

AMENDMENT NO. _____ Calendar No. _____

Purpose: To require the Secretary of Health and Human Services to publish a list of hospitals found to be in noncompliance with the hospital price transparency rule.

IN THE SENATE OF THE UNITED STATES—118th Cong., 1st Sess.

S. 2840

To improve access to and the quality of primary health care, expand the health workforce, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. BRAUN

Viz:

1 At the appropriate place, insert the following:

2 **SEC. ____ . PUBLICATION OF LIST OF HOSPITALS.**

3 (a) LIST OF HOSPITALS.—Beginning not later than
4 90 days after the date of enactment of this Act, the Sec-
5 retary of Health and Human Services (referred to in this
6 section as the “Secretary”) shall establish and maintain
7 a publicly available list, on the website of the Centers for
8 Medicare & Medicaid Services, of each hospital that—

9 (1) is not in compliance with the hospital price
10 transparency rule implementing section 2718(e) of
11 the Public Health Service Act (42 U.S.C. 300gg—

1 18(e)), and that, with respect to such noncompli-
2 ance—

3 (A) has been issued a civil monetary pen-
4 alty;

5 (B) has received a warning notice; or

6 (C) has received a request for a corrective
7 action plan; or

8 (2) has received any written communication by
9 the Secretary regarding potential noncompliance
10 with such hospital price transparency rule.

11 (b) FOIA REQUESTS.—Any penalty, notice, request,
12 or other communication described in subsection (a) shall
13 be subject to public disclosure, in full and without redac-
14 tion, under section 552 of title 5, United States Code, not-
15 withstanding any exemptions or exclusions otherwise avail-
16 able under such section 552.

17 (c) REPORT TO CONGRESS.—Not later than 1 year
18 after the date of enactment of this Act and each year
19 thereafter, the Secretary shall submit to Congress, and
20 make publicly available, a report that contains information
21 regarding complaints of alleged violations of law and en-
22 forcement activities by the Secretary under the hospital
23 price transparency rule implementing section 2718(e) of
24 the Public Health Service Act (42 U.S.C. 300gg-18(e)).

1 Such report shall be made available to the public on the
2 website of the Centers for Medicare & Medicaid Services.

3 (d) GAO REPORT.—Not later than 1 year after the
4 date of enactment of this Act, the Comptroller General
5 of the United States shall submit to the Committee on
6 Health, Education, Labor, and Pensions of the Senate and
7 the Committee on Ways and Means and the Committee
8 on Energy and Commerce of the House of Representatives
9 a report on the compliance and enforcement with the hos-
10 pital price transparency rule implementing section 2718(e)
11 of the Public Health Service Act (42 U.S.C. 300gg-18(e)).
12 The report shall include recommendations related to—

13 (1) improving price transparency to patients,
14 employers, and the public;

15 (2) the revocation or suspension of tax-exempt
16 status under section 501(c)(3) of the Internal Rev-
17 enue Code of 1986 for noncompliant hospitals; and

18 (3) increased civil monetary penalty amounts to
19 ensure compliance.

20 (e) RULEMAKING.—Not later than 180 days after the
21 report described in subsection (d) is published, the Sec-
22 retary, in consultation with the Secretary of the Treasury,
23 shall issue a proposed rule based on the recommendations
24 of the Comptroller General of the United States under

- 1 subsection (d), including the recommendations described
- 2 in paragraphs (2) and (3) of such subsection.