

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

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Legislative Document

No. 953

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H.P. 600

House of Representatives, March 2, 2023

### **An Act to Protect Maine Patients Regarding Hospital Price Transparency**

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

*Robert B. Hunt*  
ROBERT B. HUNT  
Clerk

Presented by Representative LIBBY of Auburn.  
Cosponsored by Senator BRENNER of Cumberland and  
Representatives: LEE of Auburn, PERRY of Calais, SMITH of Palermo, Senator: BRAKEY of  
Androscoggin.

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

2 **Sec. 1. 22 MRSA c. 425** is enacted to read:

3 **CHAPTER 425**

4 **HOSPITAL PRICE TRANSPARENCY**

5 **§2150-N. Price transparency**

6 A hospital must comply with the price transparency requirements established in 45  
7 Code of Federal Regulations, Part 180, Subparts A and B, as in effect on January 1, 2023.

8 Upon application of the Attorney General, the department or any affected patient, the  
9 Superior Court or District Court has full jurisdiction to enforce the performance by  
10 hospitals of all duties imposed upon them by this section.

11 **§2150-O. Prohibition of collection actions for noncompliant hospitals**

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

14 A. "Collection action" means any of the following actions:

15 (1) Attempting to collect a debt from a patient or patient guarantor by referring the  
16 debt directly or indirectly to a debt collector, collection agency or other 3rd party  
17 retained by or on behalf of a hospital;

18 (2) Suing the patient or patient guarantor or enforcing an arbitration or mediation  
19 clause in any hospital documents, including contracts, agreements, statements and  
20 bills; or

21 (3) Directly or indirectly causing a report to be made to a consumer reporting  
22 agency.

23 B. "Collection agency" has the same meaning as "debt collector" as defined in Title 32,  
24 section 11002, subsection 6.

25 C. "Consumer reporting agency" means any person that, for monetary fees, dues, or  
26 on a cooperative nonprofit basis, regularly engages, in whole or in part, in the practice  
27 of assembling or evaluating consumer credit information or other information on  
28 consumers for the purpose of furnishing consumer reports to 3rd parties. "Consumer  
29 reporting agency" includes any person defined in 15 United States Code, Section  
30 1681a(f). "Consumer reporting agency" does not include any business entity that  
31 exclusively provides check verification or check guarantee services.

32 D. "Items or services" means all items and services, including individual items and  
33 services and service packages, that are provided by a hospital to a patient in connection  
34 with an inpatient admission or an outpatient visit for which the patient is charged.

35 E. "Patient guarantor" means the individual held responsible for a patient's bill.

36 **2. Failure to comply with price transparency laws.** A hospital that is not in material  
37 compliance with section 2150-N on the date that items or services are purchased by a  
38 patient from or provided to a patient by the hospital may not initiate or pursue a collection

1 action against the patient or patient guarantor for a debt owed for the items or services. If  
2 a patient believes that a hospital was not in material compliance with section 2150-N on  
3 the date that items or services are purchased from or provided to a patient by the hospital  
4 and the hospital initiates a collection action against the patient or patient guarantor, the  
5 patient or patient guarantor may file an action in Superior Court or District Court for relief  
6 in accordance with subsection 3. The hospital may not further pursue a collection action  
7 against the patient or patient guarantor while the action is pending.

8 **3. Penalties.** If the court in an action brought under subsection 2 to determine material  
9 compliance with section 2150-N finds that a hospital is materially out of compliance with  
10 section 2150-N, the court shall:

11 A. Order the hospital to refund the patient, patient guarantor or 3rd-party payor any  
12 amount of debt the patient, patient guarantor or 3rd-party payor has paid and pay as a  
13 penalty to the patient or patient guarantor an amount equal to the total amount of the  
14 debt;

15 B. Dismiss or cause to be dismissed any related court action brought by the hospital  
16 against the patient or patient guarantor, with prejudice, and order the hospital to pay  
17 any attorney's fees and costs incurred by the patient, patient guarantor or 3rd-party  
18 payor related to the action; and

19 C. Order the hospital to remove or cause to be removed from the patient or patient  
20 guarantor's credit report any report made to a consumer reporting agency relating to  
21 the debt.

## 22 SUMMARY

23 This bill requires that hospitals comply with the price transparency requirements  
24 established at 45 Code of Federal Regulations, Part 180, as in effect on January 1, 2023. It  
25 provides that upon application of the Attorney General, the Department of Health and  
26 Human Services or any affected patient, the Superior Court or District Court has full  
27 jurisdiction to enforce the price transparency laws. It prohibits a hospital from billing a  
28 patient, a patient guarantor or a 3rd-party payor for items or services provided to the patient,  
29 and requires that a hospital refund any payment made for items or services provided, on a  
30 date the hospital was in violation of the price transparency laws, as determined by a court,  
31 and provides for monetary penalties.