



# **121st MAINE LEGISLATURE**

## FIRST REGULAR SESSION-2003

**Legislative Document** 

No. 434

S.P. 152

In Senate, February 4, 2003

An Act To Amend the Patient's Bill of Rights Laws

Reference to the Committee on Insurance and Financial Services suggested and ordered printed.

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JOY J. O'BRIEN Secretary of the Senate

Presented by Senator LaFOUNTAIN of York. Cosponsored by Representative O'NEIL of Saco and Senator: MAYO of Sagadahoc, Representatives: GLYNN of South Portland, PERRY of Bangor.

<ul> <li>15-A. Price list. "Price list" means a document describes each service offered by a provider or the proviemployer and that for each such service states:</li> <li>A. The price charged by the provider or the proviemployer:</li> <li>B. The lowest reimbursement from a nonpublic s applicable as of January 1, 2004 to which the provide the provider's employer has agreed; and</li> <li>C. The lowest reimbursement from a nonpublic source the provider or the provider's employer has accepted w the preceding 90 days.</li> <li>16-A. Reimbursement. "Reimbursement" means the financial payment to a provider for a specific service acc or agreed to, including any payments made or to be mad fulfill a copayment or deductible requirement or any other of financial payment by the patient.</li> <li>Sec. 2. 24-A MRSA §§4306-A. 4306-B and 4306-C are enactoread:</li> <li>§4306-A. Price list required</li> <li>Effective January 1, 2004, each provider shall publiprice list. The price list must be published in a format allows a person with a 6th-grade reading level, as determin a recognized instrument for measuring adult literacy levels understand the nature and purpose of each service or varit thereof. The price list must be made available to patient (ustomers at the initial visit to a provider and at any time upon request. The price list must be updished patient publicly accessible site on the Internet maintained by a pro or the provider's employer. The price list must be updished patient (ustomers at the initial visit to a provider and at any time upon request. The price list must be updished patient (ustomers at the initial for hospital stag</li> <li>§4306-B. Price information for hospital stag</li> <li>I. Required. Effective January 1, 2004, each hos shall include in its price list information set forth in set 4301-A, subsection 15 for all charges from that hospital arose, from admission through discharge, for an admission through discharge, for an admission</li> </ul>	Sorread:	ec. 1. 24-A MRSA §4301-A, sub-§§15-A and 16-A are enacte
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within the preceding calendar year for each of the following diagnostic related groupings: 2 A. Coronary artery bypass; 4 6 B. Coronary angioplasty; 8 C. Abdominal aortic aneurysm; D. Carotid endarterectomy; 10 E. Esophageal cancer surgery; 12 F. Uterine and adnexa procedure for nonmalignancy 14 (hysterectomy); 16 G. Caesarean section; 18 H. Major joint and limb reattachment of lower extremity (knee and hip replacement); 20 22 I. Major small and large bowel procedures (surgery of the colon, small and large intestines); 24 J. Appendectomy without complicated principal diagnosis 26 (appendectomy, without peritonitis); 28 K. Spinal fusion (spine surgery with fusion); Laparoscopic cholecystectomy without common 30 L. duct exploration (laparoscopic gall bladder surgery); 32 M. Back and neck procedures except spinal fusion (spine 34 surgery without fusion); 36 N. Lower extremity and humerus procedure except hip, foot or femur (surgery of arms and legs, excluding hips and 38 knees); 40 O. Stomach, esophageal and duodenal procedures (stomach surgery); 42 P. Female reproductive system reconstructive procedures 44 (reproductive reconstructive procedures); 46 Q. Appendectomy with complicated principal diagnosis (appendectomy with peritonitis); 48 R. Major male pelvic procedures (prostatectomy); 50 S. Major chest procedures (lung surgery); and 52

#### T. Craniotomy except for trauma (brain surgery)

#### §4306-C. Statement of price; required

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With the exception of emergency services, upon request of 6 the patient or of someone requesting on behalf of the patient, a provider shall state the price of the service expected to be 8 provided to the patient. If the price stated is different from the lowest price stated in the price list for that service, the 10 provider shall explain why the lowest price is not available to the patient.

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### Sec. 3. 24-A MRSA §§4315 to 4317 are enacted to read:

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### §4315. Right of action and damages

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The State may bring a civil action in District Court or Superior Court for direct or indirect injury to any person, group 18 of persons, the State or a political subdivision of the State 20 caused by a violation of section 4306-A or 4306-B. If the State prevails, the defendant shall pay 3 times the amount of damages 22 and the costs of the suit, including necessary and reasonable investigative costs, reasonable expert fees and reasonable attorney's fees. Punitive damages may be awarded for a willful 24 violation of either of these sections. After deduction of the costs of distribution, the damages must be equitably distributed 26 by the State to all injured parties.

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### §4316. Civil violation

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Each violation of section 4306-A or 4306-B is a civil 32 violation for which the Attorney General may obtain, in addition to other remedies, injunctive relief and a civil penalty in an 34 amount not to exceed \$10,000, plus the costs of suit, including necessary and reasonable investigative costs, reasonable expert 36 fees and reasonable attorney's fees.

#### 38 §4317. Unfair trade practice

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- In addition to a civil violation under section 4-316, a violation of section 4306-A or 4306-B is also a violation of the Maine Unfair Trade Practices Act. 42
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### **SUMMARY**

This bill requires that health care providers publish detailed information about the prices charged for health care 48 services.