

**HEALTH CARE FACILITY DISCLOSURE REQUIREMENTS**

2010 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Peter C. Knudson**

House Sponsor: \_\_\_\_\_

---

---

**LONG TITLE**

**General Description:**

This bill amends the Health Care Facility Licensing and Inspection Act.

**Highlighted Provisions:**

This bill:

▶ requires a health care facility, as a condition of licensure, to adopt, implement, publish, and inform patients of certain policies;

▶ requires the Department of Health to publish a list of the procedures for which health care facilities, as a whole, most frequently bill patients; and

▶ requires a health care facility to publish for each procedure on the list published by the Department of Health the amount the facility charges to perform the procedure and the amount the facility is paid for the procedure by Medicaid and Medicare.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**26-21-26**, Utah Code Annotated 1953

**26-21-27**, Utah Code Annotated 1953

---

---



28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **26-21-26** is enacted to read:

30 **26-21-26. Health care facility charges -- Collection procedures -- Financial**  
31 **assistance policies.**

32 (1) As used in this section:

33 (a) "EMTALA" has the same meaning as defined in Section 26-21-25.

34 (b) "Health care facility" does not include a home health agency, a hospice, a nursing  
35 care facility, or a residential-assisted living facility.

36 (2) As a condition of licensure under this chapter, including licensure renewal, a health  
37 care facility shall demonstrate to the department that it:

38 (a) has adopted and implemented written policies that specify:

39 (i) the methods used by the facility to calculate individual procedure charges and other  
40 charges;

41 (ii) any discounts provided for prompt payment of a bill;

42 (iii) the procedures used by the facility for collecting amounts owing on unpaid bills;

43 and

44 (iv) if the facility provides financial assistance to patients, including free care or  
45 discounted care:

46 (A) criteria for financial assistance eligibility; and

47 (B) limits, if any, on the total charges and the percentage of individual procedure  
48 charges billed to a patient eligible for financial assistance;

49 (b) has published the policies under Subsection (2)(a) on the Internet for use by the  
50 general public; and

51 (c) informs each patient at the time the patient is admitted to the facility:

52 (i) that the financial assistance policies under Subsection (2)(a) are available on the  
53 Internet; and

54 (ii) of any obligation the facility may have under EMTALA to provide care to the  
55 patient without regard for the patient's source of payment or ability to pay.

56 Section 2. Section **26-21-27** is enacted to read:

57 **26-21-27. Procedure prices and payment.**

58 (1) As used in this section:

59           (a) "Health care facility" does not include a home health agency, a hospice, a nursing  
60 care facility, or a residential-assisted living facility.

61           (b) "Medicaid program" is as defined in Section 26-18-2.

62           (c) "Medicare" is as defined in Section 31A-22-620.

63           (2) (a) Before September 1, 2010, the department shall publish, by rule, a list of the  
64 procedures for which health care facilities in the state, as a whole, most frequently bill patients.

65           (b) The list shall include those procedures represented by at least 25%, but not more  
66 than 50%, of total procedure billings.

67           (3) Beginning January 1, 2011, for each procedure in the list published under  
68 Subsection (2), a health care facility shall publish the amount the facility:

69           (a) charges to perform the procedure;

70           (b) is paid for the procedure by the Medicaid program; and

71           (c) is paid for the procedure by Medicare.

72           (4) (a) The department shall annually update the list of procedures under Subsection  
73 (2).

74           (b) Each health care facility shall regularly update the information it publishes under  
75 Subsection (3) in accordance with rules adopted by the department.

---

---

**Legislative Review Note**  
as of 2-18-10 4:57 PM

**Office of Legislative Research and General Counsel**

---

---

**S.B. 257 - Health Care Facility Disclosure Requirements**

**Fiscal Note**

2010 General Session

State of Utah

---

---

**State Impact**

Enactment of this bill will not require additional appropriations.

---

**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

---