

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 112

H.P. 121

House of Representatives, January 21, 2003

An Act Requiring Public Disclosure of Prices Charged by Health Care Providers

Reference to the Committee on Health and Human Services suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative WOODBURY of Yarmouth.
Cosponsored by Representatives: CURLEY of Scarborough, KANE of Saco, Senators:
BRENNAN of Cumberland, MAYO of Sagadahoc.

2
3 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 22 MRSA §1718** is enacted to read:

5 **§1718. Disclosure of procedures and prices**

6 The disclosure of health care procedures offered and prices
7 charged by a health care practitioner to a patient or authorized
8 representative of a patient, to the general public and to the
9 Maine Health Data Organization established under chapter 1683 and
10 reimbursement for those health care procedures are governed by
11 this section.

12
13 **1. Definitions.** As used in this section, unless the
14 context otherwise indicates, the following terms have the
15 following meanings.

16
17 **A. "Authorized representative of a patient" or "authorized**
18 **representative" means a patient's legal guardian; agent**
19 **pursuant to Title 18-A, section 5-802; attorney-in-fact**
20 **pursuant to Title 18-A, section 5-506; or other authorized**
21 **representative. For a minor who has not consented to health**
22 **care treatment in accordance with the provisions of state**
23 **law, "authorized representative of a patient" or "authorized**
24 **representative" means the minor's parent, legal guardian or**
25 **guardian ad litem.**

26
27 **B. "Health care" means preventative, diagnostic,**
28 **therapeutic, rehabilitative, maintenance or palliative care,**
29 **services, treatment, procedures or counseling, including**
30 **appropriate assistance with disease or symptom management**
31 **and maintenance, that affects an individual's physical,**
32 **mental or behavioral condition, including individual cells**
33 **or their components or genetic information, or the structure**
34 **or function of the human body or any part of the human**
35 **body. "Health care" includes prescribing, dispensing or**
36 **furnishing to an individual drugs, biologicals, medical**
37 **devices or health care equipment and supplies; providing**
38 **hospice services to an individual; and the banking of blood,**
39 **sperm, organs or any other tissue.**

40
41 **C. "Health care facility" or "facility" means a facility,**
42 **institution or entity licensed pursuant to this Title that**
43 **offers health care to persons in this State, including a**
44 **home health care provider or a hospice program licenses**
45 **pursuant to this Title or a pharmacy licensed pursuant to**
46 **Title 32. For the purposes of this section, "health care**
47 **facility" or "facility" does not include a nursing facility,**
48 **state mental health institute, the Elizabeth Levinson**
49 **Center, the Aroostook Residential Center or Freeport Towne**
50 **Square.**

2 D. "Health care practitioner" means a person licensed by
4 this State to provide or otherwise lawfully providing health
6 care or a partnership or corporation made up of those
8 persons or an officer, employee, agent or contractor of that
10 person acting in the course and scope of employment, agency
12 or contract related to or supportive of the provision of
14 health care to individuals.

16 E. "Health care procedure" means the provision of health
18 care including a diagnosis, test, procedure, treatment,
20 operation or other health care service and the provision of
22 pharmaceuticals and health care equipment required as part
24 of a health care procedure provided to a patient by a health
26 care practitioner or by a person or entity affiliated with
28 or under a contractual agreement with the health care
30 practitioner.

32 **2. Disclosure to patient required.** Except as provided in
34 subsection 6, prior to providing a health care procedure to a
36 patient, a health care practitioner or facility must disclose in
38 writing to the patient or to the authorized representative of the
40 patient the price or prices to be charged for the health care
42 procedure.

44 **3. Billing for reimbursement prohibited.** Except as
46 provided in subsection 6, a health care practitioner or facility
48 who has not provided the disclosure required by subsection 2 for
50 a particular health care procedure may not bill the patient,
52 authorized representative of the patient, insurance carrier or
other responsible 3rd party for the health care procedure.

4. Disclosure to public required. A health care
practitioner or facility must provide for the general public a
list of health care procedures provided by the health care
practitioner or facility and the price or prices charged for each
procedure listed.

5. Disclosure to Maine Health Data Organization. By March
31st of each year, a health care practitioner or facility shall
disclose to the Maine Health Data Organization established under
chapter 1683 the list of health care procedures and prices for
which disclosure is required under subsection 4 and a list of
discounts from those prices that were granted by the health care
practitioner or facility in the prior calendar year.

6. Exceptions. The provisions of subsections 2 and 3 do
not apply in a health care emergency. The Board of Licensure in
Medicine and the Division of Licensure and Certification shall
adopt rules defining the term "emergency" for the purposes of
this section. Rules adopted pursuant to this subsection are
routine technical rules as defined in Title 5, chapter 375,
subchapter 2-A.

