

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 1890

By: Schreiber

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5
6 AS INTRODUCED

7 An Act relating to medical price transparency;
8 amending 63 O.S. 2021, Section 1-725.3, which relates
9 to health care provider price transparency; creating
10 penalties; providing for the allocation of penalties;
11 amending 63 O.S. 2021, Section 1-725.4, which relates
12 to health care facility price transparency; creating
13 penalties; providing for the allocation of penalties;
14 and providing an effective date.

15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. AMENDATORY 63 O.S. 2021, Section 1-725.3, is
17 amended to read as follows:

18 Section 1-725.3

19 A. A health care provider shall make available to the public,
20 in a single document, either electronically or by posting
21 conspicuously on the provider's website if one exists, the health
22 care prices for at least the twenty most common health care services
23 the health care provider provides. If the health care provider, in
24 the normal course of his or her practice, regularly provides fewer
than twenty health care services, the health care provider shall

1 make available the health care prices for the health care services
2 the provider most commonly provides.

3 B. The health care provider shall identify the services by:

4 1. A Current Procedural Terminology code or other coding system
5 commonly used by the health care provider and accepted as a national
6 standard for billing; and

7 2. A plain English description.

8 C. The health care provider shall update the document as
9 frequently as the health care provider deems appropriate, but at
10 least annually.

11 D. On a date on or after the effective date of this section, a
12 health care provider who is not in material compliance with the
13 Transparency in Health Care Prices Act of the Oklahoma Statutes on
14 the date that items or services are purchased from or provided to a
15 patient by the health care provider, shall not initiate or pursue a
16 collection action against the patient or patient guarantor for a
17 debt owed for the items or services.

18 E. If a patient believes that a health care provider was not in
19 material compliance with state laws, on a date on or after the
20 effective date of this section, that items or services were
21 purchased by or provided to the patient, and the health care
22 provider takes collection action against the patient or patient
23 guarantor, the patient or patient guarantor may file suit to
24 determine if the hospital was materially out of compliance with the

1 Transparency in Health Care Prices Act of the Oklahoma Statutes on
2 the date of service, and the noncompliance is related to the items
3 or services. The health care provider shall not take collection
4 action against the patient or patient guarantor while the lawsuit is
5 pending.

6 F. A health care provider that has been found by a judge or
7 jury, considering compliance standards issued by the federal centers
8 for Medicare and Medicaid services, to be materially out of
9 compliance with the Transparency in Health Care Prices Act of the
10 Oklahoma Statutes:

11 1. Shall refund the payer any amount of the debt the payer has
12 paid and shall pay a penalty to the patient or patient guarantor in
13 an amount equal to the total amount of the debt;

14 2. Shall dismiss or cause to be dismissed any court action with
15 prejudice and pay any attorney fees and costs incurred by the
16 patient or patient guarantor relating to the action; and

17 3. Shall remove or cause to be removed from the patient's or
18 patient guarantor's credit report any report made to a consumer
19 reporting agency relating to the debt.

20 G. Nothing in this section:

21 1. Prohibits a health care provider from billing a patient,
22 patient guarantor, or third-party payer, including health insurer,
23 for items or services provided to the patient; and

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1 2. Requires a health care provider to refund any payment made
2 to the health care provider for items or services provided to the
3 patient, so long as no collection action is taken in violation of
4 this section.

5 SECTION 2. AMENDATORY 63 O.S. 2021, Section 1-725.4, is
6 amended to read as follows:

7 Section 1-725.4

8 A. A health care facility shall make available to the public,
9 in a single document, either electronically or by posting
10 conspicuously on its website if one exists, the health care prices
11 for at least:

12 1. The twenty most used diagnosis-related group codes or other
13 codes for inpatient health care services per specialty service line
14 used by the health care facility for billing; and

15 2. The twenty most used outpatient CPT codes or health care
16 services procedure codes per specialty service line used for
17 billing.

18 B. A health care facility shall include with the health care
19 prices provided pursuant to subsection A of this section a plain
20 English description of the services for which the health care prices
21 are provided.

22 C. The health care facility shall update the document as
23 frequently as it deems appropriate, but at least annually.

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1 D. On a date on or after the effective date of this section, a
2 health care facility that is not in material compliance with the
3 Transparency in Health Care Prices Act of the Oklahoma Statutes on
4 the date that items or services are purchased from or provided to a
5 patient by the health care facility, shall not initiate or pursue a
6 collection action against the patient or patient guarantor for a
7 debt owed for the items or services.

8 E. If a patient believes that a health care facility was not in
9 material compliance with state laws, on a date on or after the
10 effective date of this section, that items or services were
11 purchased by or provided to the patient, and the health care
12 facility takes collection action against the patient or patient
13 guarantor, the patient or patient guarantor may file suit to
14 determine if the hospital was materially out of compliance with the
15 Transparency in Health Care Prices Act of the Oklahoma Statutes on
16 the date of service, and the noncompliance is related to the items
17 or services. The health care facility shall not take collection
18 action against the patient or patient guarantor while the lawsuit is
19 pending.

20 F. A health care facility that has been found by a judge or
21 jury, considering compliance standards issued by the federal centers
22 for Medicare and Medicaid services, to be materially out of
23 compliance with the Transparency in Health Care Prices Act of the
24 Oklahoma Statutes:

1 1. Shall refund the payer any amount of the debt the payer has
2 paid and shall pay a penalty to the patient or patient guarantor in
3 an amount equal to the total amount of the debt;

4 2. Shall dismiss or cause to be dismissed any court action with
5 prejudice and pay any attorney fees and costs incurred by the
6 patient or patient guarantor relating to the action; and

7 3. Shall remove or cause to be removed from the patient's or
8 patient guarantor's credit report any report made to a consumer
9 reporting agency relating to the debt.

10 G. Nothing in this section:

11 1. Prohibits a health care facility from billing a patient,
12 patient guarantor, or third-party payer, including health insurer,
13 for items or services provided to the patient; and

14 2. Requires a health care facility to refund any payment made
15 to the health care facility for items or services provided to the
16 patient, so long as no collection action is taken in violation of
17 this section.

18 SECTION 3. This act shall become effective November 1, 2023.

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