

HOUSE BILL NO. 856

2/16 Introduced
2/16 Referred to Human Services & Aging
2/22 Hearing
Died in Committee

HOUSE BILL NO. 856

INTRODUCED BY

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A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT IT IS

UNLAWFUL FOR PHYSICIANS AND OTHER PROVIDERS OF OUTPATIENT MEDICAL SERVICES TO CHARGE MEDICARE PATIENTS IN EXCESS OF THE CHARGES DETERMINED REASONABLE OR CUSTOMARY FOR SUCH SERVICES; DEFINING THE PROCESS BY WHICH SUCH CHARGES ARE ESTABLISHED FOR THE PURPOSES OF DETERMINING IF AN UNLAWFUL CHARGE IS MADE; AND PROVIDING A PENALTY."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Unlawful charges for medicare-covered physician and outpatient services -- penalty. (1) No physician or other provider of outpatient medical services may charge a patient who has identified himself as a beneficiary of the federal supplementary medical insurance trust fund, commonly known as Medicare Part B, for medical services subject to payment by the fund, an amount in excess of the reasonable cost of such services or the customary charges for such services, whichever is less, as determined by the U.S. secretary of health and human services pursuant to 42 U.S.C. 1395, et seq.

(2) For purposes of this section, a physician or other provider of outpatient medical services is considered to

have charged in excess of the amount allowed by subsection (1) if, upon submission of a charge determination from the U.S. department of health and human services or its agent, either directly or through the beneficiary, the physician or other provider of outpatient medical services attempts to collect charges from the beneficiary in excess of that allowed in the charge determination or, after an administrative review of the charge determination, attempts to collect charges in excess of the amount that was administratively redetermined.

(3) A person convicted of violating this section is guilty of a misdemeanor and may be fined an amount not to exceed \$1,000.

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