

AMENDMENT TO H.R. 4872, AS
REPORTED
OFFERED BY M. R. Kagen

At the end of subtitle D of title I of subdivision A of division I, insert the following new section:

1 **SEC. 138. TRANSPARENCY IN ALL HEALTH CARE PRICING.**

2 (a) IN GENERAL.—Any and all individuals or busi-
3 ness entities, including hospitals, physicians, nurses, phar-
4 macies, pharmaceutical manufacturers, dentists, and the
5 insurance entities described in subsection (d), and any
6 other health care related providers or issuers that offer
7 or furnish health care related items, products, services, or
8 procedures (as defined by the Secretary of Health and
9 Human Services) for sale to the public shall publicly dis-
10 close, on a continuous basis, all prices for such items,
11 products, services, or procedures in accordance with this
12 section.

13 (b) MANNER OF DISCLOSURE.—The disclosure re-
14 quired under subsection (a) shall—

15 (1) be made in an open and conspicuous man-
16 ner;

17 (2) be made available at the point of purchase,
18 in print, and on the Internet; and

1 (3) include all wholesale, retail, subsidized, dis-
2 counted, or other such prices the individuals or busi-
3 ness entities described in such subsection except as
4 payment in full for items, products, services, or pro-
5 cedures such individuals or business entities furnish
6 to individual consumers.

7 (c) PENALTIES.—The Secretary of Health and
8 Human Services may investigate any and all individuals
9 or business entities described in subsection (a) that fail
10 to comply with the requirements of this section and may
11 impose on such individuals or business entities civil fines,
12 or other civil penalties, as determined appropriate by the
13 Secretary.

14 (d) INSURANCE ENTITY DESCRIBED.—For purposes
15 of this section, an insurance entity includes a health insur-
16 ance issuer with respect to the offering of health insurance
17 coverage, including in the individual market and small and
18 large group market (as such terms are defined in section
19 2791 of the Public Health Service Act (42 U.S.C. 300gg-
20 91)), a plan sponsor with respect to the offering of a group
21 health plan (as defined in such section 2791), and entities
22 responsible for the administration of governmental health
23 plans (including the Centers for Medicare & Medicaid
24 Services with respect to the Medicare program under title
25 XVIII of the Social Security Act (42 U.S.C. 1395 et seq.),

1 State agencies responsible for administration of State
2 plans under the Medicaid program under title XIX of such
3 Act (42 U.S.C. 1396 et seq.) or State child assistance
4 plans under the State Children's Health Insurance Pro-
5 gram under title XXI of such Act (42 U.S.C. 1397aa),
6 and the Office of Personnel Management with respect to
7 the Federal Employees Health Benefits Program under
8 chapter 89 of title 5, United States Code).

