Hospital Chargemaster Pricing and Surprise Medical Billing

Prepared by the Policy Surveillance Program Staff

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There are four standard variables in every LawAtlas dataset. They are:

**JURISDICTION:**
This is a dropdown selection in each coding form. It includes the jurisdictions coded in the dataset.

**EFFECTIVE DATE:**
This date (MM/DD/YYYY) is the most recent effective date of the legal text captured for this place. The effective date represents the date the policy coded was put into effect.

**VALID THROUGH DATE:**
This date (MM/DD/YYYY) is the last date the policy was in effect as reflected by the legal text captured to code this policy.

**An important note about the Statistical data page:**
This codebook should be used in conjunction with the statistical data extract that can be downloaded from the dataset homepage by clicking on the Data button. The value labels defined below will correspond with the coded responses you will see on the Statistical data page. Coding questions that are not answered will show as a period (".") in the Excel cell. Coding questions can be intentionally not answered, such as when a state does not have a law and the coder therefore leaves the remaining coding answers as unanswered.
Question 1: Does the state require hospital price transparency?

Question Type: Binary - mutually exclusive

Variable Name 1: hospital_price_transparency
Variable Values: 0, 1
Value Label: 0 = No
Value Label: 1 = Yes

Question 1.1: Does the state require the publishing of hospital charge information?

Question Type: Binary - mutually exclusive

Variable Name 1.1: publish_require
Variable Values: 0, 1
Value Label: 0 = No
Value Label: 1 = Yes

Question 1.1.1: What information must be published?

Question Type: Categorical - check all that apply

Variable Name 1.1.1(A): information_published_Most common procedures
Variable Values: 0, 1
Value Label: 0 = No
Value Label: 1 = Yes

Variable Name 1.1.1(B): information_published_Expected costs of services
Variable Values: 0, 1
Value Label: 0 = No
Value Label: 1 = Yes

Variable Name 1.1.1(C): information_published_Annual Total Charge summary
Variable Values: 0, 1
Value Label: 0 = No
Value Label: 1 = Yes

Variable Name 1.1.1(D): information_published_Average reimbursement rates
Variable Values: 0, 1
Value Label: 0 = No
Value Label: 1 = Yes

Question 1.1.2: Where must the information be published?

Question Type: Categorical - check all that apply

Variable Name 1.1.2(A): publish_where_To specific state department

Variable Values: 0, 1
Value Label: 0 = No
Value Label: 1 = Yes

Variable Name 1.1.2(B): publish_where_Hospital website

Variable Values: 0, 1
Value Label: 0 = No
Value Label: 1 = Yes

Variable Name 1.1.2(C): publish_where_Posting within the hospital

Variable Values: 0, 1
Value Label: 0 = No
Value Label: 1 = Yes

Question 1.2: Does the state require disclosure of certain expected charges?

Question Type: Binary - mutually exclusive

Variable Name 1.2: disclosure_require

Variable Values: 0, 1
Value Label: 0 = No
Value Label: 1 = Yes

Question 1.2.1: To which patients does the statute mandate hospital pricing disclosures apply?

Question Type: Categorical - check all that apply

Variable Name 1.2.1(A): price_disclosures_apply_Uninsured

Variable Values: 0, 1
Value Label: 0 = No
Value Label: 1 = Yes
<table>
<thead>
<tr>
<th>Variable Name</th>
<th>Variable Description</th>
<th>Variable Values</th>
<th>Value Label</th>
<th>Value Label</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.2.1(B):</td>
<td>price_disclosures_apply_Privately insured</td>
<td>0, 1</td>
<td>0 = No</td>
<td>1 = Yes</td>
</tr>
<tr>
<td>1.2.1(C):</td>
<td>price_disclosures_apply_Publicly insured</td>
<td>0, 1</td>
<td>0 = No</td>
<td>1 = Yes</td>
</tr>
<tr>
<td>1.2.1(D):</td>
<td>price_disclosures_apply_Self-funded</td>
<td>0, 1</td>
<td>0 = No</td>
<td>1 = Yes</td>
</tr>
<tr>
<td>1.2.1(E):</td>
<td>price_disclosures_apply_All patients</td>
<td>0, 1</td>
<td>0 = No</td>
<td>1 = Yes</td>
</tr>
<tr>
<td>1.2.1(F):</td>
<td>price_disclosures_apply_State law does not specify</td>
<td>0, 1</td>
<td>0 = No</td>
<td>1 = Yes</td>
</tr>
</tbody>
</table>

