

118TH CONGRESS
1ST SESSION

S. 3327

To require the Secretary of Health and Human Services to publish a list of hospitals found to be in noncompliance with the hospital price transparency rule.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 15, 2023

Mr. BRAUN (for himself and Mr. BUDD) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To require the Secretary of Health and Human Services to publish a list of hospitals found to be in noncompliance with the hospital price transparency rule.

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 “Expose Hospitals Vio-
5 lating Price Transparency Act”.

6 **SEC. 2. PUBLICATION OF LIST OF HOSPITALS.**

7 (a) LIST OF HOSPITALS.—Beginning not later than
8 90 days after the date of enactment of this Act, the Sec-
9 retary of Health and Human Services (referred to in this

1 section as the “Secretary”) shall establish and maintain
 2 a publicly available list, on the website of the Centers for
 3 Medicare & Medicaid Services, of each hospital that—

4 (1) is not in compliance with the hospital price
 5 transparency rule implementing section 2718(e) of
 6 the Public Health Service Act (42 U.S.C. 300gg–
 7 18(e)), and that, with respect to such noncompli-
 8 ance—

9 (A) has been issued a civil monetary pen-
 10 alty;

11 (B) has received a warning notice; or

12 (C) has received a request for a corrective
 13 action plan; or

14 (2) has received any written communication by
 15 the Secretary regarding potential noncompliance
 16 with such hospital price transparency rule.

17 (b) FOIA REQUESTS.—Any penalty, notice, request,
 18 or other communication described in subsection (a) shall
 19 be subject to public disclosure, in full and without redac-
 20 tion, under section 552 of title 5, United States Code, not-
 21 withstanding any exemptions or exclusions otherwise avail-
 22 able under such section 552.

23 (c) REPORT TO CONGRESS.—Not later than 1 year
 24 after the date of enactment of this Act and each year
 25 thereafter, the Secretary shall submit to Congress, and

1 make publicly available, a report that contains information
2 regarding complaints of alleged violations of law and en-
3 forcement activities by the Secretary under the hospital
4 price transparency rule implementing section 2718(e) of
5 the Public Health Service Act (42 U.S.C. 300gg-18(e)).
6 Such report shall be made available to the public on the
7 website of the Centers for Medicare & Medicaid Services.

8 (d) GAO REPORT.—Not later than 1 year after the
9 date of enactment of this Act, the Comptroller General
10 of the United States shall submit to the Committee on
11 Health, Education, Labor, and Pensions of the Senate and
12 the Committee on Ways and Means and the Committee
13 on Energy and Commerce of the House of Representatives
14 a report on the compliance and enforcement with the hos-
15 pital price transparency rule implementing section 2718(e)
16 of the Public Health Service Act (42 U.S.C. 300gg-18(e)).
17 The report shall include recommendations related to—

18 (1) improving price transparency to patients,
19 employers, and the public;

20 (2) the revocation or suspension of tax-exempt
21 status under section 501(c)(3) of the Internal Rev-
22 enue Code of 1986 for noncompliant hospitals; and

23 (3) increased civil monetary penalty amounts to
24 ensure compliance.

1 (e) RULEMAKING.—Not later than 180 days after the
2 report described in subsection (d) is published, the Sec-
3 retary, in consultation with the Secretary of the Treasury,
4 shall issue a proposed rule based on the recommendations
5 of the Comptroller General of the United States under
6 subsection (d), including the recommendations described
7 in paragraphs (2) and (3) of such subsection.

○