

**SENATE . . . . . No. 700**

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The Commonwealth of Massachusetts

PRESENTED BY:

*Jason M. Lewis*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act providing transparency for patients receiving care at hospital-based facilities.

PETITION OF:

| NAME:                    | DISTRICT/ADDRESS:       |                  |
|--------------------------|-------------------------|------------------|
| <i>Jason M. Lewis</i>    | <i>Fifth Middlesex</i>  |                  |
| <i>Cindy F. Friedman</i> | <i>Fourth Middlesex</i> | <i>1/31/2019</i> |

**SENATE . . . . . No. 700**

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By Mr. Lewis, a petition (accompanied by bill, Senate, No. 700) of Jason M. Lewis and Cindy F. Friedman for legislation relative to transparency for patients receiving care at hospital-based facilities. Health Care Financing.

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The Commonwealth of Massachusetts

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In the One Hundred and Ninety-First General Court  
(2019-2020)  
\_\_\_\_\_

An Act providing transparency for patients receiving care at hospital-based facilities.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 111 of the General Laws is hereby amended by inserting the  
2 following:

3 Section 228A. (a) As used in this section, the following words shall, unless the context  
4 clearly requires otherwise, have the following meanings:

5 “Facility fee”, a fee charged or billed for outpatient hospital services provided in a  
6 hospital-based facility that is intended to cover the cost of the hospital operational expenses;  
7 which is separate and distinct from a professional fee.

8 “Hospital-based facility”, a provider of health care services, including but not limited to a  
9 department of a provider, a remote location of a hospital, or a satellite facility that meets the  
10 requirements of 42 C.F.R. § 413.65.

11 (a) Prior to the delivery of non-emergency services, a hospital-based facility that charges  
12 or bills a facility fee for services shall inform the patient that: 1) it is licensed as part of the  
13 hospital and the patient may receive a separate charge that is in addition to and separate from the  
14 professional fee charged by the provider; 2) the patient may incur financial liability that is  
15 greater than the patient would incur if the professional medical services were not provided by a  
16 hospital-based facility; and 3) information on how the patient can obtain financial liability for the  
17 known services through the hospital or the patient's insurance carrier, along with information  
18 that the actual liability may change depending on the actual services provided. This information  
19 shall be provided in written form before the delivery of services.

20 (b) If a hospital or health system designates a location as a hospital-based facility, the  
21 facility shall clearly identify the facility as being hospital-based, including by stating the name of  
22 the hospital or health system in the facility's signage, marketing materials, Internet web sites and  
23 stationery and by posting notices in designated locations accessible to and visible by patients in a  
24 manner proscribed by the commissioner.

25 (c) The commissioner may promulgate regulations that are necessary to implement this  
26 section.