

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB889 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By deleting the content of the entire measure, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Reading Clerk

Amendment submitted by: Mark Lepak

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

PROPOSED OVERSIGHT
COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 889

By: Murdock, Bullard,
Bergstrom, Frix, Jett,
Grellner, Sacchieri,
McIntosh, and Deever of
the Senate

and

Lepak of the House

PROPOSED OVERSIGHT COMMITTEE SUBSTITUTE

An Act relating to hospitals; defining terms; requiring hospitals to make public certain file and list; stating requirements for list of standard charges; requiring certain digital publication of specified information; requiring certain online display of list; stipulating requirements related to accessibility and formatting of list; requiring annual update of list; stating requirements for list of standard charges and selection of shoppable services; requiring list to include certain information; directing certain display and availability of list; authorizing certain compliance monitoring by the State Department of Health; authorizing certain actions for noncompliance; defining material violation; authorizing issuance of certain notice upon certain determination; specifying certain requirements for corrective action plans; prohibiting certain collection actions by noncompliant hospitals; authorizing certain civil actions; imposing certain requirements on hospitals found noncompliant; providing certain construction; amending 63 O.S. 2021, Section 1-725.2, which relates to definitions in the Transparency in Health Care

1 Prices Act; excluding hospitals; providing for
2 codification; and providing an effective date.
3

4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

5 SECTION 1. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 1-725.11 of Title 63, unless
7 there is created a duplication in numbering, reads as follows:

8 As used in this act:

9 1. "Ancillary service" means a hospital item or service that a
10 hospital customarily provides as part of a shoppable service;

11 2. "Chargemaster" means the list of all hospital items or
12 services maintained by a hospital for which the hospital has
13 established a charge;

14 3. "De-identified maximum negotiated charge" means the highest
15 charge that a hospital has negotiated with all third-party payors
16 for a hospital item or service;

17 4. "De-identified minimum negotiated charge" means the lowest
18 charge that a hospital has negotiated with all third-party payors
19 for a hospital item or service;

20 5. "Department" means the State Department of Health;

21 6. "Discounted cash price" means the charge that applies to an
22 individual who pays cash, or a cash equivalent, for a hospital item
23 or service;
24

1 7. "Gross charge" means the charge for a hospital item or
2 service that is reflected on a hospital's chargemaster, absent any
3 discounts;

4 8. "Hospital" means a hospital:

5 a. licensed under Section 1-702 of Title 63 of the
6 Oklahoma Statutes, or

7 b. owned or operated by a state agency;

8 9. "Hospital items or services" means all items and services,
9 including individual items and services and service packages, that
10 may be provided by a hospital to a patient in connection with an
11 inpatient admission or an outpatient department visit, as
12 applicable, for which the hospital has established a standard
13 charge, including:

14 a. supplies and procedures,

15 b. room and board,

16 c. use of the facility and other areas, generally
17 referred to as facility fees,

18 d. services of physicians and non-physician
19 practitioners, generally referred to as professional
20 charges, and

21 e. any other item or service for which a hospital has
22 established a standard charge;

23 10. "Machine-readable format" means a digital representation of
24 information in a file that can be imported or read into a computer

1 system for further processing. The term includes Extensible Markup
2 Language (.XML), JavaScript Object Notation (.JSON), and Comma-
3 Separated Values (.CSV) formats;

4 11. "Payor-specific negotiated charge" means the charge that a
5 hospital has negotiated with a third-party payor for a hospital item
6 or service;

7 12. "Service package" means an aggregation of individual
8 hospital items or services into a single service with a single
9 charge;

10 13. "Shoppable service" means a service that may be scheduled
11 by a health care consumer in advance;

12 14. "Standard charge" means the regular rate established by the
13 hospital for a hospital item or service provided to a specific group
14 of paying patients. The term includes all of the following, as
15 defined under this section:

- 16 a. the gross charge,
- 17 b. the payor-specific negotiated charge,
- 18 c. the de-identified minimum negotiated charge,
- 19 d. the de-identified maximum negotiated charge, and
- 20 e. the discounted cash price; and

21 15. "Third-party payor" means an entity that is, by statute,
22 contract, or agreement, legally responsible for payment of a claim
23 for a hospital item or service.

24

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1-725.12 of Title 63, unless
3 there is created a duplication in numbering, reads as follows:

4 Notwithstanding any other law, a hospital shall make public:

5 1. A digital file in a machine-readable format that contains a
6 list of all standard charges for all hospital items or services as
7 described by Section 3 of this act; and

8 2. A consumer-friendly list of standard charges for a limited
9 set of shoppable services as provided in Section 4 of this act.

