

118TH CONGRESS
1ST SESSION

H. R. 4828

To amend title XVIII of the Social Security Act to promote price transparency for imaging tests under the Medicare program.

IN THE HOUSE OF REPRESENTATIVES

JULY 24, 2023

Mr. CAREY introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title XVIII of the Social Security Act to promote price transparency for imaging tests under the Medicare program.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Imaging Services Price
5 Transparency Act of 2023”.

1 **SEC. 2. PROMOTING PRICE TRANSPARENCY FOR IMAGING**
2 **TESTS UNDER THE MEDICARE PROGRAM.**

3 Part E of title XVIII of the Social Security Act (42
4 U.S.C. 1395x et seq.) is amended by adding at the end
5 the following new section:

6 **“SEC. 1899C. IMAGING TEST PRICE TRANSPARENCY RE-**
7 **QUIREMENT.**

8 “(a) IN GENERAL.—Beginning January 1, 2025,
9 each provider of services and supplier that receives pay-
10 ment under this title for furnishing a specified imaging
11 service shall—

12 “(1) make publicly available (in a form and
13 manner specified by the Secretary) on an Internet
14 website the information described in subsection (b)
15 with respect to each such service that such provider
16 of services or supplier furnishes; and

17 “(2) ensure that such information is updated
18 not less frequently than annually.

19 “(b) INFORMATION DESCRIBED.—For purposes of
20 subsection (a), the information described in this sub-
21 section is, with respect to a provider of services or supplier
22 and a specified imaging service, the following:

23 “(1) The discounted cash price for such service
24 (or, if no such price exists, the gross charge for such
25 service).

1 “(2) If required by the Secretary, the
2 deidentified minimum negotiated rate in effect be-
3 tween such provider or supplier and any group
4 health plan or group or individual health insurance
5 coverage for such service and the deidentified max-
6 imum negotiated rate in effect between such pro-
7 vider or supplier and any such plan or coverage for
8 such service.

9 “(c) METHOD AND FORMAT.—Not later than Janu-
10 ary 1, 2028, the Secretary shall establish one or more
11 methods and formats for each provider of services and
12 supplier to use in compiling and making public standard
13 charges and prices (as applicable) pursuant to subsection
14 (a). Any such method and format—

15 “(1) may be similar to any template made
16 available by the Centers for Medicare & Medicaid
17 Services as of the date of the enactment of this sub-
18 section;

19 “(2) shall meet such standards as determined
20 appropriate by the Secretary in order to ensure the
21 accessibility and usability of such charges and
22 prices; and

23 “(3) shall be updated as determined appro-
24 priate by the Secretary, in consultation with stake-
25 holders.

1 “(d) MONITORING COMPLIANCE.—The Secretary
2 shall, through notice and comment rulemaking and in con-
3 sultation with the Inspector General of the Department
4 of Health and Human Services, establish a process to
5 monitor compliance with this section.

6 “(e) SPECIFICATION OF SERVICES.—Not later than
7 January 1, 2025, the Secretary shall publish a list of at
8 least 50 imaging services that the Secretary determines
9 are shoppable (or all such services, if the Secretary deter-
10 mines that fewer than 50 such services are shoppable) be-
11 tween providers of services and suppliers of such services.
12 The Secretary shall update such list as determined appro-
13 priate by the Secretary.

14 “(f) ENFORCEMENT.—

15 “(1) IN GENERAL.—In the case that the Sec-
16 retary determines that a provider of services or sup-
17 plier is not in compliance with subsection (a)—

18 “(A) not later than 30 days after such de-
19 termination, the Secretary shall notify such pro-
20 vider or supplier of such determination;

21 “(B) upon request of the Secretary, such
22 provider or supplier shall submit to the Sec-
23 retary, not later than 45 days after the date of
24 such request, a corrective action plan to comply
25 with such subsection; and

1 “(C) if such provider or supplier continues
2 to fail to comply with such paragraph after the
3 date that is 90 days after such notification is
4 sent (or, in the case of such a provider or sup-
5 plier that has submitted a corrective action plan
6 described in subparagraph (B) in response to a
7 request so described, after the date that is 90
8 days after such submission), the Secretary may
9 impose a civil monetary penalty in an amount
10 not to exceed \$300 for each subsequent day
11 during which such failure to comply or failure
12 to submit is ongoing.

13 “(2) INCREASE AUTHORITY.—In applying this
14 paragraph with respect to violations occurring in
15 2027 or a subsequent year, the Secretary may
16 through notice and comment rulemaking increase
17 the amount of the civil monetary penalty under
18 paragraph (1)(C).

19 “(3) APPLICATION OF CERTAIN PROVISIONS.—
20 The provisions of section 1128A (other than sub-
21 sections (a) and (b) of such section) shall apply to
22 a civil monetary penalty imposed under this sub-
23 section in the same manner as such provisions apply
24 to a civil monetary penalty imposed under subsection
25 (a) of such section.

1 “(4) AUTHORITY TO WAIVE OR REDUCE PEN-
2 ALTY.—The Secretary may waive or reduce any pen-
3 alty otherwise applicable with respect to a provider
4 of services or supplier under this paragraph if the
5 Secretary determines that imposition of such penalty
6 would result in a significant hardship for such pro-
7 vider or supplier (such as in the case of a provider
8 or supplier located in a rural or underserved area
9 where imposition of such penalty may result in, or
10 contribute to, a lack of access to care for individuals
11 in such area).

12 “(5) CLARIFICATION OF NONAPPLICABILITY OF
13 OTHER ENFORCEMENT PROVISIONS.—Notwith-
14 standing any other provision of this title, this sub-
15 section shall be the sole means of enforcing the pro-
16 visions of this section.

17 “(g) DEFINITIONS.—In this section:

18 “(1) GROUP HEALTH PLAN; GROUP HEALTH IN-
19 SURANCE COVERAGE; INDIVIDUAL HEALTH INSUR-
20 ANCE COVERAGE.—The terms ‘group health plan’,
21 ‘group health insurance coverage’, and ‘individual
22 health insurance coverage’ have the meaning given
23 such terms in section 2791 of the Public Health
24 Service Act.

1 “(2) SPECIFIED IMAGING SERVICE.—The term
2 ‘specified imaging service’ means an imaging service
3 that is included on the list published by the Sec-
4 retary under subsection (e).”.

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