



State Legislation Relating to Disclosure of Hospital and Health Charges

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The need for price "transparency" or disclosure is emerging as one of the hotter topics in the area of consumer directed health care. In March the Bush Administration publicly announced a goal of seeking to make more information available to consumers on the price and quality of health services, with the hope that increased transparency will "inject more free-market principles into health care."¹ According to *CQ Today*, Bush administration officials have "repeatedly urged hospitals and doctor groups to move quickly and give consumers more data" and have "made it clear that they will push for legislation requiring health care providers to supply the information."² On August 22, 2006, President Bush issued an Executive Order to help promote efforts to improve transparency and quality in health care for health care programs administered or sponsored by the federal government. This Executive Order directs federal agencies that administer or sponsor federal health insurance programs to increase transparency in pricing and quality, encourage adoption of health information technology standards, and provide options that promote quality and efficiency in health care.

Health and Human Services Secretary Mike Leavitt recently wrote an op ed column about the need for better access to healthcare quality and cost information. "Americans know the price of almost everything they pay for, except for one of the most important things they pay for — their healthcare," Secretary Leavitt pointed out. He went on to say that, "People deserve to know, indeed they have a right to know, what their healthcare costs and how good it is. Patients should also be able to see an estimate of the overall cost of the procedure, how much their insurer will pay and how much they will be expected to pay. That kind of information will allow patients to become informed consumers making informed choices about one of the most 'priceless' things in life — their health."³

The federal government push to increase people's awareness of their health care spending goes hand-in-hand with getting hospitals, physicians and health insurance companies to share more price information. More people have a reason to know what they spend on health care, due in part to the increasing popularity of high-deductible health insurance (see NCSL's related online report, "**2004-2007 State Legislation on Health Savings Accounts and Medical Savings Accounts**") and the persistent rise in uninsured consumers.

¹ Secretary Leavitt, speaking during a White House conference call on August 22, 2006, indicated that states can play an important role in supporting quality initiatives that are already in place. "Initiatives have to be local in order to gain the trust and respect [of residents]. We need to have a network of local systems," Leavitt said.

Table One below provides summaries of proposed state legislation and signed laws affecting disclosure, transparency, reporting and/or publication of hospital and health care charges and fees. It includes laws in at least thirty states, including: Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Minnesota, Missouri, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, and Wisconsin. Note that the structure and requirements vary by state.

Disclosure of Prescription Drug Prices

A prescription drug price report issued by the AARP in 2005 found that the manufacturer prices for brand name prescription drugs continue to rise at an average rate that greatly outpaces general inflation.⁶ Public posting of drug prices is one way in which states have sought to increase accessibility and affordability of prescription medications. Many states already have programs in place that help those in need (see NCSL reports on State Pharmaceutical Assistance Programs and Prescription Drug Subsidy and Discount Programs). To help consumers help themselves, many states are using comparative drug research. Often the most expensive drug isn't always more effective. Giving consumers information about the comparative cost and effectiveness of medications is helping people learn more about lower cost treatments.⁶

Several states have launched drug pricing Web sites to help consumers shop for common prescription drugs. In January 2007, Missouri unveiled a drug price comparison Web site called Price Compare that allows users to compare the price of prescription and over-the-counter drugs. The site is managed by the Department of Social Services and is a component of the state's 2005 prescription drug program. Florida has seen success in lowering drug prices and increasing consumer awareness with its Web site called MyFloridaRx.com. The site was created with data that were already being collected from pharmacies, with prices updated monthly, of the 100 most commonly sold brand-name drugs in the state. Maryland's Attorney General created that state's Prescription Drug Price

Finder to help consumers comparison shop among pharmacies. The site provides information on the 26 most commonly used drugs in Maryland, as reported by the state's Medical Assistance Program. New York also has a drug price comparison Web site created and maintained by the Office of the Attorney General. The New Jersey Prescription Drug Retail Price Registry, created by 2006 Assembly Bill 2537, will allow consumers to compare the retail prices of the state's 150 most commonly prescribed drugs. Governor Corzine signed the bill into law in August 2006 and the Registry is expected to launch in 2007. See Table Two below for examples of proposed legislation.

