

SENATE No. 795

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:

Jason M. Lewis

DISTRICT/ADDRESS:

Fifth Middlesex

SENATE No. 795

By Mr. Lewis, a petition (accompanied by bill, Senate, No. 795) of Jason M. Lewis for legislation relative to transparency for patients receiving care at hospital-based facilities. Health Care Financing.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 700 OF 2019-2020.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

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, as appearing in the 2018 Official Edition,
2 is hereby amended by inserting the 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.