

§1718-J. Prohibition of collection actions for noncompliance with good faith estimate requirements for uninsured or self-pay patients

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Collection action" means any of the following actions:

- (1) Attempting to collect a debt from a patient or patient guarantor by referring the debt directly or indirectly to a debt collector, collection agency or other 3rd party retained by or on behalf of a health care entity;
- (2) Suing the patient or patient guarantor or enforcing an arbitration or mediation clause in any health care entity documents, including contracts, agreements, statements and bills; or
- (3) Directly or indirectly causing a report to be made to a consumer reporting agency. [PL 2023, c. 584, Pt. A, §4 (NEW).]

B. "Collection agency" has the same meaning as "debt collector" has in Title 32, section 11002, subsection 6. [PL 2023, c. 584, Pt. A, §4 (NEW).]

C. "Consumer reporting agency" means any person that, for monetary fees or dues or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to 3rd parties. "Consumer reporting agency" includes any person defined in 15 United States Code, Section 1681a(f). "Consumer reporting agency" does not include any business entity that exclusively provides check verification or check guarantee services. [PL 2023, c. 584, Pt. A, §4 (NEW).]

D. "Health care entity" has the same meaning as in section 1718-B, subsection 1, paragraph B. [PL 2023, c. 584, Pt. A, §4 (NEW).]

E. "Items or services" means all items and services, including individual items and services and service packages, that are provided by a health care entity to a patient in connection with an inpatient admission or an outpatient visit for which the patient is charged. [PL 2023, c. 584, Pt. A, §4 (NEW).]

F. "Patient guarantor" means the individual held responsible for a patient's bill. [PL 2023, c. 584, Pt. A, §4 (NEW).]

[PL 2023, c. 584, Pt. A, §4 (NEW).]

2. Failure to comply with good faith estimate requirements; relief from collection action. A health care entity that has not provided a good faith estimate in material compliance with section 1718-C, subsection 1 on the date that items or services are purchased by a patient or provided to a patient may not initiate or pursue a collection action against the patient or patient guarantor for a debt owed for the items or services. Unless a health care entity can demonstrate that the health care entity provided a good faith estimate to the patient as requested, the health care entity or hospital may not further pursue a collection action against the patient or patient guarantor.

[PL 2023, c. 584, Pt. A, §4 (NEW).]

SECTION HISTORY

PL 2023, c. 584, Pt. A, §4 (NEW).

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