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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 2795

01/31/2022

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The bill was read for the first time and referred to the Committee on Commerce Finance and Policy

1.1 A bill for an act

1.2 relating to health care; permitting health care providers to establish and make

1.3 available to the public retail prices for bundles of elective medical services; making

1.4 a provider's itemized price for an individual binding on the provider in certain

1.5 circumstances; prohibiting certain provider contracts; prohibiting certain retaliation

1.6 against providers; proposing coding for new law in Minnesota Statutes, chapter

1.7 62J.

1.8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.9 Section 1. [62J.825] HEALTH CARE PROVIDERS; DISCLOSURE OF RETAIL

1.10 PRICES AND ITEMIZED PRICES FOR BUNDLES OF ELECTIVE MEDICAL

1.11 SERVICES.

1.12 Subdivision 1. Definitions. (a) The definitions in this subdivision apply to this section

1.13 and section 62J.826.

1.14 (b) "Bundle of elective medical services" means a set of health care services specified

1.15 by a health care provider, according to accepted and prevailing standards of practice, to

1.16 treat a specific medical condition, illness, or injury of a patient on an elective basis and

1.17 within a period of time specified by the health care provider.

1.18 (c) "Facility fee" has the meaning given in section 62J.824.

1.19 (d) "Health care provider" or "provider" means:

1.20 (1) a physician, physician assistant, advanced practice registered nurse, dentist, or

1.21 pharmacist licensed in this state; or

1.22 (2) a hospital licensed under sections 144.50 to 144.58.

1.23 (e) "Health plan" has the meaning given in section 62Q.01, subdivision 3.

2.1 (f) "Itemized price" means a price that is established by a health care provider for a
2.2 bundle of elective medical services for an individual patient and that meets the requirements
2.3 in subdivision 5.

2.4 (g) "Retail price" means the cash amount a health care provider commonly charges,
2.5 determined on a pretreatment basis, for a bundle of elective medical services.

2.6 **Subd. 2. Retail prices for bundles of elective medical services.** (a) A health care
2.7 provider that furnishes 25 or more bundles of elective medical services to patients, alone
2.8 or under contracts with one or more other health care providers or allied health professionals,
2.9 may make available to the public the retail prices for at least 25 bundles of elective medical
2.10 services identified by the provider. A health care provider that furnishes fewer than 25
2.11 bundles of elective medical services to patients may make available to the public the retail
2.12 prices for the bundles of elective medical services furnished by the provider. The bundles
2.13 for which retail prices are made available may include bundles of elective medical services,
2.14 if any, that the provider commonly furnishes to patients on an outpatient basis in an
2.15 emergency department.

2.16 (b) A health care provider that chooses to make retail prices available under this
2.17 subdivision must make available at least the following information:

2.18 (1) the list of bundles of elective medical services and corresponding retail prices;

2.19 (2) the amount of the facility fee, if any, included in each retail price; and

2.20 (3) a notice that the health care provider may adjust a retail price for a bundle of elective
2.21 medical services for an individual patient, based on the patient's health status and the
2.22 complexity of the patient's medical condition, illness, or injury.

2.23 (c) The information specified in paragraph (b) must be posted on the provider's website,
2.24 made available from the provider's business office, and made available in the provider's
2.25 reception area or waiting room.

2.26 (d) If a health care provider that chooses to make retail prices available under this
2.27 subdivision is affiliated with a health care facility, medical clinic, or health system, the
2.28 health care provider may opt to have the health care facility, medical clinic, or health system
2.29 make available the information specified in paragraph (b) on the website of the facility,
2.30 clinic, or system; from the business office of the facility, clinic, or system; and in the
2.31 reception area or waiting room of the facility or clinic. Notwithstanding paragraph (c), a
2.32 health care provider that opts to have the facility, clinic, or system make available the
2.33 information specified in paragraph (b) may but is not required to also make the information

3.1 available on the provider's website, from the provider's business office, and in the provider's
3.2 reception area or waiting room.

3.3 Subd. 3. **Updating list and prices.** A health care provider shall periodically update the
3.4 information made available to the public under subdivision 2 upon a change in retail price,
3.5 facility fee, or bundle of elective medical services.

3.6 Subd. 4. **Health care provider not required to enter into arrangement.** A health care
3.7 provider is not required to enter into an arrangement with a specific patient to provide a
3.8 bundle of elective medical services to that patient.

3.9 Subd. 5. **Itemized price for individual patient.** At the request of a patient and at no
3.10 cost to the patient, a health care provider may provide the patient with an itemized price for
3.11 a bundle of elective medical services listed by the provider under subdivision 2. If the health
3.12 care provider chooses to provide an itemized price to a patient, the itemized price:

3.13 (1) must be based on the retail price made available to the public under subdivision 2
3.14 for that bundle of elective medical services;

3.15 (2) may be modified by the provider based on the patient's health status and the
3.16 complexity of the patient's medical condition, illness, or injury;

3.17 (3) must include an itemized list of the health care services in the bundle and an itemized
3.18 list of the health care services or types of health care services excluded from the bundle;
3.19 and

3.20 (4) must not include charges for health care services or types of health care services the
3.21 provider excludes from the bundle or charges for unexpected but necessary medical care,
3.22 but for which the patient is obligated to pay.

3.23 Subd. 6. **Patient acceptance of itemized price; effect.** (a) If a patient acknowledges
3.24 the health care services included in and excluded from a bundle of elective medical services,
3.25 accepts the health care provider's itemized price for the bundle, and pays the provider that
3.26 amount or enters into an agreement to pay the provider that amount before being provided
3.27 with the bundle of elective medical services, the itemized price is binding on the provider
3.28 for that bundle provided to that patient.

3.29 (b) If a patient accepts the health care provider's itemized price and is covered by a health
3.30 plan and if the patient's health plan company agrees to pay the itemized price for the bundle
3.31 of elective medical services, the health plan company shall:

3.32 (1) pay the provider the itemized price for that bundle, before the patient is provided
3.33 with that bundle, as payment in full for that bundle provided to that patient; or

4.1 (2) reimburse the patient for the amount of the itemized price, if the patient has already
4.2 paid the provider that amount, as payment in full for that bundle provided to that patient.

4.3 Subd. 7. **Antitrust.** The provision of retail prices according to this section shall not
4.4 constitute a violation of state or federal antitrust laws.

4.5 Sec. 2. **[62J.826] PROHIBITED PROVIDER CONTRACTS; RETALIATION**
4.6 **PROHIBITED.**

4.7 Subdivision 1. **Prohibited provider contracts.** No contract between a health care
4.8 provider and a health plan company, health care facility, medical clinic, or health system
4.9 shall prohibit, restrict, or penalize a health care provider from disclosing to the public and
4.10 patients a list of bundles of elective medical services, itemized lists of health care services
4.11 included in and excluded from the provider's listed bundles of elective medical services,
4.12 retail prices, facility fees, and itemized prices as permitted under section 62J.825, provided
4.13 the information disclosed is accurate.

4.14 Subd. 2. **Retaliation prohibited.** No health plan company, health care facility, medical
4.15 clinic, or health system shall retaliate against a health care provider solely on the ground
4.16 that the provider disclosed to the public and patients a list of bundles of elective medical
4.17 services, itemized lists of health care services included in and excluded from the provider's
4.18 listed bundles of elective medical services, retail prices, facility fees, or itemized prices as
4.19 permitted under section 62J.825, provided the information disclosed is accurate.