**Question 1.2.2:** Must patients request access to this information?

*Question Type:* Binary - mutually exclusive

<table>
<thead>
<tr>
<th>Variable Name</th>
<th>Variable Description</th>
<th>Variable Values</th>
<th>Value Label</th>
<th>Value Label</th>
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</thead>
<tbody>
<tr>
<td>1.2.2:</td>
<td>disclosure_access</td>
<td>0, 1</td>
<td>0 = No</td>
<td>1 = Yes</td>
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</tbody>
</table>

**Question 2:** Does the state have a statute that prohibits surprise medical billing?

*Question Type:* Binary - mutually exclusive
Variable Name 2: surprise_billing_statute
Variable Values: 0, 1
Value Label: 0 = No
Value Label: 1 = Yes

**Question 3:** Does the state have a law that prohibits balance billing?
Question Type: Binary - mutually exclusive

Variable Name 3: balance_billing_spec
Variable Values: 0, 1
Value Label: 0 = No
Value Label: 1 = Yes

**Question 3.1:** What balance billing protections does the statutes include?
Question Type: Categorical - check all that apply

Variable Name 3.1(A): balance_billing_protec_Hold patients “harmless” for balance bills
Variable Values: 0, 1
Value Label: 0 = No
Value Label: 1 = Yes

Variable Name 3.1(B): balance_billing_protec_Hold insurance carriers responsible for balance bills
Variable Values: 0, 1
Value Label: 0 = No
Value Label: 1 = Yes

Variable Name 3.1(C): balance_billing_protec_Prohibits providers from balance billing patients
Variable Values: 0, 1
Value Label: 0 = No
Value Label: 1 = Yes

**Question 3.2:** In what settings are balance billing protections applied?
Question Type: Categorical - check all that apply

Variable Name 3.2(A): balance_billing_setting_Emergency care
Variable Values: 0, 1
Value Label: 0 = No
Value Label: 1 = Yes

Variable Name 3.2(B): balance_billing_setting_Out-of-network providers at in-network facilities
Variable Values: 0, 1
Value Label: 0 = No
Value Label: 1 = Yes

**Variable Name 3.2(C): balance_billing_setting_Out-of-network care**
Variable Values: 0, 1
Value Label: 0 = No
Value Label: 1 = Yes

**Variable Name 3.2(D): balance_billing_setting_Urgent care**
Variable Values: 0, 1
Value Label: 0 = No
Value Label: 1 = Yes

**Variable Name 3.2(E): balance_billing_setting_In-network care**
Variable Values: 0, 1
Value Label: 0 = No
Value Label: 1 = Yes

**Variable Name 3.2(F): balance_billing_setting_State law does not specify**
Variable Values: 0, 1
Value Label: 0 = No
Value Label: 1 = Yes

**Question 3.3:** Do balance billing protections apply to self-funded plans?
Question Type: Categorical - mutually exclusive

**Variable Name 3.3:** self-funded_protections
Variable Values: 0, 1, 2
Value Label: 0 = Yes
Value Label: 1 = No
Value Label: 2 = State law does not specify

**Question 3.4:** Do balance billing protections apply to the uninsured?
Question Type: Categorical - mutually exclusive

**Variable Name 3.4:** uninsured_protections
Variable Values: 0, 1, 2
Value Label: 0 = Yes
Value Label: 1 = No
Question 3.5: Do balance billing protections apply to patients who were informed they would receive out-of-network services?

Question Type: Categorical - mutually exclusive

Variable Name 3.5: informed_out-of-network

Variable Values: 0, 1, 2

Value Label: 0 = Yes

Value Label: 1 = No

Value Label: 2 = State law does not specify

Question 3.6: At what rate are insurance health plans required to compensate out-of-network providers?

