

117TH CONGRESS
2D SESSION

S. 3749

To amend the Public Health Service Act to enhance compliance with hospital price transparency requirements, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 3, 2022

Mr. KENNEDY introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Public Health Service Act to enhance compliance with hospital price transparency requirements, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Hospital Transparency
5 Compliance Enforcement Act”.

6 **SEC. 2. HOSPITAL PRICE TRANSPARENCY REQUIREMENTS.**

7 Section 2718(e) of the Public Health Service Act (42
8 U.S.C. 300gg–18(e)) is amended—

9 (1) by striking “Each hospital” and inserting
10 the following:

1 “(1) IN GENERAL.—Each hospital”;

2 (2) by inserting “, in accordance with para-
3 graph (2)”, after “for each year”; and

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

5 “(2) TIMING REQUIREMENTS.—

6 “(A) IN GENERAL.—Each hospital oper-
7 ating within the United States on the date on
8 which the COVID–19 public health emergency
9 terminates shall, not later than 100 days after
10 such date and every year thereafter, establish
11 (and update) and make public the list under
12 paragraph (1).

13 “(B) NEWLY OPERATING HOSPITALS.—In
14 the case of a hospital that begins operating in
15 the United States after the date on which the
16 COVID–19 public health emergency terminates,
17 the hospital shall comply with the requirements
18 described in subparagraph (A) not later than
19 100 days after the date on which the hospital
20 begins such operation and every year thereafter.

21 “(3) PROHIBITION ON SHIELDING INFORMA-
22 TION.—No hospital may shield the information re-
23 quired under paragraph (1) from online search re-
24 sults through webpage coding.

25 “(4) CIVIL MONETARY PENALTIES.—

1 “(A) IN GENERAL.—A hospital that fails
2 to comply with the requirements of this sub-
3 section for a year shall be subject to a civil
4 monetary penalty of an amount not to exceed—

5 “(i) in the case of a hospital with a
6 bed count of 30 or fewer, \$600 for each
7 day in which the hospital fails to comply
8 with such requirements;

9 “(ii) in the case of a hospital with a
10 bed count that is greater than 30 and
11 equal to or fewer than 550, \$20 per bed
12 for each day in which the hospital fails to
13 comply with such requirements; or

14 “(iii) in the case of a hospital with a
15 bed count that is greater than 550,
16 \$11,000 for each day in which the hospital
17 fails to comply with such requirements.

18 “(B) PROCEDURES.—

19 “(i) IN GENERAL.—Except as other-
20 wise provided in this subsection, a civil
21 monetary penalty under subparagraph (A)
22 shall be imposed and collected in accord-
23 ance with part 180 of title 45, Code of
24 Federal Regulations (or successor regula-
25 tions).

1 “(ii) TIMING.—A hospital shall pay in
2 full a civil monetary penalty imposed on
3 the hospital under subparagraph (A) not
4 later than—

5 “(I) 60 calendar days after the
6 date on which the Secretary issues a
7 notice of the imposition of such pen-
8 alty; or

9 “(II) in the event the hospital re-
10 quests a hearing pursuant to subpart
11 D of part 180 of title 45, Code of
12 Federal Regulations (or successor reg-
13 ulations), 60 calendar days after the
14 date of a final and binding decision in
15 accordance with such subpart, to up-
16 hold, in whole or in part, the civil
17 monetary penalty.

18 “(5) LIST OF HOSPITALS NOT IN COMPLI-
19 ANCE.—The Secretary shall publish a list of the
20 name of each hospital that is not in compliance with
21 the requirements under this subsection. Such list
22 shall be published 280 days after the COVID-19
23 public health emergency terminates and every 180
24 days thereafter.

1 “(6) DEFINITION OF COVID–19 PUBLIC HEALTH
2 EMERGENCY.—In this subsection, the term ‘COVID–
3 19 public health emergency’ means the public health
4 emergency declared by the Secretary under section
5 319 with respect to COVID–19.”.

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