Web-based Provider Price Disclosure Plans

- Cost information for **Arizona** hospitals and nursing home facilities can be found on the Department of Health Services, Division of Public Health Services web page.
- **California** currently posts hospital cost comparisons on its state government website and on the Office of Statewide Health Planning and Development Healthcare Quality and Analysis Division web page for prices of all services, goods and procedures for California hospitals.
- **Florida** has established a Web site that enables consumers to obtain data on hospitals' charges and readmission rates. (<http://www.floridacomparecare.gov/>).
- **Colorado** Hospital System To Post Out-of-Pocket Costs Online - Catholic Health Initiatives in Denver is partnering with Centura Health to test hospital software that will allow patients to see what their out-of-pocket charges will be before they register to become patients, the Rocky Mountain News reports. The system analyzes copayments, deductibles, coverage and the 10% to 20% of hospital costs that the patient is charged. The software, developed by Financial Healthcare Systems, estimates the cost for patients based on specific procedures and the patient's insurance.
- The **Iowa** Hospital Association has a Web site that provides information on every charge for any type of inpatient procedure in all Iowa hospitals. Iowa Hospital PricePoint is also the access point for aggregate discount information for private insurance, Medicare, and Medicaid, allowing users to compare charges to revenue for hospital services. ^{NEW}
- The **Kentucky** IHouse in 2006 passed a bill requiring the state to publish charges for and the quality and outcomes of health care services, based on information reported to the state by providers. The data is to be published on a state web site, updated at least annually. Quality indicators must be based on those endorsed by AHRQ, CMS or the National Quality Forum (NQF). Although it did not pass the Senate, it will be considered again in 2008. ^{NEW}
- **Louisiana** has a voluntary reporting program called, "Louisiana Hospital Inform" that is maintained by the Louisiana Hospital Association. The website provides pricing data on the most common Medicare inpatient and outpatient services, as well as quality data, demographic information and services offered at Louisiana hospitals. ⁴
- The **Maryland** Health Care Commission provides consumers with an online hospital pricing guide that lists, for each acute care hospital in Maryland, the number of cases, the average charge per case, and the average charge per day for the 15 most common diagnoses.
- **Massachusetts**, as part of its new health care reform law, will establish a website that allows consumers to compare the quality of hospitals and clinics, as well as the average payment each charges for a range of services. Massachusetts already has a website, but the new site will have much more information, including prices for hospitals and for the cost of prescriptions at individual pharmacies.
- Some **Minnesota** health insurers are unveiling or updating websites that allow their members to compare pricing and quality information for a variety of procedures and services. Medica has a members-only comparison website listing the charges for common inpatient and outpatient procedures. HealthPartners maintains a members-only site that provides cost data for over 50 treatments and 100 services. Blue Cross Blue Shield of Minnesota will launch an updated site in mid-July. The Minnesota Hospital Association maintains a website called Minnesota Hospital Price Check that provides patients with the cost of the 50 most common inpatient and the 25 most common outpatient procedures at specific hospitals.
- **New Hampshire** recently unveiled a hospital price website called "New Hampshire PricePoint," which is sponsored and maintained by the New Hampshire Hospital Association. There is also a voluntary effort in **Oregon** called "Oregon Pricepoint," which is sponsored and maintained by the Oregon Association of Hospitals and Health Systems. These sites allow health care consumers to receive basic, facility-specific information about services and charges. ⁴
- In **Wisconsin**, information on hospital charges for common procedures is available online; basic price information is available on a web site run by the Wisconsin Hospital Association that draws on data collected by the state. Price Point, displays typical charges and lengths of stay for individual hospitals, alongside state and county averages. Wisconsin lawmakers were among the first in the country to require hospitals to report their prices to the state, but that information remained difficult for the general public to use for a decade until the state gave the job of making it public to the hospital association in 2003. ⁵