Question Type: Categorical - check all that apply

Variable Name 3.6(A): compensate_health_plans_Contracted in-network rate

Variable Values: 0, 1

Value Label: 0 = No

Value Label: 1 = Yes

Variable Name 3.6(B): compensate_health_plans_Rate paid by federal insurance plans

Variable Values: 0, 1

Value Label: 0 = No

Value Label: 1 = Yes

Variable Name 3.6(C): compensate_health_plans_The cost of services

Variable Values: 0, 1

Value Label: 0 = No

Value Label: 1 = Yes

Variable Name 3.6(D): compensate_health_plans_Previously negotiated rate

Variable Values: 0, 1

Value Label: 0 = No

Value Label: 1 = Yes

Variable Name 3.6(E): compensate_health_plans_State does not require certain services to be compensated

Variable Values: 0, 1

Value Label: 0 = No

Value Label: 1 = Yes
Variable Name 3.6(F): compensate_health_plans_Future negotiated rate
Variable Values: 0, 1
Value Label: 0 = No
Value Label: 1 = Yes

Variable Name 3.6(G): compensate_health_plans_The average local rate for the same services
Variable Values: 0, 1
Value Label: 0 = No
Value Label: 1 = Yes

Variable Name 3.6(H): compensate_health_plans_State law does not specify
Variable Values: 0, 1
Value Label: 0 = No
Value Label: 1 = Yes

Question 3.6.1: Does this rate apply to self-funded plans?
Question Type: Categorical - mutually exclusive

Variable Name 3.6.1: self_funded_rate
Variable Values: 0, 1, 2
Value Label: 0 = Yes
Value Label: 1 = No
Value Label: 2 = State law does not specify

Question 3.7: What type of payments are patients responsible for?
Question Type: Categorical - check all that apply

Variable Name 3.7(A): payments_responsible_balance_Standard co-payments
Variable Values: 0, 1
Value Label: 0 = No
Value Label: 1 = Yes

Variable Name 3.7(B): payments_responsible_balance_Standard deductibles
Variable Values: 0, 1
Value Label: 0 = No
Value Label: 1 = Yes

Variable Name 3.7(C): payments_responsible_balance_Standard coinsurance
Variable Values: 0, 1
Value Label: 0 = No
Value Label: 1 = Yes

Variable Name 3.7(D): payments_responsible_balance_State law does not specify
Variable Values: 0, 1
Value Label: 0 = No
Value Label: 1 = Yes

Question 3.8: Does the law provide a dispute resolution procedure?
Question Type: Binary - mutually exclusive
Variable Name 3.8: dispute_resolution
Variable Values: 0, 1
Value Label: 0 = No
Value Label: 1 = Yes

Question 3.8.1: What type of dispute resolution procedures are included?
Question Type: Categorical - check all that apply
Variable Name 3.8.1(A): dispute_resolution_procedures_Arbitration
Variable Values: 0, 1
Value Label: 0 = No
Value Label: 1 = Yes
Variable Name 3.8.1(B): dispute_resolution_procedures_Mediation
Variable Values: 0, 1
Value Label: 0 = No
Value Label: 1 = Yes
Variable Name 3.8.1(C): dispute_resolution_procedures_State payment standard
Variable Values: 0, 1
Value Label: 0 = No
Value Label: 1 = Yes
Variable Name 3.8.1(D): dispute_resolution_procedures_Out-of-network reimbursement calculation database
Variable Values: 0, 1
Value Label: 0 = No
Value Label: 1 = Yes
<table>
<thead>
<tr>
<th>Variable Name</th>
<th>Description</th>
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<tbody>
<tr>
<td>3.8.1(E):</td>
<td>dispute_resolution_procedures_State official discretionary decision</td>
</tr>
<tr>
<td>Question 4:</td>
<td>Does the state require an All-Payer Claim Database?</td>
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<tr>
<td>Question 5:</td>
<td>Does the state maintain a consumer-facing price comparison tool?</td>
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<tr>
<td>Question 6:</td>
<td>Does the state prohibit most favored nations clauses or exclusive preferred provider agreements?</td>
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<tr>
<td>Question 7:</td>
<td>Are hospitals allowed to pursue legal action against patients for payments?</td>
</tr>
<tr>
<td>Question 7.1:</td>
<td>Which actions may hospitals use?</td>
</tr>
</tbody>
</table>

