

117TH CONGRESS
1ST SESSION

H. R. 533

To prevent surprise medical bills with respect to COVID–19 testing.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 28, 2021

Mrs. FLETCHER (for herself, Mrs. AXNE, Ms. ESCOBAR, Ms. GARCIA of Texas, Mr. GRIJALVA, Mr. HASTINGS, Mrs. HAYES, Ms. NORTON, Ms. JACKSON LEE, Mr. JOHNSON of Georgia, Mr. JONES, Mr. LAWSON of Florida, Mr. LEVIN of California, Ms. PORTER, Ms. SCHRIER, Mr. TAKANO, and Ms. VELÁZQUEZ) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and Labor, 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 prevent surprise medical bills with respect to COVID–
19 testing.

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 “Stop COVID–19 Test
5 Surprise Medical Bills Act of 2021”.

1 **SEC. 2. MEDICAL MANAGEMENT.**

2 Section 6001 of the Families First Coronavirus Re-
3 sponse Act (Public Law 116–127) is amended by adding
4 at the end the following:

5 “(e) **MEDICAL MANAGEMENT.**—For purposes of this
6 section, the term ‘medical management’ includes deter-
7 minations about why an individual sought testing, the na-
8 ture of the clinical assessment that was associated with
9 the testing, whether the individual was showing symptoms,
10 what provider ordered the testing, the frequency of testing
11 obtained by the individual, and other reviews of the en-
12 counters or events that proceeded or followed a service de-
13 scribed in subsection (a). Such term does not include rea-
14 sonable efforts by a group health plan or health insurance
15 issuer to encourage individuals to obtain tests from lower
16 priced providers (provided that such reasonable efforts do
17 not delay or otherwise impede access to testing).”.

18 **SEC. 3. IMPROVEMENTS TO TRANSPARENCY POLICY.**

19 (a) **IN GENERAL.**—Section 3202 of the CARES Act
20 (Public Law 116–136) is amended by adding at the end
21 the following:

22 “(c) **IMPROVEMENTS TO TRANSPARENCY POLICY.**—
23 Not later than 30 days after the date of enactment of this
24 subsection, the Secretary of Health and Human Services
25 shall survey a sample of providers of the items and serv-
26 ices described in section 6001(a) of division F of the Fam-

1 ilies First Coronavirus Response Act (Public Law 116–
2 127) regarding the cash prices for such items and services
3 as listed by the providers on a public internet website. The
4 Secretary shall survey no fewer than 200 providers rep-
5 resenting a diversity of sizes, geographic locations, test
6 types, and care settings (such as hospitals, laboratories,
7 and free-standing emergency rooms).

8 “(d) PUBLIC REPORT.—Not later than 45 days after
9 the date of enactment of this subsection, the Secretary of
10 Health and Human Services shall publish a report on cash
11 prices for items and services published under subsection
12 (b)(1), which shall include—

13 “(1) the compliance rate of providers with the
14 cash price publication requirement under subsection
15 (b)(1);

16 “(2) the average cash price for each item and
17 service described in section 6001(a) of division F of
18 the Families First Coronavirus Response Act (Public
19 Law 116–127) and published under subsection
20 (b)(1);

21 “(3) with respect to each such item and service,
22 a comparison of such average cash price to the reim-
23 bursement rate under the Medicare program under
24 title XVIII of the Social Security Act (42 U.S.C.
25 1395 et seq.); and

1 “(4) any outlier cash prices published under
 2 subsection (b)(1) (including the names of the pro-
 3 viders charging such prices) that substantially ex-
 4 ceed the average cash price.”.

5 **SEC. 4. GUIDANCE ON BILLING FOR PROVIDER VISITS AS-**
 6 **SOCIATED WITH COVID-19 TESTING.**

7 The Secretary of Health and Human Services, the
 8 Secretary of Labor, and the Secretary of the Treasury,
 9 shall jointly issue guidance, not later than 30 days after
 10 the date of enactment of this Act for purposes of clari-
 11 fying—

12 (1) the process for submitting claims for items
 13 and services described in section 6001(a) of the
 14 Families First Coronavirus Response Act (Public
 15 Law 116–127) to ensure that individuals enrolled in
 16 individual or group health insurance coverage or
 17 group health plans to whom such items and services
 18 are furnished are not subject to cost sharing or prior
 19 authorization or other medical management require-
 20 ments; and

21 (2) that providers should not collect cost-shar-
 22 ing amounts from individuals seeking items and
 23 services described in section 6001(a) of such Act.

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