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SENATE BILL NO. 1004

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Education and Health
on January 24, 2019)

(Patrons Prior to Substitute—Senators Chase and Wagner [SB 1357])

A *BILL to amend and reenact §§ 32.1-137.05 and 54.1-2963.1 of the Code of Virginia, relating to health care services; payment estimates.*

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-137.05 and 54.1-2963.1 of the Code of Virginia are amended and reenacted as follows:

§ 32.1-137.05. Advance disclosure of charge for elective procedure, test, or service.

Every hospital shall, upon request of a patient scheduled to receive an elective procedure, test, or service to be performed by the hospital, or upon request of such patient's legally authorized representative, made no less than three days in advance of the date on which such elective procedure, test, or service is scheduled to be performed, furnish the patient with an estimate of the payment amount for which the participant will be responsible for such elective procedure, test, or service. *Every hospital shall provide written information about the patient's ability to request an estimate of the payment amount pursuant to this section. Such written information shall be posted conspicuously in public areas of the hospital, including admissions or registration areas, and on any website maintained by the hospital.*

§ 54.1-2963.1. Disclosure of medical treatment options.

A. *For the purposes of this section, "medical treatment options" means any alternative or experimental therapeutic, psychiatric, medical treatment or procedure, health care service, drug, or remedy.*

B. Any physician, physician assistant, or nurse practitioner shall have the authority to disclose fully all medical treatment options to patients, whether or not such treatment options are (i) experimental or covered services, (ii) services that the health insurer will not authorize, or (iii) the costs of the treatment will be borne by the health insurer or the patient, to facilitate an informed decision by the patient, if the physician determines that such an option is in the best interest of the patient. Any physician, physician assistant, or nurse practitioner who discloses information concerning other medical treatment options to a person with whom he has established a physician-patient relationship shall not be liable to any health insurer, in an action instituted solely on behalf of the health insurer, for any civil damages resulting from the disclosure of such information. This section shall not affect any cause of action a patient may have against a physician.

~~For the purposes of this section, "medical treatment options" means any alternative or experimental therapeutic, psychiatric, medical treatment or procedure, health care service, drug, or remedy.~~

C. Any physician, physician assistant, or nurse practitioner who practices in an office-based setting, or his designee, shall provide, upon request of a patient, a good faith estimate of the charges for such health care services for the patient.