

§1718-B. Consumer information regarding health care entity prices

This section applies to the disclosure of health care prices by a health care entity. [PL 2013, c. 515, §2 (NEW).]

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Frequently provided health care services and procedures" means those health care services and procedures that were provided by the health care entity at least 50 times in the preceding calendar year. [PL 2013, c. 515, §2 (NEW).]

A-1. "Facility fee" means a fee charged or billed by a health care entity for outpatient services provided in a hospital-based facility that is:

(1) Intended to compensate the hospital or health system for the operational expenses of the hospital or health system; and

(2) Separate and distinct from a professional fee. [PL 2023, c. 672, §1 (NEW).]

B. "Health care entity" means a health care practitioner, as defined in section 1711-C, subsection 1, paragraph F; a group of health care practitioners; or a health care facility, as defined in section 1711-C, subsection 1, paragraph D, that charges patients for health care services and procedures. A health care entity does not include a pharmacy or a pharmacist. [PL 2013, c. 515, §2 (NEW).]

C. "Hospital-based facility" means a facility that is owned or operated, in whole or in part, by a hospital or health system where hospital services or professional medical services are provided. [PL 2023, c. 672, §2 (NEW).]

D. "Professional fee" means a fee charged or billed by a health care entity for professional medical services provided in a hospital-based facility. [PL 2023, c. 672, §3 (NEW).]

[PL 2023, c. 672, §§1-3 (AMD).]

2. Requirements. The following requirements apply to health care entities.

A. A health care entity shall have available to patients the prices of the health care entity's most frequently provided health care services and procedures. The prices stated must be the prices that the health care entity charges patients directly when there is no insurance coverage for the services or procedures or when reimbursement by an insurance company is denied. The prices stated must be accompanied by descriptions of the services and procedures and the applicable standard medical codes or current procedural technology codes used by the American Medical Association. [PL 2013, c. 515, §2 (NEW).]

B. A health care entity shall inform patients about the availability of prices for the most frequently provided health care services and procedures and the right of a patient to request information about the price of medical services pursuant to section 1718-C, subsection 1 or 2 by posting a notice on prominent display to patients. [PL 2023, c. 584, Pt. A, §1 (AMD).]

B-1. A health care entity shall include notice of a patient's right to request information about the price of medical services pursuant to section 1718-C, subsection 1 or 2 in any written document provided to a patient prior to rendering health care treatment for the purpose of obtaining informed consent to that treatment. [PL 2023, c. 584, Pt. A, §2 (NEW).]

C. A health care entity shall prominently display in a location that is readily accessible to patients information on the price transparency tools available from the publicly accessible website of the Maine Health Data Organization established pursuant to chapter 1683 to assist consumers with obtaining estimates of costs associated with health care services and procedures. [PL 2013, c. 515, §2 (NEW).]

D. Beginning January 1, 2018, at the time a referral or recommendation is made for a comparable health care service as defined in Title 24-A, section 4318-A, subsection 1, paragraph A during an in-person visit, the health care entity making that referral or recommendation shall notify a patient who has private health insurance coverage of the patient's right to obtain services from a different provider. A health care entity shall comply with this paragraph by providing a written notice at the time the health care entity recommends or refers a patient for a health care service or procedure that may qualify as a comparable health care service. A written notice provided under this paragraph must include a notification that, prior to obtaining the recommended service, the patient may review the health care price transparency tool provided by the patient's carrier or contact the patient's carrier directly via a toll-free telephone number so that the patient may consider whether the recommended provider of the comparable health care service represents the best value for the patient. A written notice provided under this paragraph must also include a description of the service or the applicable standard medical codes or current procedural terminology codes used by the American Medical Association sufficient to allow the carrier to assist the patient in comparing prices for the comparable health care service. [PL 2017, c. 232, §1 (NEW).]

E. A health care entity shall prominently display in a location that is readily accessible to a patient, including a patient waiting area, and on the health care entity's publicly accessible website the following information:

- (1) Whether the health care entity is a hospital-based facility and, if so, the name of the hospital or health system and whether the health care entity charges a facility fee; and
- (2) How to access the publicly accessible website of the Maine Health Data Organization established pursuant to chapter 1683 for educational materials about facility fees and whether and under what circumstances depending on payor and type of service a facility fee may be charged. [PL 2023, c. 672, §4 (NEW).]

A health care entity that does not routinely render services directly to patients in an office setting may satisfy this subsection by providing the information on its publicly accessible website. [PL 2023, c. 584, Pt. A, §§1, 2 (AMD); PL 2023, c. 672, §4 (AMD).]

SECTION HISTORY

PL 2013, c. 515, §2 (NEW). PL 2017, c. 232, §1 (AMD). PL 2023, c. 584, Pt. A, §§1, 2 (AMD). PL 2023, c. 672, §§1-4 (AMD).

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