10 SECTION 3. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 1-725.13 of Title 63, unless
12 there is created a duplication in numbering, reads as follows:

13 A. A hospital shall:

14 1. Maintain a list of all standard charges for all hospital
15 items or services in accordance with this section; and

16 2. Ensure the list required under paragraph 1 of this
17 subsection is available at all times to the public, including by
18 posting the list electronically in the manner provided by this
19 section.

20 B. The standard charges contained in the list required to be
21 maintained by a hospital under subsection A of this section shall
22 reflect the standard charges applicable to that location of the
23 hospital, regardless of whether the hospital operates in more than
24 one location or operates under the same license as another hospital.

1 C. The list required under subsection A of this section shall
2 include the following items, as applicable:

3 1. A description of each hospital item or service provided by
4 the hospital;

5 2. The following charges for each individual hospital item or
6 service when provided in either an inpatient setting or an
7 outpatient department setting, as applicable:

8 a. the gross charge,

9 b. the de-identified minimum negotiated charge,

10 c. the de-identified maximum negotiated charge,

11 d. the discounted cash price, and

12 e. the payor-specific negotiated charge, listed by the
13 name of the third-party payor and plan associated with
14 the charge and displayed in a manner that clearly
15 associates the charge with each third-party payor and
16 plan; and

17 3. Any code used by the hospital for purposes of accounting or
18 billing for the hospital item or service, including the Current
19 Procedural Terminology (CPT) code, the Healthcare Common Procedure
20 Coding System (HCPCS) code, the Diagnosis Related Group (DRG) code,
21 the National Drug Code (NDC), or other common identifier.

22 D. The information contained in the list required under
23 subsection A of this section shall be published in a single digital
24 file that is in a machine-readable format.

1 E. The list required under subsection A of this section shall
2 be displayed in a prominent location on the hospital's publicly
3 accessible Internet website. If the hospital operates multiple
4 locations and maintains a single Internet website, the list required
5 under subsection A of this section shall be posted for each location
6 the hospital operates in a manner that clearly associates the list
7 with the applicable location of the hospital.

8 F. The list required under subsection A of this section shall:

9 1. Be available:

10 a. free of charge,

11 b. without having to establish a user account or
12 password, and

13 c. without having to submit personal identifying
14 information;

15 2. Be digitally searchable; and

16 3. Use the Centers for Medicare and Medicaid Services naming
17 convention specified under 45 C.F.R., Section 180.50.

18 G. The hospital shall update the list required under subsection
19 A of this section at least once each year. The hospital shall
20 clearly indicate the date on which the list was most recently
21 updated, either on the list or in a manner that is clearly
22 associated with the list.

1 SECTION 4. NEW LAW A new section of law to be codified

2 in the Oklahoma Statutes as Section 1-725.14 of Title 63, unless
3 there is created a duplication in numbering, reads as follows:

4 A. Except as provided by subsection C of this section, a
5 hospital shall maintain and make publicly available a list of the
6 standard charges described by Section 3 of this act for each of at
7 least three hundred shoppable services provided by the hospital.
8 The hospital may select the shoppable services to be included in the
9 list, except that the list shall include:

10 1. The seventy services specified as shoppable services by the
11 Centers for Medicare and Medicaid Services; or

12 2. If the hospital does not provide all of the shoppable
13 services described by paragraph 1 of this subsection, as many of
14 those shoppable services the hospital does provide.

15 B. In selecting a shoppable service for purposes of inclusion
16 in the list required under subsection A of this section, a hospital
17 shall consider how frequently the hospital provides the service and
18 the hospital's billing rate for that service.

19 C. If a hospital does not provide three hundred shoppable
20 services, the hospital shall maintain a list of the total number of
21 shoppable services that the hospital provides in a manner that
22 otherwise complies with the requirements of subsection A of this
23 section.