Private Insurance Company Price Disclosure Websites


- In June 2006, **Aetna** began providing consumers with online access to the rates it negotiates with physicians in several U.S. cities. In August 2006, Aetna posted new information that will allow its members in some areas to access price data for the top 30 physician services, as well as physician performance data.
- **Cigna** posts cost and quality data for inpatient services performed at hospitals, as well as outpatient procedures performed at stand-alone surgical centers. The website includes cost and quality information for 21 inpatient, 16 outpatient and 3 medical imaging services performed by specific health care facilities (this information is currently for Cigna members only). Cigna hopes to have cost and quality information available for individual physicians by 2008.
- In July 2006, **Humana** launched a feature on its website that allows its members to compare the average negotiated prices of more than 30 procedures in 10 disease categories at local hospitals.
- In October 2006, Grand Rapids, Michigan-based **Spectrum Health** began posting prices for more than 100 inpatient and outpatient services. The prices are approximate and include only what hospitals charge; no physician charges are outlined.
- **United HealthCare** offers its members online access to a cost estimator that provides an average national cost for common health and dental procedures.
- **WellPoint** launched a website in September 2006 that allows members to compare hospital prices for the total care associated with several common procedures.

Additional Resources

"**Transparency Initiatives Spark Interest**" article in AHIP Coverage magazine, July-August 2007. ^{NEW}

In March 2007, the Deloitte Center for Health Solutions released a report entitled, "**Health Care Price Transparency: A Strategic Perspective for State Government Leaders.**" This report examines price transparency in health care focusing on the efforts and perspectives of providers, health plans, employers, policy makers as well as federal and state governments. ^{NEW}

The Centers for Medicare and Medicaid Services (CMS) has **posted online the cost and Medicare payment for over 60 procedures at ambulatory surgery centers** (11/06) and **the amount Medicare pays for over 40 procedures performed in inpatient hospitals** (8/06). The CMS data are broken down by county in each state (although not every county is represented), the District of Columbia and several U.S. territories.

Public Reporting and Transparency - report by the Commonwealth Fund, 1/07 [22 pages  PDF].

W.Va. creates site for patients seeking info on medical bills Charlestown Daily News, 6/25/07 ^{NEW}

"**The Opacity of Transparency in the Health Care System**" - "Transparency has become the new buzz word in health care, as consumers become more empowered in making decisions about their care. While the approach has some benefits, iHealthBeat columnist Dr. Tom Lee says that transparency is not the simple solution that it seems." Opinion article published by iHealthBeat. 6/4/07.

<http://www.ncpa.org/pub/ba/ba548/> (A brief analysis of transparency in health care, published by the National Center for Policy Analysis. The National Center for Policy Analysis (NCPA) is a nonprofit, nonpartisan public policy research organization, established in 1983. The NCPA's goal is to develop and promote private alternatives to government regulation and control, solving problems by relying on the strength of the competitive, entrepreneurial private sector.

"**Price Check: The Mystery of Hospital Pricing**" Report by the California HealthCare Foundation, 12/14/2005. [13 pp, pdf]

'Managed Care State Laws for Ombudsman, Report Cards and Provider Profiles' - NCSL report, updated 2006.

Virginia Governor Tim Kaine issues an **Executive Order** promoting health information technology and supporting greater transparency in health care pricing information and quality, 12/1/06. ^{NEW}

PowerPoint presentation given by Madeline Kriescher, NCSL Health Program, at the Utah Ambulatory Surgery Center Association Annual Meeting in Salt Lake City, UT on 10/20/06. ^{NEW}

Table 1: State Legislation Relating to Health Care Price Disclosure

Links are included for laws and bills where available.

State	2007 Proposed Legislation	2005/2006 Proposed Legislation	State Statutes/Law
AL		SB 11 -- A hospital that receives	