Variable Name: dispute_resolution_procedures_State official discretionary decision
Variable Values: 0, 1
Value Label: 0 = No
Value Label: 1 = Yes

**Question 4:** Does the state require an All-Payer Claim Database?
**Question Type:** Binary - mutually exclusive

Variable Name 4: require_apcd
Variable Values: 0, 1
Value Label: 0 = No
Value Label: 1 = Yes

**Question 5:** Does the state maintain a consumer-facing price comparison tool?
**Question Type:** Binary - mutually exclusive

Variable Name 5: consumer_facing_tool
Variable Values: 0, 1
Value Label: 0 = No
Value Label: 1 = Yes

**Question 6:** Does the state prohibit most favored nations clauses or exclusive preferred provider agreements?
**Question Type:** Binary - mutually exclusive

Variable Name 6: mfv_clause
Variable Values: 0, 1
Value Label: 0 = No
Value Label: 1 = Yes

**Question 7:** Are hospitals allowed to pursue legal action against patients for payments?
**Question Type:** Binary - mutually exclusive

Variable Name 7: hospitals_legal_action
Variable Values: 0, 1
Value Label: 0 = No
Value Label: 1 = Yes

**Question 7.1:** Which actions may hospitals use?
Question Type: Categorical - check all that apply

**Variable Name 7.1(A):** hospital_actions_Liens

Variable Values: 0, 1  
Value Label: 0 = No  
Value Label: 1 = Yes

**Variable Name 7.1(B):** hospital_actions_Referral to collection agencies

Variable Values: 0, 1  
Value Label: 0 = No  
Value Label: 1 = Yes

**Question 7.2:** Does the law include protections for uninsured patients?

**Question Type:** Categorical - mutually exclusive

**Variable Name 7.2:** hospital_protections_uninsured

Variable Values: 0, 1, 2  
Value Label: 0 = Yes  
Value Label: 1 = No  
Value Label: 2 = State law does not specify

**Question 7.2.1:** What protections are given to uninsured patients?

**Question Type:** Categorical - mutually exclusive

**Variable Name 7.2.1:** protections_uninsured_list

Variable Values: 0, 1, 2, 3, 4  
Value Label: 0 = Payment immunity  
Value Label: 1 = Payment immunity if financial inability to pay is proven  
Value Label: 2 = Collection caps if financial inability to pay is proven  
Value Label: 3 = State law does not specify

**Question 8:** Does the state have a consumer protection statute that applies to hospitals?

**Question Type:** Binary - mutually exclusive

**Variable Name 8:** consumer_protection

Variable Values: 0, 1  
Value Label: 0 = No  
Value Label: 1 = Yes

**Question 9:** Does the state have a law that determines the “reasonable
value” of healthcare services?

Question Type: Binary - mutually exclusive

Variable Name 9: reasonable_value_determine
Variable Values: 0, 1
Value Label: 0 = No
Value Label: 1 = Yes

Question 9.1: How has state law determined the "reasonable value" of healthcare services?

Question Type: Categorical - check all that apply

Variable Name 9.1(A): determination_state_law_The listed chargemaster price
Variable Values: 0, 1
Value Label: 0 = No
Value Label: 1 = Yes

Variable Name 9.1(B): determination_state_law_The insurance carriers contracted price with other providers
Variable Values: 0, 1
Value Label: 0 = No
Value Label: 1 = Yes

Variable Name 9.1(C): determination_state_law_The average local rate for the same services
Variable Values: 0, 1
Value Label: 0 = No
Value Label: 1 = Yes

Variable Name 9.1(D): determination_state_law_The rate paid by federal insurance plans
Variable Values: 0, 1
Value Label: 0 = No
Value Label: 1 = Yes

Variable Name 9.1(E): determination_state_law_The cost of services
Variable Values: 0, 1
Value Label: 0 = No
Value Label: 1 = Yes

Variable Name 9.1(F): determination_state_law_Rates determined by a state official
Variable Values: 0, 1
Value Label: 0 = No
Value Label: 1 = Yes

