

**Re: Upcoming CY 2022 Outpatient Prospective Payment System (OPPS) Rule.**

**Recommendations to Achieve Compliance and Strengthen Hospital Price Transparency:  
Higher Penalties, Robust Enforcement, Upfront Price Notification Before Care, and Standards.**

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**On behalf of American healthcare consumers (patients, union members, workers, employers, and taxpayers), we encourage Health and Human Services (HHS) to further champion patients' rights to know prices upfront, giving them power to shop and lower their costs of care and coverage.**

**Recommendations to Strengthen the OPPS Rule, actionable by January 1, 2022:**

- **Enact Higher Penalties** for hospital noncompliance: **\$300 per day per licensed bed per hospital.**
- **Enforce Penalties Robustly and Timely.**
- **Require Hospitals to Notify Upfront all patients before care of both the discounted cash price and negotiated insurance prices.**
- **Implement and Enforce Clear Standards starting Jan. 1, 2022** to unleash all actual price information to consumers, technology innovators, and search engines to usher in online shopping tools.

**Recommended STANDARDS Actionable by January 1, 2022**

1. Require that the machine-readable pricing files be disclosed in ONE (1) Standard File Format, e.g. JSON, in addition to a human-readable price file disclosed in ONE (1) Standard File Format, e.g. CSV.
2. Require disclosure of the full payer and plan name.
3. Mandate that plan specific rates be disclosed in the machine-readable file and updated in real time.
4. Define a standard schema for machine-readable file disclosures, including all names and data types.
5. Require that all pricing data be provided for free via application programming interfaces (APIs).
6. Provide a safe harbor or require that the use of CPT or DRG codes be made available without royalty, copyright, or other fees for the purpose of price transparency including by any downstream software.
7. Require that explicit billing codes, such as CPTs or DRGs, be identified for each procedure.
8. Prohibit hospitals from requiring personal and demographic information to access price data.
9. Require that the pricing file can be found with just a single click from the hospital's homepage.
10. Require all hospitals to post a machine-readable file with actual prices (discounted cash prices and insurance-negotiated rates) for the 300 shoppable services, whether or not they have a price estimator tool.

**Recommendations for the CY 2022 OPPS Rule, actionable by January 1, 2023:**

- **Eliminate price estimates** which offer no accountability and confuse patients. Instead, **mandate hospitals publish total, bundled, complete actual prices upfront.** Give all patients (even those who are insured) the option to pay discounted cash or insurance prices.
- **Require hospitals to provide 24/7 medical billing remediation and consumer protection service** for easy recourse when medical bills do not match the agreed upon, upfront price.

**We also recommend timely implementation and robust enforcement of the  
*Transparency in Coverage Rule, effective Jan. 1, 2022.***

**Healthcare Price Transparency will lower costs of care and coverage, and restore consumer trust.**

*90% of Americans are unified in support of government mandates for hospitals, insurance companies, and doctors to disclose their upfront prices ([The Marist Poll](#), Jan. 2021, and [The Harvard-Harris Poll](#), May 2019).*

*87% of Americans say that if actual prices were posted upfront, they would shop ([The Marist Poll](#), Jan. 2021).*

*The well-informed consumer will save their own money and prevent overcharging, erroneous bills, and fraud.*