		<p>government money shall disclose the price that the hospital charges other patients who pay negotiated rates for the same medical service items and an itemized description of the costs used to calculate the price of each medical service item on the patient billing. <i>(In committee as of 1/11/05. Did not pass by end of 2006 regular session).</i></p>	
<p>AZ</p>		<p>See State Statutes -></p>	<p><u>SB 1142</u>, Arizona Revised Stat. 36-125.05. (Sen. Leff) -- Requires the Arizona Dept. of Human Services to implement a uniform patient reporting system for all hospitals, outpatient surgical centers and emergency departments, including average charge per patient, average charge per physician. Also requires the state to publish a semiannual comparative report of patient charges, and simplified average charges per confinement for the most common diagnoses and procedures. <i>(Signed into law by governor 4/18/05)</i></p>
<p>AR</p>	<p><u>HB 1513</u> -- Would provide data to the Arkansas Hospital Association for its price transparency and consumer-driven health care project, that will make price and quality information about Arkansas hospitals available to the general public. <i>(Filed and referred to committee 2/15/07; passed House 95y-1n, 2/23/07)</i></p>	<p><u>HB 2575</u> -- Would require hospitals and medical professionals to disclose the costs of the most common services and procedures. <i>(Did not pass committee by the end of 2005 regular session.)</i></p>	
<p>CA</p>		<p><u>AB 2281</u> (Assm. Chan) -- Would require health plans/insurers to provide specified information including disclosure of charges consumers can expect to pay for contracting and non-contracting providers, and what percent of premiums plans/insurers actually spend on health care services, as part of facilitating use of Health Savings Accounts. <i>(Filed and referred to committee 3/06; passage refused 5/31/06)</i></p> <p><u>SB 917</u> -- Would establish the Hospital Transparency Act of 2005, which amends the Payers' Bill of Rights to require the Office of Statewide Health Planning and Development (OSHPD) to compile and publish on its Web site the top 25 most common Medicare DRGs and the average charge for each by hospital. <i>(Vetoed by governor on 10/6/05.)</i></p>	<p>CA Health & Safety Code §1339.56. <u>AB 1045</u> -- Requires that hospitals disclose prices for the top 25 most common outpatient services or procedures, and requires, upon request, a person to be provided with a written estimate of charges for the health care services that are reasonably expected to be provided and billed to the person if the person does not have health coverage. <i>(Signed into law by governor on 10/5/05 as Chapter 532, Statutes of 2005)</i></p> <p>CA Health & Safety Code §1339.585 -- Upon the request of a person without health coverage, a hospital shall provide the person with a written estimate of the amount the hospital will require the person to pay for the health care services, procedures, and supplies that are reasonably expected to be provided to the person by the hospital, based upon an average length of stay and services provided for the person's diagnosis.</p>

			(Signed law 2004)
CO		<p>SB 141 -- Would establish the "Health Care Transparency Act," which would require hospitals and ambulatory surgical centers to report on any Medicare/Medicaid funds or reimbursements received.</p> <p>(Filed and referred to committee 2/06; passed Senate 20y-15n, 4/19/06; did not pass House before end of 2006 regular session)</p>	<p>C.R.S. 6-20-101 -- Requires hospitals and other licensed or certified health facilities to disclose the average facility charge for treatment that is a frequently performed inpatient procedure prior to admission for such procedure.</p> <p>(Signed into law 2003 and 2004)</p> <p>HB 1278 -- Would create a comprehensive hospital information system to increase health care transparency.</p> <p>(Signed into law 6/2/06)</p>
CT		<p>SB 117 -- Would require hospitals to inform consumers about the cost of hospital goods and services.</p> <p>(Did not pass committee by end of 2005 regular session.)</p>	<p>Statute and regulations -- Require reporting of hospital charge information for inpatient and outpatient services, in addition to negotiated payment rates with third party payers, government payment rate information and hospital costs. **</p>
DE		<p>See State Statutes -></p>	<p>Del. Code Title 16, Ch. 20 -- Requires periodic compilation and dissemination of reports on charge levels, age-specific utilization patterns, morbidity patterns, patient origin and trends in health care charges.</p>
FL		<p>HB 1409 -- Would establish the "Florida Health Information Network Act," which would implement a state-wide electronic medical records network to increase individual's access to their own health care information and increase transparency in the health care system.</p> <p>(Filed and referred to committee 3/3/06; passed House 120y-0n, 4/27/06; did not pass Senate committee by end of 2006 regular session)</p>	<p>F.S.A. § 395.1051 -- A licensed facility not operated by the state shall notify each patient during admission and at discharge of his or her right to receive an itemized bill upon request.</p> <p>(Signed law, amended 2004)</p> <p>HB 7073 -- Would establish the "Coordinated Health Care Information & Transparency Act," which would provide better coordination of information for transparency purposes.</p> <p>(signed law, 6/20/06)</p>
GA	<p>HB 628 -- Would provide for health care data to be made available to consumers; would create a Web site that supports health care transparency so that consumers of the State of Georgia may access information to perform a comparative analysis of the cost and quality of health care.</p> <p>(Filed and referred to committee 2/28/07)</p>	<p>SB 83 -- Would require hospitals and medical facilities to provide estimates of charges to patients and requires hospital authorities to make certain information available on their Internet websites.</p> <p>(Filed and referred to committee 1/28/05; no further action taken)</p>	<p>Statute -- Requires hospitals to report UB-92 claims data for all inpatient services. Outpatient claims are reported for emergency room and ambulatory surgery services. **</p>
IL		<p>See State Statutes -></p>	<p>HB 2343 -- Requires ambulatory surgical treatment centers and hospitals to adopt a uniform system for submitting patient charges for payment from public and private payers. Amends 20 ILCS 2215/4-4(a), which required hospitals to make available</p>