1 D. The list required under subsection A or C of this section,
2 as applicable, shall:

3 1. Include:

- 4 a. a plain-language description of each shoppable service
5 included on the list,
- 6 b. the payor-specific negotiated charge that applies to
7 each shoppable service included on the list and any
8 ancillary service, listed by the name of the third-
9 party payor and plan associated with the charge and
10 displayed in a manner that clearly associates the
11 charge with the third-party payor and plan,
- 12 c. the discounted cash price that applies to each
13 shoppable service included on the list and any
14 ancillary service or, if the hospital does not offer a
15 discounted cash price for one or more of the shoppable
16 or ancillary services on the list, the gross charge
17 for the shoppable service or ancillary service, as
18 applicable,
- 19 d. the de-identified minimum negotiated charge that
20 applies to each shoppable service included on the list
21 and any ancillary service,
- 22 e. the de-identified maximum negotiated charge that
23 applies to each shoppable service included on the list
24 and any ancillary service, and

1 f. any code used by the hospital for purposes of
2 accounting or billing for each shoppable service
3 included on the list and any ancillary service,
4 including the Current Procedural Terminology (CPT)
5 code, the Healthcare Common Procedure Coding System
6 (HCPCS) code, the Diagnosis Related Group (DRG) code,
7 the National Drug Code (NDC), or other common
8 identifier; and

9 2. If applicable:

- 10 a. state each location at which the hospital provides the
11 shoppable service and whether the standard charges
12 included in the list apply at that location to the
13 provision of that shoppable service in an inpatient
14 setting, an outpatient department setting, or in both
15 of those settings, as applicable, and
- 16 b. indicate if one or more of the shoppable services
17 specified by the Centers for Medicare and Medicaid
18 Services is not provided by the hospital.

19 E. The list required under subsection A or C of this section,
20 as applicable, shall be:

21 1. Displayed in the manner prescribed by subsection E of
22 Section 3 of this act for the list required under that section;

23 2. Available:

- 24 a. free of charge,

1 b. without having to register or establish a user account
2 or password, and

3 c. without having to submit personal identifying
4 information;

5 3. Searchable by service description, billing code, and payor;
6 and

7 4. Updated in the manner prescribed by subsection G of Section
8 3 of this act for the list required under that section.

9 F. Notwithstanding any other provision of this section, a
10 hospital is considered to meet the requirements of this section if
11 the hospital maintains, as determined by the State Department of
12 Health, an Internet-based price estimator tool that:

13 1. Provides a cost estimate for each shoppable service and any
14 ancillary service included on the list maintained by the hospital
15 under subsection A of this section;

16 2. Allows a person to obtain an estimate of the amount the
17 person will be obligated to pay the hospital if the person elects to
18 use the hospital to provide the service; and

19 3. Is:

20 a. prominently displayed on the hospital's publicly
21 accessible Internet website, and

22 b. accessible to the public:

23 (1) without charge, and
24

1 (2) without having to register or establish a user
2 account or password.

3 SECTION 5. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 1-725.15 of Title 63, unless
5 there is created a duplication in numbering, reads as follows:

6 A. The State Department of Health may monitor each hospital's
7 compliance with the requirements of this act using any of the
8 following methods:

9 1. Evaluating complaints made by persons to the Department
10 regarding noncompliance with this act;

11 2. Reviewing any analysis prepared regarding noncompliance with
12 this act; and

13 3. Auditing the Internet websites of hospitals for compliance
14 with this act.

15 B. If the Department determines that a hospital is not in
16 compliance with a provision of this act, the Department may take any
17 of the following actions:

18 1. Provide a written notice to the hospital that clearly
19 explains the manner in which the hospital is not in compliance with
20 this act;

21 2. Request a corrective action plan from the hospital if the
22 hospital has materially violated a provision of this act, as
23 determined under Section 6 of this act; and
24

1 3. Impose an administrative penalty on the hospital and
2 publicize the penalty on the Department's Internet website if the
3 hospital fails to:

4 a. respond to the Department's request to submit a
5 corrective action plan, or

6 b. comply with the requirements of a corrective action
7 plan submitted to the Department.

8 SECTION 6. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 1-725.16 of Title 63, unless
10 there is created a duplication in numbering, reads as follows:

11 A. A hospital materially violates this act if the hospital
12 fails to publicize:

13 1. Pricing information as required by Section 2 of this act; or

14 2. The hospital's standard charges in the form and manner
15 required by Sections 3 and 4 of this act.

16 B. If the State Department of Health determines that a hospital
17 has materially violated this act, the Department may issue a notice
18 of material violation to the hospital and request that the hospital
19 submit a corrective action plan. The notice shall indicate the form
20 and manner in which the corrective action plan shall be submitted to
21 the Department, and clearly state the date by which the hospital
22 shall submit the plan.

23 C. A hospital that receives a notice under subsection B of this
24 section shall:

1 1. Submit a corrective action plan in the form and manner, and
2 by the specified date, prescribed by the notice of violation; and

3 2. As soon as practicable after submission of a corrective
4 action plan to the Department, act to comply with the plan.

