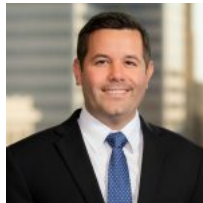


Gavel to Gavel: Transparency in health care prices

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On May 3, Gov. Kevin Stitt signed into law the Transparency in Health Care Prices Act, which requires health care providers to make the prices for certain health care services available to the public. The act comes on the heels of growing public awareness and concern over what many consumers in Oklahoma have described as surprise medical bills. The act received widespread, bipartisan support in both chambers of the Legislature before it was approved. The act's principal author, Sen. Adam Pugh, R-Edmond, described the act

before its passage as an important first step "to get to a point in the marketplace where consumers have all the data, including pricing to make smart, informed decisions on where to seek medical treatments." But, according to Pugh, "[w]e have a long way to go."

The act, codified in Title 63 of the Oklahoma Statutes, is relatively straightforward in its mandate:

A health care provider shall make available to the public, in a single document, either electronically or by posting conspicuously on the provider's website if one exists, the health care prices for at least the 20 most common health care services the health care provider provides. If the health care provider, in the normal course of his or her practice, regularly provides fewer than 20 health care services, the health care provider shall make available the health care prices for the health care services the provider most commonly provides.

Other provisions and definitions clarify the intent and the effect of the act, which further requires a "plain English description" of each health care service publicly priced pursuant to the act. Moreover, the public pricing information must be updated "as frequently as the health care provider deems appropriate, but at least annually."

Notwithstanding its mandate, the act makes clear it is not intended to establish a new regulatory framework over health care pricing, approval or disapproval. It is also notable that "[n]othing in this [A]ct shall impair contracts between private parties." Consumers should also stay vigilant, as information published pursuant to the act is subject to change. Although the act has yet to be interpreted by an Oklahoma court, the plain language of the act does not provide for a private cause of action. Enforcement of the act, therefore, will likely fall to the state commissioner of health.

The act takes effect Nov. 1, 2021.

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