

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Ensure That Hospitals Comply with the Laws Governing Transparency of Medical Billing

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA §1718, sub-§4 is enacted to read:

4. Enforcement; penalties. The failure to comply with the requirements of this section, section 1718-B or section 1718-C is subject to enforcement in accordance with this subsection.

A. An individual who is aggrieved by intentional conduct in violation of this section, section 1718-B or section 1718-C may bring a civil action in the Superior Court in the county in which the individual resides or the violation occurred. The action may seek to enjoin the intentional conduct in violation of this section, section 1718-B or section 1718-C and may seek costs and a forfeiture or penalty under paragraph B. An applicant for injunctive relief under this paragraph may not be required to give security as a condition of the issuance of the injunction.

B. A hospital, ambulatory surgical center or health care entity as defined in section 1718-B, subsection 1, paragraph B that intentionally violates this section, section 1718-B or section 1718-C is subject to a civil penalty not to exceed \$5,000, payable to the State, plus costs. If a court finds that intentional violations of this section, section 1718-B or section 1718-C have occurred after due notice of the violating conduct with sufficient frequency to constitute a general business practice, the hospital, ambulatory surgical center or health care entity is subject to a civil penalty not to exceed \$10,000 for health care practitioners and \$50,000 for health care facilities, payable to the State. A civil penalty under this subsection is recoverable in a civil action.

C. This section may not be construed to prohibit an individual aggrieved by conduct in violation of this section, section 1718-B or section 1718-C from pursuing all available common law remedies.

SUMMARY

This bill establishes penalties for hospitals, ambulatory surgical centers and other health care entities that fail to comply with the laws related to disclosure of charges for health care services.