			to prospective patients information on the normal charge incurred for any procedure or operation the prospective patient is considering. <i>(Signed into law by governor on 6/14/05 as Public Act 94-0027)</i>
IN		<p><u>HB 1716</u> -- Would require hospitals and ambulatory outpatient surgical centers to provide billing information to patients and the public, establish an appeal procedure for disputed patient bills, and establish programs that provide reduced cost of care to eligible individuals and alternative payment options to other individuals. <i>(Did not pass committee by end of 2005 regular session.)</i></p>	<p><u>IC 16-21-6</u> -- The Indiana Hospital Financial Disclosures Law requires hospitals to provide the state with audited financial statements, Medicare Cost Reports, and gross charge information.</p>
KS	<p><u>HB 2272</u> -- Would create the Health Care Price Transparency Act, providing disclosure and availability of prices charged by certain health care providers and reimbursed by health insurance carriers for health or medical care services. <i>(Filed and referred to committee 1/29/07)</i></p>		
KY		<p><u>HB 445</u> -- Would require the Cabinet for Health and Family Services to make information on charges for health care services available on its Web site. This information would allow the public to make meaningful comparisons between hospitals, ambulatory facilities, and provider groups. <i>(Filed and referred to committee 1/24/06; passed House 95y-1n, 2/7/06 did not pass Senate by end of 2006 regular session) Refiled (Passed House; did not pass Senate, 2007)</i></p> <p><u>HB 622</u> -- Would require the Cabinet for Health and Family Services to make health data on the cost and quality of health care available to consumers. <i>(Filed and referred to committee 2/21/06; did not pass by end of 2006 regular session)</i></p>	<p><u>KRS 216.2929(1)</u> -- Requires that the Cabinet for Health and Family Services prepare and publish, in understandable language with sufficient explanation to allow consumers to draw meaningful comparisons, a report on health care charges, quality, and outcomes that includes diagnosis-specific or procedure-specific comparisons for each hospital and ambulatory facility.</p>
ME		<p><u>LD 211(LR 2121)</u> -- Would require hospitals to disclose to the public the amounts charged to the 10 most frequent payers for each service or procedure. Referred to committee. <i>(Died in committee 5/18/05)</i></p> <p><u>LD 1307</u> -- Would require health care practitioners to provide the same consumer price information required of hospitals and ambulatory surgical centers. Referred to</p>	<p>Title 22, Chapter 401, <u>§1718</u> -- Requires that hospitals provide cost information for the 15 most common non-emergency inpatient and the 20 most common outpatient surgical procedures.</p>

