

118TH CONGRESS
1ST SESSION

H. R. 3248

To amend title XVIII of the Social Security Act to increase price transparency of clinical diagnostic laboratory tests under the Medicare program.

IN THE HOUSE OF REPRESENTATIVES

MAY 11, 2023

Mrs. MILLER-MEEKS (for herself and Ms. DEGETTE) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title XVIII of the Social Security Act to increase price transparency of clinical diagnostic laboratory tests under the Medicare program.

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 “Diagnostic Lab Test-
5 ing Transparency Act”.

1 **SEC. 2. INCREASING PRICE TRANSPARENCY OF CLINICAL**
2 **DIAGNOSTIC LABORATORY TESTS UNDER**
3 **THE MEDICARE PROGRAM.**

4 Section 1846 of the Social Security Act (42 U.S.C.
5 1395w-2) is amended—

6 (1) in the header, by inserting “**AND ADDI-**
7 **TIONAL REQUIREMENTS**” after “**SANCTIONS**”;
8 and

9 (2) by adding at the end the following new sub-
10 section:

11 “(c) **PRICE TRANSPARENCY REQUIREMENT.**—

12 “(1) **IN GENERAL.**—Beginning January 1,
13 2025, each provider of services or supplier that is
14 available to furnish any specified clinical diagnostic
15 laboratory test under this title shall—

16 “(A) make publicly available on an Inter-
17 net website the information described in para-
18 graph (2) with respect to each such specified
19 clinical diagnostic laboratory test that such pro-
20 vider or supplier is so available to furnish; and

21 “(B) ensure that such information is up-
22 dated not less frequently than annually.

23 “(2) **INFORMATION DESCRIBED.**—For purposes
24 of paragraph (1), the information described in this
25 paragraph is, with respect to a provider of services

1 or supplier and a specified clinical diagnostic labora-
2 tory test, the following:

3 “(A) The discounted cash price for such
4 test (or, if no such price exists, the gross
5 charge for such test).

6 “(B) The deidentified minimum negotiated
7 rate in effect between such provider or supplier
8 and any group health plan or group or indi-
9 vidual health insurance coverage for such test.

10 “(C) The deidentified maximum negotiated
11 rate in effect between such provider or supplier
12 and any such plan or coverage for such test.

13 “(3) INCLUSION OF ANCILLARY SERVICES.—
14 Any price or rate for a specified clinical diagnostic
15 laboratory test available to be furnished by a pro-
16 vider of services or supplier made publicly available
17 in accordance with paragraph (1) shall include the
18 price or rate (as applicable) for any ancillary item
19 or service (such as specimen collection services) that
20 would normally be furnished by such provider or
21 supplier as part of such test, as specified by the Sec-
22 retary.

23 “(4) ENFORCEMENT.—

24 “(A) IN GENERAL.—In the case that the
25 Secretary determines that a provider of services

1 or supplier is not in compliance with paragraph
2 (1)—

3 “(i) not later than 30 days after such
4 determination, the Secretary shall notify
5 such provider or supplier of such deter-
6 mination;

7 “(ii) not later than 90 days after such
8 notification is sent, such provider or sup-
9 plier shall complete a corrective action plan
10 to comply with such paragraph and submit
11 such plan to the Secretary; and

12 “(iii) if such provider or supplier con-
13 tinues to fail to comply with such para-
14 graph after the date that is 90 days after
15 such notification is sent, the Secretary may
16 impose a civil monetary penalty in an
17 amount not to exceed \$300 for each day
18 (beginning with the date that is 91 days
19 after such notification was sent) during
20 which such failure is ongoing.

21 “(B) APPLICATION OF CERTAIN PROVI-
22 SIONS.—The provisions of section 1128A (other
23 than subsections (a) and (b) of such section)
24 shall apply to a civil monetary penalty imposed
25 under this paragraph in the same manner as

1 such provisions apply to a civil monetary pen-
2 alty imposed under subsection (a) of such sec-
3 tion.

4 “(5) DEFINITIONS.—In this subsection:

5 “(A) GROUP HEALTH PLAN; GROUP
6 HEALTH INSURANCE COVERAGE; INDIVIDUAL
7 HEALTH INSURANCE COVERAGE.—The terms
8 ‘group health plan’, ‘group health insurance
9 coverage’, and ‘individual health insurance cov-
10 erage’ have the meaning given such terms in
11 section 2791 of the Public Health Service Act.

12 “(B) SPECIFIED CLINICAL DIAGNOSTIC
13 LABORATORY TEST.—The term ‘specified clin-
14 ical diagnostic laboratory test’ means a clinical
15 diagnostic laboratory test that is included on
16 the list of shoppable services specified by the
17 Centers for Medicare & Medicaid Services (as
18 described in section 180.60 of title 42, Code of
19 Federal Regulations (or a successor regula-
20 tion)).”.

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