

SENATE AMENDMENT NO. _____

Offered by _____ Of _____

Amend SS/SCS/Senate Bill No. 841, Page 38, Section 197.708, Line 8,

2 by inserting after all of said line the following:

3 "197.1040. For purposes of this section, unless the
4 context otherwise requires, the following terms mean:

5 (1) "Centers for Medicare and Medicaid Services", the
6 Centers for Medicare and Medicaid Services in the United
7 States Department of Health and Human Services;

8 (2) "Collection action", any of the following actions
9 taken with respect to a debt for items and services that
10 were purchased from or provided to a patient by a hospital
11 on a date during which the hospital was not in material
12 compliance with hospital price transparency laws:

13 (a) Attempting to collect a debt from a patient or
14 patient guarantor by referring the debt, directly or
15 indirectly, to a debt collector, a collection agency, or
16 other third party retained by or on behalf of the hospital;

17 (b) Suing the patient or patient guarantor or
18 enforcing an arbitration or mediation clause in any hospital
19 documents, including contracts, agreements, statements, or
20 bills; or

21 (c) Directly or indirectly causing a report to be made
22 to a consumer reporting agency;

23 (3) "Collection agency":

24 (a) Any:

- 25 a. Person who engages in a business, the principal
26 purpose of which is the collection of debts; or
- 27 b. Person who:
- 28 (i) Regularly collects or attempts to collect,
29 directly or indirectly, debts owed or due or asserted to be
30 owed or due to another;
- 31 (ii) Takes assignment of debts for collection purposes;
32 (iii) Directly or indirectly solicits for collection
33 debts owed or due or asserted to be owed or due to another;
34 or
- 35 (iv) Collects debts for the office of administration;
- 36 (b) Does not include:
- 37 a. Any officer or employee of a creditor while, in the
38 name of the creditor, collecting debts for such creditor;
- 39 b. Any person while acting as a collection agency for
40 another person, both of whom are related by common ownership
41 or affiliated by corporate control, if the person acting as
42 a collection agency does so only for creditors to whom it is
43 so related or affiliated and if the principal business of
44 the person is not the collection of debts;
- 45 c. Any officer or employee of the United States or any
46 state to the extent that collecting or attempting to collect
47 any debt is in the performance of the officer's or
48 employee's official duties;
- 49 d. Any person while serving or attempting to serve
50 legal process on any other person in connection with the
51 judicial enforcement of any debt;
- 52 e. Any person collecting or attempting to collect any
53 debt owed or due or asserted to be owed or due to another to
54 the extent that:
- 55 (i) The activity is incidental to a bona fide
56 fiduciary obligation or a bona fide escrow arrangement;

57 (ii) The activity concerns a debt that was extended by
58 the person;

59 (iii) The activity concerns a debt that was not in
60 default at the time it was obtained by the person; or

61 (iv) The activity concerns a debt obtained by the
62 person as a secured party in a commercial credit transaction
63 involving the creditor; or

64 f. Any person whose principal business is the making
65 of loans or the servicing of debt not in default and who
66 acts as a loan correspondent, seller, and servicer for the
67 owner, or holder of a debt that is secured by a deed of
68 trust on real property, regardless of whether the debt is
69 also secured by an interest in personal property;

70 (c) Notwithstanding the provisions of paragraph (b) of
71 this subdivision to the contrary, the term "collection
72 agency" includes any person who, in the process of
73 collecting the person's own debts, uses another name that
74 would indicate that a third person is collecting or
75 attempting to collect such debts;

76 (4) "Consumer reporting agency", any person who, for
77 monetary fees or dues or on a cooperative nonprofit basis,
78 regularly engages, in whole or in part, in the practice of
79 assembling or evaluating consumer credit information or
80 other information on consumers for the purpose of furnishing
81 consumer reports to third parties. The term "consumer
82 reporting agency" includes any person defined in 15 U.S.C.
83 Section 1681a(f) and any consumer credit reporting agency
84 defined in section 407.1380. The term "consumer reporting
85 agency" does not include any business entity that provides
86 only check verification or check guarantee services;

87 (5) "Debt", any obligation or alleged obligation of a
88 consumer to pay moneys arising out of a transaction,
89 regardless of whether the obligation has been reduced to

90 judgment. The term "debt" does not include a debt for
91 business, investment, commercial, or agricultural purposes
92 or a debt incurred by a business;

93 (6) "Debt collector", any person employed or engaged
94 by a collection agency to perform the collection of debts
95 owed or due or asserted to be owed or due to another;

96 (7) "Hospital", a hospital:

97 (a) Licensed under this chapter; or

98 (b) Approved by the department of health and senior
99 services as meeting the standards established for licensing
100 a hospital in this state;

101 (8) "Hospital price transparency laws", Section
102 2718(e) of the Public Health Service Act, as amended, and
103 rules adopted by the United States Department of Health and
104 Human Services implementing Section 2718(e);

105 (9) "Items and services" or "items or services", items
106 and services as defined in 45 CFR 180.20.

107 197.1045. 1. On and after August 28, 2026, a hospital
108 that is not in material compliance with hospital price
109 transparency laws on the date that items or services are
110 purchased from, or provided to a patient by, the hospital
111 shall not initiate or pursue a collection action against the
112 patient or patient guarantor for a debt owed for the items
113 or services.

114 2. If a patient believes that a hospital was not in
115 material compliance with hospital price transparency laws on
116 a date on or after August 28, 2026, that items or services
117 were purchased by or provided to the patient, and the
118 hospital takes a collection action against the patient or
119 patient guarantor, the patient or patient guarantor may file
120 suit to determine if the hospital was materially out of
121 compliance with the hospital price transparency laws and
122 rules and regulations on the date of service and if the

123 noncompliance is related to the items or services. The
124 hospital shall not take a collection action against the
125 patient or patient guarantor while the lawsuit is pending.

126 3. A hospital that has been found by a judge or jury,
127 considering compliance standards issued by the Centers for
128 Medicare and Medicaid Services, to be materially out of
129 compliance with hospital price transparency laws and rules
130 and regulations:

131 (1) Shall refund the payer any amount of the debt the
132 payer has paid and shall pay a penalty to the patient or
133 patient guarantor in an amount equal to the total amount of
134 the debt;

135 (2) Shall dismiss or cause to be dismissed any court
136 action with prejudice and pay any attorney's fees and costs
137 incurred by the patient or patient guarantor relating to the
138 action; and

139 (3) Remove or cause to be removed from the patient's
140 or patient guarantor's credit report any report made to a
141 consumer reporting agency relating to the debt.

142 4. Nothing in this section:

143 (1) Prohibits a hospital from billing a patient,
144 patient guarantor, or third-party payer, including a health
145 insurer, for items or services provided to the patient; or

146 (2) Requires a hospital to refund any payment made to
147 the hospital for items or services provided to the patient,
148 so long as no collection action is taken in violation of
149 this section."; and

150 Further amend the title and enacting clause accordingly.