		committee. (Died in committee 5/20/05)	
MD			Statute and regulations -- Require monthly reporting of hospital charge information and hospital costs for inpatient and outpatient services. **
MA		See State Statutes ->	HB 490, §101 (Chapter 58 of 2006) -- As part of universal health plan, establishes the Commonwealth Health Insurance Connector, to "facilitate the purchase of health care insurance products at an affordable price by eligible individuals, groups and other plan enrollees," by publishing a commonwealth care health insurance program consumer price schedule. (Passed house and Senate 4/4/06; signed into law by governor 4/12/06)
MN		HB 2438 -- Would require the MN Hospital Assoc. to develop a Web-based system for reporting and displaying cost information reported by hospitals to the association. (In committee as of 4/18/05; no 2006 action taken) SB 1162 -- Would require and provide for the disclosure of certain hospital costs to the commissioner of health. (In committee as of 4/6/05; no 2006 action taken)	M.S.A. § 62J.82 -- Requires the development of a web-based system for reporting charge information, including average charge, average charge per day and median charge, for each of the 50 most common inpatient diagnosis-related groups and the 25 most common outpatient surgical The site must be established by 10/1/06. (Signed into law by governor, 2005)
MO		SB 359 -- Would provide for price and performance comparisons of health care facilities to be posted on a state Web site. (Did not pass committee by end of 2005 regular session.)	Missouri Rev. Stats. §192.667 -- Requires all hospitals and health care providers to provide charge data to the Department of Health and Senior Services.
NE		See State Statutes ->	Neb. Rev. St. § 71-2075 -- Requires hospitals and ambulatory surgical centers to provide a written estimate of the average charges for health services. (Signed into law, 1984, 1995)
NV		AB 545 -- Would require medical facilities to provide estimate of cost of medical procedure to patient before procedure occurs. (Did not pass committee by end of 2005 regular session.) AB 353 -- Would require hospitals to submit to the Dept of Health and Human Services their charges and the hospitals' provision for discounted prices for the uninsured. Did not pass committee before end of session. (Did not pass committee by end of 2005 regular session.)	NRS 439B.400 -- Requires all hospitals to maintain and use a uniform list of billed charges for units of service or goods provided to all inpatients. A hospital may not use a billed charge for an inpatient that is different than the billed charge used for another inpatient for the same service or goods provided.
NH			Statute and regulations -- Require reporting of information for all inpatient services and

			all outpatient ambulatory surgery and emergency room services. **
NM		See State Statutes ->	House Memorial 43 of 2005 (Rep. Payne) -- Non-binding resolution, requests that hospitals work with state agencies to develop a process to post hospital charges, hospital quality, and annual increases in hospital charges. (Approved by Senate 4/05) Statute -- Requires reporting of information for inpatient services based on UB-92 claims data that is reported to the state Health Policy Commission and the hospital association on a quarterly basis. The hospital association will implement a public reporting initiative modeled after Wisconsin's Pricepoint project in Fall 2006. **
NC		See State Statutes ->	NC Gen. Stats. Ch. 131E-214.4 -- Requires that a report that includes a comparison of the 35 most frequently reported charges of hospitals and freestanding ambulatory surgical facilities be made available to the Division of Facility Services of the Department of Health and Human Services.
OH			Ohio Rev. Code § 3727.12 -- Requires reporting of hospital charges for the top 100 Diagnosis Related Groups, operating room costs, emergency procedures, physical therapy, and the top 30 x-rays and laboratory procedures. HB 197 -- Requires a hospital to make its price information list available free of charge on its web site to any person and post an announcement of the list's availability in each of the hospital's billing offices and admission, patient waiting, and reception areas. (signed into law by governor on 8/9/06)
OK	HB 1884 -- Would create the 19-member Health Care Consumer Transparency Task Force that is responsible for making a final report containing recommendations related to a system for hospitals, ambulatory surgical centers and physicians to disclose to consumers the average charges for the treatment of common medical diagnosis and procedures. (Filed and referred to committee 2/5/07)		
OR	SB 329 -- Would ensure transparency of the costs of and	SB 1040 -- Would modify the duties of the Administrator of Office for Oregon Health	Statute -- Requires reporting of information on all inpatient and outpatient services to

