

# Senate Bill 208

Sponsored by Senator BATES (Pre-session filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits hospitals from billing to or attempting to collect from uninsured patients charges that exceed either Medicare rate or rate paid by hospital's highest volume commercial insurer. Allows patient to claim treble damages and attorney fees if hospital bills or attempts to collect charges in violation of Act.

## A BILL FOR AN ACT

1  
2 Relating to hospitals.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Sections 2 to 5 of this 2011 Act are added to and made a part of ORS chapter**  
5 **441.**

6 **SECTION 2. As used in sections 2 to 5 of this 2011 Act:**

7 (1) "Health benefit plan" has the meaning given that term in ORS 743.730.

8 (2) "Hospital" has the meaning given that term in ORS 442.015, excluding special inpatient  
9 care facilities operated by the state.

10 (3) "Uninsured" means not enrolled in any public or private health benefit plan.

11 **SECTION 3. A hospital may not charge to or attempt to collect from an uninsured pa-**  
12 **tient an amount for a service in excess of the amount paid to the hospital for the same**  
13 **service by Medicare or the hospital's highest volume commercial insurer. A hospital must**  
14 **choose one payor scale for charges to all uninsured patients.**

15 **SECTION 4. (1) A hospital shall provide patients with a written notice explaining the**  
16 **hospital's policy for charges to uninsured patients and providing contact information for a**  
17 **hospital employee or office from which a person may obtain a copy of and further informa-**  
18 **tion about the policy. The hospital also shall provide notice to patients who receive emer-**  
19 **gency or outpatient care and who may be billed for that care, but who were not admitted to**  
20 **the hospital. The notice shall be provided in English and in languages other than English as**  
21 **required by state and federal law.**

22 (2) A hospital shall post notices of the hospital's policy on charges to uninsured patients  
23 in conspicuous locations that are visible to the public including, but not limited to:

24 (a) Emergency departments;

25 (b) Billing offices;

26 (c) Admitting offices; and

27 (d) Patient waiting areas in outpatient care settings.

28 **SECTION 5. (1) If a hospital, its agent or an assignee of the hospital's claim initiates any**  
29 **collection action in violation of section 3 of this 2011 Act, the patient or the patient's repre-**  
30 **sentative or estate may maintain an action in any court of general equitable jurisdiction of**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **this state to prevent, restrain or enjoin the violation or threatened violation. If in such**  
2 **action, a violation or threatened violation of section 3 of this 2011 Act is established, the**  
3 **court shall enjoin and restrain or otherwise prohibit such violation or threatened violation,**  
4 **and the plaintiff in the action is entitled to recover treble the amount of damages that the**  
5 **patient incurred. Damages shall be the amount by which the hospital charge exceeded the**  
6 **amount allowed under section 3 of this 2011 Act. The court may award reasonable attorney**  
7 **fees to the prevailing plaintiff in an action under this section.**

8 **(2) Actions brought under this section shall be commenced within four years from the**  
9 **date of the first billing.**

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