5 D. A corrective action plan submitted to the Department shall:

6 1. Describe in detail the corrective action the hospital will
7 take to address any violation identified by the Department in the
8 notice provided under subsection B of this section; and

9 2. Provide a date by which the hospital will complete the
10 corrective action described by paragraph 1 of this subsection.

11 E. A corrective action plan is subject to review and approval
12 by the Department. After the Department reviews and approves a
13 hospital's corrective action plan, the Department shall monitor and
14 evaluate the hospital's compliance with the plan.

15 F. A hospital is considered to have failed to respond to the
16 Department's request to submit a corrective action plan if the
17 hospital fails to submit a corrective action plan:

18 1. In the form and manner specified in the notice provided
19 under subsection B of this section; or

20 2. By the date specified in the notice provided under
21 subsection B of this section.

22 G. A hospital is considered to have failed to comply with a
23 corrective action plan if the hospital fails to address a violation
24 within the specified period of time contained in the plan.

1 SECTION 7. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1-725.17 of Title 63, unless
3 there is created a duplication in numbering, reads as follows:

4 A. A hospital that is not in material compliance with this act
5 on the date that items or services are purchased from or provided to
6 a patient by the hospital shall not initiate or pursue collection
7 action against the patient or patient guarantor for a debt owed for
8 the items or services.

9 B. If a patient believes that a hospital was not in material
10 compliance with this act on a date on or after the effective date of
11 this act that items or services were purchased by or provided to the
12 patient, and the hospital takes a collection action against the
13 patient or patient guarantor, the patient or patient guarantor may
14 file suit to determine if the hospital was materially out of
15 compliance with this act on the date of service and if the
16 noncompliance is related to the items or services. The hospital
17 shall not take a collection action against the patient or patient
18 guarantor while the lawsuit is pending.

19 C. A hospital that has been found by a judge or jury to be
20 materially out of compliance with this act:

21 1. Shall refund the payor any amount of the debt the payor has
22 paid and shall pay a penalty to the patient or patient guarantor in
23 an amount equal to the total amount of the debt;
24

2. Shall dismiss or cause to be dismissed any court action with prejudice and pay any reasonable attorney fees and costs incurred by the patient or patient guarantor relating to the action; and

3. Shall remove or cause to be removed from the patient's or patient guarantor's credit report any report made to a consumer reporting agency relating to the debt.

D. Nothing in this act:

1. Prohibits a hospital from billing a patient, patient guarantor, or third-party payor, including a health insurer, for items or services provided to the patient; or

2. Requires a hospital to refund any payment made to the hospital for items or services provided to the patient, as long as no collection action is taken in violation of this act.

SECTION 8. AMENDATORY 63 O.S. 2021, Section 1-725.2, is amended to read as follows:

Section 1-725.2. As used in the Transparency in Health Care Prices Act:

1. "Agency" means a government department, agency or a government-created entity;

2. "CPT code" means the Current Procedural Terminology code, or its successor code, as developed and copyrighted by the American Medical Association or its successor entity;

3. "Health care facility" means a facility licensed or certified by the State Department of Health, but shall not include a nursing

1 care facility, assisted living facility ~~or~~ , home care agency, or
2 hospital;

3 4. "Health care price" means the cash price that a health care
4 provider or health care facility will charge a recipient for health
5 care services that will be rendered. Health care price is the price
6 charged for the standard service for the particular diagnosis and
7 does not include any amount that may be charged for complications or
8 exceptional treatment;

9 5. "Health care provider" means a person who is licensed,
10 certified or registered by this state to provide health care
11 services or a medical group, independent practice association or
12 professional corporation providing health care services;

13 6. "Health care services" or "services" means services included
14 in, or incidental to, furnishing to an individual:

15 a. medical, mental, dental or optometric care or
16 hospitalization, or

17 b. other services for the purpose of preventing,
18 alleviating, curing or healing a physical or mental
19 illness or injury;

20 7. "Recipient" means an individual who receives health care
21 services from a health care provider or health care facility; and

22 8. "Specialty service line" means health care services rendered
23 by a specific medical specialist to include, but not be limited to:

24 a. general surgery,

- b. obstetrics or gynecology,
- c. cardiology,
- d. urology,
- e. ophthalmology,
- f. neurology/neurosurgery,
- g. orthopedics,
- h. hematology/oncology,
- i. pathology,
- j. radiology,
- k. emergency medicine,
- l. physical therapy, or
- m. another specialty service provided by a health care facility.

SECTION 9. This act shall become effective November 1, 2025.

60-1-13528 TJ 04/15/25