	charges by accountable health plans and providers. <i>(Filed and referred to committee 1/15/07)</i>	Policy and Research regarding obtaining and reporting health care data. <i>(Did not pass committee by end of 2005 regular session.)</i>	the state Office of Health Policy and Research. The information is based on inpatient and ambulatory surgery discharge records collected from hospitals. **
PA		See State Statutes ->	35 P.S. §§449.5-449.7 -- Requires the Health Care Cost Containment Council to develop a computerized system for the collection, analysis and dissemination of health care quality and cost information. Requires the Council to collect patient data, including total charges of health care facilities. Requires the Council to make available the top 65% of all covered inpatient and outpatient hospital services and provide comparisons.
RI		SB 788 -- Would require every health care facility that has an emergency medical unit post a notice of average or minimum facility and professional charges and costs per patient visit. <i>(Did not pass by end of 2005 regular session.)</i>	
SC			Statute and regulations -- Require reporting of UB-92 claims data, including charges on all hospital inpatient discharges and some outpatient services, such as outpatient surgery, emergency department services, labor and delivery, radiation therapy, chemotherapy, imaging, lithotripsy and observation claims. **
SD		See State Statutes ->	SB 169 -- Requires hospitals to report the charges for the 25 most common inpatient diagnostic groups to the Dept of Health, which must post the charges on its <u>Web site</u> . ^{NEW} <i>(Signed into law by governor on 3/1/05)</i> SDCL § 34-12E-8 -- All fees and charges for health care procedures shall be disclosed by a health care provider or facility upon request of a patient. <i>(Signed law, 1994)</i>
TN			Statute and regulations -- Require reporting of information on all inpatient services to the Tennessee Hospital Association, as well as on such outpatient services as ambulatory surgery, emergency room visits, observations and selected procedures consistent with state Certificate of Need guidelines. **
TX		HB 3276 -- Would require health care facilities to report and disclose estimated charges. <i>(Did not pass committee by end of 2005 regular session.)</i>	Statute and regulations -- Require reporting of information on all inpatient services based on UB-92 claims. **
UT		HB 203 - (Rep. Hutchings) Would require hospital and related medical billing to	Statute and regulations -- Require reporting of information on all inpatient and

		<p>include plain English explanation of charges. <i>(Filed 1/19/06; did not pass committee by end of 2006 regular session)</i></p> <p>HB 246 (Rep. Morley) -- Would authorize the state Health Data Committee to collect data on the costs of episodes of health care and develop a plan to measure and compare costs of care, as part of easing use of Health Savings Accounts. <i>(Filed 1/11/06; passed House 2/22/06; did not pass Senate by end of 2006 regular session)</i></p> <p>HB 301 (Rep. Hutchings) -- Would provide Consumer Access to Health Care Provider Charges, as part of consumer-driven and HSA health initiative. <i>(Filed 1/19/06; did not pass committee by end of 2006 regular session)</i></p>	<p>outpatient services based on hospital discharge data. Utah is planning to implement a public reporting initiative modeled after Wisconsin's Pricepoint project in Fall 2006. **</p>
VT			<p>Statute -- Requires reporting of information on inpatient services (average charge by hospital for the top 10 services) and on outpatient services (average charge for top 10 procedures and outpatient diagnostic tests). **</p>
VA			<p>Statute and regulations -- Require reporting of information on all inpatient services and selected outpatient services. Hospital costs are also reported from annual financial filings and UB-92 forms. **</p>
WA	<p>SB 5930 -- Provides cost and quality data for consumers and providers by creating a blue ribbon commission on health care costs and access. <i>(Passed Senate 48y-0n, 3/9/07; passed House; signed into law by governor as Chapter 259, 5/2/07)</i></p> <p>NEW</p>	<p>See State Statutes -></p>	<p>RCW 70.41.250 -- Requires procedures for disclosing to physicians and other health care providers the charges of all health care services ordered for their patients. Copies of hospital charges shall be made available to any physician and/or other health care provider ordering care in hospital inpatient/outpatient services. The physician and/or other health care provider may inform the patient of these charges and may specifically review them. Hospitals are also directed to study methods for making daily charges available to prescribing physicians through the use of interactive software and/or computerized information thereby allowing physicians and other health care providers to review not only the costs of present and past services but also future contemplated costs for additional diagnostic studies and therapeutic medications. Also see SB 5930 of 2007, left column</p>
WV			<p>Statute and regulations -- Require reporting of information on all inpatient and outpatient services by department and payor. Other reported information includes</p>

			negotiated payment rates with third party payers, government payment rate information and hospital costs. **
WI		See State Statutes ->	<p>Wis. Stats. Ch. 153 (Health Care Information) -- Requires hospitals and ambulatory surgery centers to report patient-level data, including charges assessed for specific procedure codes. <i>(Signed law, 1992)</i></p> <p><u>AB 907 (Act 228)</u> -- Dedicates state funds to the WI Health Information Organization (WHIO), a coalition of managed care companies, employer groups, health plans, physician associations, hospitals and doctors, to analyze and publicly report the health care claims information with respect to the cost, quality, and effectiveness of health care, in language that is understandable by laypersons. This new law is designed to collect credible and useful data for the purposes of quality improvement, health care provider performance comparisons, ready understandability and consumer decision-making. <i>(signed law, 2006)</i></p>

