

SENATE BILL NO. 1212

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR MOON.

4314S.01I

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 197, RSMo, by adding thereto two new sections relating to hospital price transparency laws.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 197, RSMo, is amended by adding thereto
2 two new sections, to be known as sections 197.1040 and 197.1045,
3 to read as follows:

**197.1040. For purposes of this section, unless the
2 context otherwise requires, the following terms mean:**

3 (1) "Centers for Medicare and Medicaid Services", the
4 Centers for Medicare and Medicaid Services in the United
5 States Department of Health and Human Services;

6 (2) "Collection action", any of the following actions
7 taken with respect to a debt for items and services that
8 were purchased from or provided to a patient by a hospital
9 on a date during which the hospital was not in material
10 compliance with hospital price transparency laws:

11 (a) Attempting to collect a debt from a patient or
12 patient guarantor by referring the debt, directly or
13 indirectly, to a debt collector, a collection agency, or
14 other third party retained by or on behalf of the hospital;

15 (b) Suing the patient or patient guarantor or
16 enforcing an arbitration or mediation clause in any hospital
17 documents, including contracts, agreements, statements, or
18 bills; or

19 (c) Directly or indirectly causing a report to be made
20 to a consumer reporting agency;

21 (3) "Collection agency":

22 (a) Any:

23 a. Person who engages in a business, the principal
24 purpose of which is the collection of debts; or

25 b. Person who:

26 (i) Regularly collects or attempts to collect,
27 directly or indirectly, debts owed or due or asserted to be
28 owed or due to another;

29 (ii) Takes assignment of debts for collection purposes;

30 (iii) Directly or indirectly solicits for collection
31 debts owed or due or asserted to be owed or due to another;
32 or

33 (iv) Collects debts for the office of administration;

34 (b) Does not include:

35 a. Any officer or employee of a creditor while, in the
36 name of the creditor, collecting debts for such creditor;

37 b. Any person while acting as a collection agency for
38 another person, both of whom are related by common ownership
39 or affiliated by corporate control, if the person acting as
40 a collection agency does so only for creditors to whom it is
41 so related or affiliated and if the principal business of
42 the person is not the collection of debts;

43 c. Any officer or employee of the United States or any
44 state to the extent that collecting or attempting to collect
45 any debt is in the performance of the officer's or
46 employee's official duties;

47 d. Any person while serving or attempting to serve
48 legal process on any other person in connection with the
49 judicial enforcement of any debt;

50 e. Any person collecting or attempting to collect any
51 debt owed or due or asserted to be owed or due another to
52 the extent that:

53 (i) The activity is incidental to a bona fide
54 fiduciary obligation or a bona fide escrow arrangement;

55 (ii) The activity concerns a debt that was extended by
56 the person;

57 (iii) The activity concerns a debt that was not in
58 default at the time it was obtained by the person; or

59 (iv) The activity concerns a debt obtained by the
60 person as a secured party in a commercial credit transaction
61 involving the creditor; or

62 f. Any person whose principal business is the making
63 of loans or the servicing of debt not in default and who
64 acts as a loan correspondent, seller, and servicer for the
65 owner, or holder of a debt that is secured by a deed of
66 trust on real property, regardless of whether the debt is
67 also secured by an interest in personal property;

68 (c) Notwithstanding the provisions of paragraph (b) of
69 this subdivision to the contrary, the term "collection
70 agency" includes any person who, in the process of
71 collecting the person's own debts, uses another name that
72 would indicate that a third person is collecting or
73 attempting to collect such debts;

74 (4) "Consumer reporting agency", any person who, for
75 monetary fees or dues or on a cooperative nonprofit basis,
76 regularly engages, in whole or in part, in the practice of
77 assembling or evaluating consumer credit information or
78 other information on consumers for the purpose of furnishing
79 consumer reports to third parties. The term "consumer
80 reporting agency" includes any person defined in 15 U.S.C.
81 Section 1681a(f) and any consumer credit reporting agency

82 defined in section 407.1380. The term "consumer reporting
83 agency" does not include any business entity that provides
84 only check verification or check guarantee services;

85 (5) "Debt", any obligation or alleged obligation of a
86 consumer to pay moneys arising out of a transaction,
87 regardless of whether the obligation has been reduced to
88 judgment. The term "debt" does not include a debt for
89 business, investment, commercial, or agricultural purposes
90 or a debt incurred by a business;

91 (6) "Debt collector", any person employed or engaged
92 by a collection agency to perform the collection of debts
93 owed or due or asserted to be owed or due to another;

94 (7) "Hospital", a hospital:

95 (a) Licensed under this chapter; or

96 (b) Approved by the department of health and senior
97 services as meeting the standards established for licensing
98 a hospital in this state;

99 (8) "Hospital price transparency laws", Section
100 2718(e) of the Public Health Service Act, as amended, and
101 rules adopted by the United States Department of Health and
102 Human Services implementing Section 2718(e);

103 (9) "Items and services" or "items or services", items
104 and services as defined in 45 CFR 180.20.

197.1045. 1. On and after August 28, 2024, a hospital
2 that is not in material compliance with hospital price
3 transparency laws on the date that items or services are
4 purchased from, or provided to a patient by, the hospital
5 shall not initiate or pursue a collection action against the
6 patient or patient guarantor for a debt owed for the items
7 or services.

8 2. If a patient believes that a hospital was not in
9 material compliance with hospital price transparency laws on

10 a date on or after August 28, 2024, that items or services
11 were purchased by or provided to the patient, and the
12 hospital takes a collection action against the patient or
13 patient guarantor, the patient or patient guarantor may file
14 suit to determine if the hospital was materially out of
15 compliance with the hospital price transparency laws and
16 rules and regulations on the date of service and if the
17 noncompliance is related to the items or services. The
18 hospital shall not take a collection action against the
19 patient or patient guarantor while the lawsuit is pending.

20 3. A hospital that has been found by a judge or jury,
21 considering compliance standards issued by the Centers for
22 Medicare and Medicaid Services, to be materially out of
23 compliance with hospital price transparency laws and rules
24 and regulations:

25 (1) Shall refund the payer any amount of the debt the
26 payer has paid and shall pay a penalty to the patient or
27 patient guarantor in an amount equal to the total amount of
28 the debt;

29 (2) Shall dismiss or cause to be dismissed any court
30 action with prejudice and pay any attorney's fees and costs
31 incurred by the patient or patient guarantor relating to the
32 action; and

33 (3) Remove or cause to be removed from the patient's
34 or patient guarantor's credit report any report made to a
35 consumer reporting agency relating to the debt.

36 4. Nothing in this section:

37 (1) Prohibits a hospital from billing a patient,
38 patient guarantor, or third-party payer, including a health
39 insurer, for items or services provided to the patient; or

40 (2) Requires a hospital to refund any payment made to
41 the hospital for items or services provided to the patient,

42 so long as no collection action is taken in violation of
43 this section.

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