

118TH CONGRESS
1ST SESSION

S. 468

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

FEBRUARY 16, 2023

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 in the United States on the date of enact-
8 ment of the Hospital Transparency Compliance
9 Enforcement Act shall, not later than 6 months
10 after such date of enactment and every year
11 thereafter, establish (and update) and make
12 public the list under 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 of enactment
16 of the Hospital Transparency Compliance En-
17 forcement Act, the hospital shall comply with
18 the requirements described in subparagraph (A)
19 not later than 6 months after the date on which
20 the hospital begins such operation and every
21 year thereafter.

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

1 “(4) CIVIL MONETARY PENALTIES.—

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

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

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

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

19 “(B) PROCEDURES.—

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

1 Federal Regulations (or successor regula-
2 tions).

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

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

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

20 “(5) LIST OF HOSPITALS NOT IN COMPLI-
21 ANCE.—The Secretary shall publish a list of the
22 name of each hospital that is not in compliance with
23 the requirements under this subsection. Such list
24 shall be published 280 days after the date of enact-

1 ment of the Hospital Transparency Compliance En-
2 forcement Act and every 180 days thereafter.”.

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