** As reported in the "American Hospital Association's Hospital Pricing Transparency Survey," April 26, 2006.

Table 2: Examples of current Prescription Drug Price state legislation:

State	Disclosure of Prescription Drug Prices: 2007 Proposed Legislation
HI	<u>HB 6</u> (also <u>SB 818</u>) -- Would require a prescription drug manufacturer to report pharmaceutical pricing data to the director for each of its drugs, including the average wholesale price, the wholesale acquisition cost, the average manufacturer price, and the best price. <i>(Filed and referred to committee 1/19/07)</i>
IL	<u>HB 1082</u> -- Would create the Prescription Drug Price Finder Act to identify the 50 most commonly prescribed drugs in Illinois and their usual and customary prices. <i>(Filed and referred to committee 2/8/07)</i>
IA	<u>HB 506</u> (also <u>SB 111</u>) -- Would provide for prescription drug retail price comparisons. <i>(Filed and referred to committee 2/22/07)</i>
NJ	<u>A 2537</u> (also <u>S 1396</u>) -- Establishes the New Jersey Prescription Drug Retail Price Registry in the Department of Health and Senior Services (DHSS) for the purpose of making retail price information for the 150 most frequently prescribed prescription drugs readily available to New Jersey consumers. <i>(A 2537 filed and referred to committee 2/23/06; passed Assembly 72y-3n, 6/8/06; substituted for S 1396 and passed Senate 40y-0n, 6/22/06; signed into law by governor 8/21/06.)</i>
NM	<u>HB 320</u> -- Would require that the current retail price of a prescription drug be provided upon request. <i>(Filed and referred to committee 1/18/07; passed House 63y-2n; did not pass Senate before end of 2007 regular session.)</i>
RI	<u>SB 251</u> -- Would allow pharmacies to provide a list of 20 prescribed drugs to the Department of Health, in electronic format, with current selling prices. The list would then be used to create a Web site accessible by the general public for pricing information. <i>(Filed and referred to committee 2/7/07)</i>
TX	<u>HB 533</u> -- Would create a prescription drug retail price registry and require disclosure of a list of prescription drug retail prices for the 150 most commonly used medications; must be updated at least weekly. <i>(Filed and referred to committee 1/10/07)</i>

VT	<p>SB 115 -- Would increase transparency in prescription drug information and pricing by limiting fraudulent advertising of prescription drugs to consumers and health care professionals, requiring notice to clients by pharmacy benefit managers that certain types of contracts are available, strengthening the Medicaid preferred drug list, establishing an evidence-based education program, providing additional pricing information to the Medicaid program from drug manufacturers, requiring disclosure of education programs funded by drug manufacturers, and providing enforcement for prescription drug provisions under the Consumer Fraud Act.</p> <p><i>(Filed and referred to committee 2/23/07)</i></p>
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Notes:

- ¹ "Health Costs: The Medical-Bill Mystery," by Sara Lueck, in The Denver Post (March 12, 2006, Wall St. West, p. WSJ-2)
- ² "Health Care Marketplace: Bush Administration Expected to Announce Plan to Increase Transparency of Health Care Prices," Daily Health Policy Report, www.kaisernetwork.org (March 14, 2006, p. 1).
- ³ "Transparency in Health Care a Priority," by Secretary Michael Leavitt, in http://thehill.com/thehill/export/TheHill/News/Frontpage/051006/ss_leavitt.html (May 10, 2006).
- ⁴ "Hospital Pricing Transparency Survey," by the American Hospital Association (April 26, 2006).
- ⁵ "Moves afoot to shed light on hospital costs," by Daniel C. Vock, in www.stateline.org (March 22, 2006, p. 1).
- ⁶ "AARP Continues National Assault on High Drug Prices," AARP Press Center News Release, in http://www.aarp.org/research/press-center/presscurrentnews/high_drug_prices.html (November 2, 2005).

Compiled by Madeline Kriescher, NCSL Health Program, Denver.

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Denver Office: Tel: 303-364-7700 | Fax: 303-364-7800 | 7700 East First Place | Denver, CO 80230 | Map

Washington Office: Tel: 202-624-5400 | Fax: 202-737-1069 | 444 North Capitol Street, N.W., Suite 515 | Washington, D.C. 20001