the presumption shall be that charges were substantially in excess of the good faith estimate, as set forth in section 2799B–6, for the purpose of any patient-provider dispute, including in accordance with section 2799B–7 and regulations promulgated thereunder.

"(c) REGULATIONS.—The Secretary shall implement this section through notice and comment rulemaking in accordance with section 553 of title 5, United States Code.".

(b) STANDARDS FOR ACCESSING ITEMIZED BILLS.—Section 13405(c) of the HITECH Act (42 U.S.C. 17935(c)) is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3), by striking the period and inserting "; and"; and

(3) by adding at the end, the following:

"(4) if the individual makes a request only for an itemized copy of a bill for services provided, the covered entity or business associate shall—

"(A) make such protected health information available within 30 days of such request;

"(B) not impose any fee for providing such individual a copy of their information; and

"(C) include in such itemized bill, a plain language description of each distinct health care item or service, all applicable billing codes for each distinct item or service, including modifiers, using standard and commonly recognized billing code sets, the price and billed amount, if different, of each distinct item or service.".

SEC. 12. TECHNICAL AMENDMENTS.

(a) ERISA.—Section 715(a)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185d(a)(1)) is amended by inserting "and parts D and E of the Public Health Service Act (as amended by the Patients Deserve Price Tags Act)" after "Affordable Care Act)".

(b) INTERNAL REVENUE CODE.—Section 9815(a)(1) of the Internal Revenue Code of 1986 is amended by inserting "and parts D and E of the Public Health Service

Act (as amended by the Patients Deserve Price Tags Act)" after "Affordable Care Act)".

SEC. 13. IMPLEMENTATION AND ENFORCEMENT FUNDING.

(a) APPROPRIATION FOR SECRETARY OF LABOR.—There are authorized to be appropriated, such sums as may be necessary for fiscal year 2026, and each subsequent fiscal year, to enable the Secretary of Labor to carry out this Act and the amendments made by this Act, including enforcement activities.

(b) APPROPRIATION FOR THE SECRETARY OF HEALTH AND HUMAN SERVICES.—There are authorized to be appropriated, such sums as may be necessary for fiscal year 2026, and each subsequent fiscal year, to enable the Secretary of Health and Human Services to carry out the amendments made by this Act, including implementation and enforcement activities.