



127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 813

S.P. 287

In Senate, March 10, 2015

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

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator GRATWICK of Penobscot.
Cosponsored by Representative KRUGER of Thomaston and
Senators: ALFOND of Cumberland, DILL of Penobscot, ROSEN of Hancock,
Representatives: HICKMAN of Winthrop, STUCKEY of Portland.

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

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

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

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

13 B. A hospital, ambulatory surgical center or health care entity as defined in section
14 1718-B, subsection 1, paragraph B that intentionally violates this section, section
15 1718-B or section 1718-C is subject to a civil penalty not to exceed \$5,000, payable
16 to the State, plus costs. If a court finds that intentional violations of this section,
17 section 1718-B or section 1718-C have occurred after due notice of the violating
18 conduct with sufficient frequency to constitute a general business practice, the
19 hospital, ambulatory surgical center or health care entity is subject to a civil penalty
20 not to exceed \$10,000 for health care practitioners and \$50,000 for health care
21 facilities, payable to the State. A civil penalty under this subsection is recoverable in
22 a civil action.

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

26 **SUMMARY**

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