

DEPARTMENT OF HEALTH & SOCIAL SERVICES



PROPOSED CHANGES TO REGULATIONS

7 AAC 86. Health Care Services Price Transparency.



PUBLIC REVIEW DRAFT

July 17, 2019

COMMENT PERIOD ENDS: September 27, 2019

***Please see the public notice for details about how to
comment on these proposed changes.***

Notes to reader:

1. Except as discussed in note 2, new text that amends an existing regulation is **bolded and underlined**.
2. If the lead-in line above the text of each section of the regulations states that a new section, subsection, paragraph, or subparagraph is being added, or that an existing section, subsection, paragraph, or subparagraph is being repealed and readopted (replaced), *the new or replaced text is not bolded or underlined*.
3. [ALL-CAPS TEXT WITHIN BRACKETS] indicates text that is to be deleted.
4. When the word “including” is used, Alaska Statutes provide that it means “including, but not limited to.”
5. Only the text that is being changed within a section of the current regulations is included in this draft. Refer to the text of that whole section, published in the current Alaska Administrative Code, to determine how a proposed change relates within the context of the whole section and the whole chapter.

7 AAC is amended by adding a new chapter to read:

Chapter 86. Health Care Services Price Transparency.

Section

10. Reporting the price of health care services.
20. Posting the price of health care services.
30. Good faith estimate.
40. Enforcement.
50. Definitions.

7 AAC 86.010. Reporting the price of health care services.

(a) If a health care provider or health care facility uses *Current Procedural Terminology (CPT)* codes, that provider or facility must annually compile a list and report to the department the applicable number of the health care services most commonly performed.

(b) A health care provider or health care facility must submit the e-mail address of their website health care services price posting to the department. If a health care provider or health care facility does not have a website, the provider or facility should convert the posting into a Portable Document Format (PDF) document.

(c) The health care provider or facility must send an e-mail to DHSSpricereporting@alaska.gov of their price posting, and include either

- (1) the uniform resource locator (URL) where the required price list is posted, or
- (2) attach a Portable Document Format (PDF) of the price list.

Editor’s note: The health care provider or health care facility should title the e-mail and the attachment with the following convention: (1) [Provider Name]_[Provider address]_[Year].pdf; (2) No apostrophes, double quotes, or special characters allowed other than underscore (_), hyphen (-) and space (.). An example email and PDF heading for a hospital in Juneau would be formatted as “Hospital Name_3620 Hospital Drive Juneau_2019”.

Eff. ___/___/___, Register _____)

Authority: AS 18.23.400

7 AAC 86.020. Posting the price for health care services.

(a) If a health care provider or health care facility uses the *Current Procedural Terminology (CPT)* codes, then that health care provider or health care facility must post the price list for the health care services.

(b) A health care provider or health care facility must

(1) post the health care services price list in a conspicuous space where patients check in and wait to see a health care provider;

(2) post the health care services price list printed on paper or a computer screen or other electronic screen in a font not smaller than 20 points and comply with AS 18.23.400(e).

(c) A satellite office of a health care provider or health care facility must also post the price for the health care services if it has a space for patients to check in and wait.

(d) A health care provider or health care facility may use a social media website to comply with AS 18.23.400(e)(3).

(e) If a health care provider or health care facility has a website, and uses social media, then the provider or facility must post on the website to comply with AS 18.23.400(e)(3).

(f) A health care provider or healthcare facility must

(1) post the required price information by the 31st day of January following the calendar year for which the health care price data was collected; and

(2) update the posting every year.

(Eff. ___/___/___, Register _____)

Authority: AS 18.15.360 AS 18.23.400

7 AAC 86.030. Good faith estimate.

(a) A patient must provide the following information in writing to the health care provider or health care facility to get a good faith estimate:

(1) the patient's full name;

(2) mailing address for written correspondence;

(3) e-mail address for electronic correspondence;

(4) phone number for patient making request;

(5) the method the patient prefers to receive the estimate: orally, written, or electronically;

(6) condition of the patient the medical treatment is to address.

(b) The parent or guardian of a minor patient must request a good faith estimate in writing and provide the following information:

(1) full name of patient;

(2) full name of parent or guardian who will receive estimate;

(3) mailing address for written correspondence with parent or guardian of patient;

(4) phone number for parent or guardian of patient making request;

(5) preferred method of contact for parent or guardian of patient: orally, written, or electronically;

(6) condition of patient for which the estimate is to address.

(Eff. ___/___/___, Register _____)

Authority: AS 18.23.400

7 AAC 86.040. Enforcement.

(a) If the department receives a report that a provider or facility has failed to comply with this chapter or AS 18.23, then the department may seek confirmation of the violation. If the department determines that a provider or facility failed to comply, then the department may

(1) contact the facility or provider by phone to inform them of their obligations under this chapter and AS 18.23;

(2) contact the facility or provider in writing to inform them of their obligations under this chapter and AS 18.23;

(3) issue a warning to the facility or provider in writing; and

(4) assess a fine for the violation;

(b) The fine for a violation of this Chapter and AS 18.32 shall be \$100 for each day of noncompliance.

(Eff. ___/___/___, Register _____)

Authority: AS 18.23.400

7 AAC 86.050. Definitions. In this chapter, unless the context requires otherwise,

(1) “Portable Document Format” or “PDF” is a file format used to present and exchange documents reliably, independent of software, hardware, or operating system. PDF was invented by Adobe; it is now an open standard maintained by the International Organization for Standardization (ISO);

(2) “plain language” means grammatically correct language that includes complete sentence structure and accurate word usage; communicate in a way that helps the public to easily understand the information;

(3) “procedure code” means coding used to identify specific surgical, medical, or diagnostic interventions. The six sections of category I of the *Current Procedure Terminology*

(CPT) are evaluation and management, anesthesiology, surgery, radiology, pathology and laboratory, and medicine;

(4) “telemedicine” means two-way, real time interactive communication between the patient, and the physician or practitioner at the distant site. This electronic communication uses interactive telecommunications equipment that includes, at a minimum, audio and video equipment. Telemedicine includes the distant site where a health care provider is located and an originating site where the patient is when a health care service is provided. Facilities and providers operating from a distant site within Alaska to treat a patient at an originating site within Alaska must comply with applicable portions of AS 18.23.400. The distant or hub site is the site at which the physician or other licensed practitioner delivering the service is located at the time the service is provided via telecommunications system. The originating or spoke site is the location of the patient at the time the service being furnished via a telecommunications system occurs;

(5) “uniform resource locator” or “universal resource locator,” or “URL” means the address of a resource, for example, a document or website, on the internet that consists of a communications protocol followed by the name or address of a computer on the network and that often includes additional locating information, that may include a directory and a file name.

(Eff. ___/___/___, Register _____)

Authority: AS 18.23.400