**Variable Name 9.1(G):** determination_state_law

Rates determined by a state official

Variable Values: 0, 1
Value Label: 0 = No
Value Label: 1 = Yes

**Question 10:** Have state courts determined the "reasonable value" of healthcare services?

Question Type: Binary - mutually exclusive

**Variable Name 10:** courts_reasonable_value

Variable Values: 0, 1
Value Label: 0 = No
Value Label: 1 = Yes

**Question 10.1:** How have the courts determined the “reasonable value” of healthcare services?

Question Type: Categorical - check all that apply

**Variable Name 10.1(A):** reasonable_value_The listed chargemaster price

Variable Values: 0, 1
Value Label: 0 = No
Value Label: 1 = Yes

**Variable Name 10.1(B):** reasonable_value_The insurance carriers contracted price with other providers

Variable Values: 0, 1
Value Label: 0 = No
Value Label: 1 = Yes

**Variable Name 10.1(C):** reasonable_value_The average local rate for the same services

Variable Values: 0, 1
Value Label: 0 = No
Value Label: 1 = Yes

**Variable Name 10.1(D):** reasonable_value_The rate paid by federal insurance plans

Variable Values: 0, 1
**Value Label:** 0 = No  
**Value Label:** 1 = Yes

**Variable Name 10.1(E):** reasonable_value_The cost of services  
**Variable Values:** 0, 1  
**Value Label:** 0 = No  
**Value Label:** 1 = Yes

**Variable Name 10.1(F):** reasonable_value_Rates determined by expert opinion  
**Variable Values:** 0, 1  
**Value Label:** 0 = No  
**Value Label:** 1 = Yes

**Question 11:** Have state courts invalidated balance billing?  
**Question Type:** Binary - mutually exclusive

**Variable Name 11:** balance_billing_banned  
**Variable Values:** 0, 1  
**Value Label:** 0 = No  
**Value Label:** 1 = Yes

**Question 11.1:** Did the court ban balance billing pursuant to theories of contract law?  
**Question Type:** Binary - mutually exclusive

**Variable Name 11.1:** ban_contract_law  
**Variable Values:** 0, 1  
**Value Label:** 0 = No  
**Value Label:** 1 = Yes

**Question 11.1.1:** What theories of contract law have courts recognized in invalidating balance bills?  
**Question Type:** Categorical - check all that apply

**Variable Name 11.1.1(A):** case_law_theories_Quantum Meruit  
**Variable Values:** 0, 1  
**Value Label:** 0 = No  
**Value Label:** 1 = Yes
Variable Name 11.1.1(B): case_law_theories_Breach of Contract
Variable Values: 0, 1
Value Label: 0 = No
Value Label: 1 = Yes

Variable Name 11.1.1(C): case_law_theories_Unconscionability
Variable Values: 0, 1
Value Label: 0 = No
Value Label: 1 = Yes

Question 12: Have state courts found hospital-patient agreements (or their equivalents) to be invalid contracts?
Question Type: Binary - mutually exclusive
Variable Name 12: invalid_contracts
Variable Values: 0, 1
Value Label: 0 = No
Value Label: 1 = Yes

Question 13: Have state courts found hospital-patient agreements (or their equivalents) to be unenforceable contracts due to their unconscionability?
Question Type: Categorical - check all that apply
Variable Name 13(A): unconscionability_Yes, procedurally
Variable Values: 0, 1
Value Label: 0 = No
Value Label: 1 = Yes

Variable Name 13(B): unconscionability_Yes, substantively
Variable Values: 0, 1
Value Label: 0 = No
Value Label: 1 = Yes

Variable Name 13(C): unconscionability_No
Variable Values: 0, 1
Value Label: 0 = No
Value Label: 1 = Yes
Question 13.1: Was procedural unconscionability found based, in part, on the unequal bargaining power between hospitals and their patients?

Question Type: Categorical - mutually exclusive

Variable Name 13.1: procedural_unconscionability

Variable Values: 0, 1, 2

Value Label: 0 = Yes

Value Label: 1 = No

Value Label: 2 = The state has not ruled on procedural unconscionability

Question 13.2: Was substantive unconscionability found based, in part, on the unreasonableness of hospital pricing?

Question Type: Categorical - mutually exclusive

Variable Name 13.2: substantive_unconscionability

Variable Values: 0, 1, 2

Value Label: 0 = Yes

Value Label: 1 = No

Value Label: 2 = The state has not ruled on substantive unconscionability