

DEPARTMENT OF HEALTH & SOCIAL SERVICES



PROPOSED CHANGES TO REGULATIONS

7 AAC 86. Health Care Services Price Transparency.



PUBLIC REVIEW DRAFT
March 27, 2020

COMMENT PERIOD ENDS: June 30, 2020

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

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 uniform resource locator (URL) or website 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) and attach it to an e-mail to the department.

(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) the required price list attached to the e-mail; the price list must be in a format that can be posted online.

Editor's note: The acceptable formats include PDF, DOC, DOCX, PPT, PPTX, XLS, XLSX, EPUB, ODT, ODP, ODS, TXT, and RTF. 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) The health care provider or health facility must include the American Medical Association's copyright notice and disclaimer in each posting or publication using language substantially similar to: CPT® Copyright 2020 [or insert applicable year]. American Medical Association. All rights reserved. CPT is a registered trademark of the American Medical Association. The CPT codes are provided "as is" without warranty of any kind. The AMA specifically disclaims all liability for use or accuracy of any CPT codes.

(c) 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)

(d) 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.

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

(f) 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).

(g) 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) the medical condition for which the patient is seeking medical treatment;

(3) the method the patient prefers to receive the estimate: in a written letter mailed to the patient, by e-mail, or orally; and

(4) the patient's contact information including the mailing address, e-mail address, and telephone number.

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

(1) the patient's full name;

(2) the medical condition for which the patient is seeking medical treatment;

(3) the method the parent or guardian prefers to receive the estimate: in a written letter mailed to the parent or guardian, by e-mail, or orally; and

(4) the parent or guardian's contact information including the mailing address, e-mail address, and telephone number.

(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) *Current Procedural Terminology (CPT)* is a listing of descriptive terms and identifies codes for reporting medical services and procedures performed by health care professionals. The purpose of the terminology is to provide a uniform language that accurately describes medical, surgical, and diagnostic services, to facilitate effective and reliable communication among health care professionals.

(2) “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);

(3) “plain language” means grammatically correct language that includes accurate word usage, and communicates in a way that helps the public to easily understand the information;

(4) “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;

(5) “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;

(6) “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