

## Insurance and Real Estate Committee JOINT FAVORABLE REPORT

**Bill No.:** SB-412  
AN ACT PROHIBITING HOSPITALS FROM CHARGING FACILITY FEES FOR  
**Title:** TELEHEALTH SERVICES.  
**Vote Date:** 3/22/2022  
**Vote Action:** Joint Favorable  
**PH Date:** 3/18/2022  
**File No.:** 360

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### SPONSORS OF BILL:

Insurance and Real Estate Committee

### REASONS FOR BILL:

This bill aims to address issues that have arisen from PA 21-9 which narrowly defined "facility fee" as having the same meaning that is provided in section 19a-508c of the general statutes. However, 19a-508c only applies to facility fees at hospital owned outpatient clinics (that are not FSEDs) because that is generally the setting in which issues with these fees occur. Some hospitals are currently charging facility fees for telehealth if the doctor was on the hospital campus when the telehealth services were provided. This bill would prohibit facility fees for telehealth services regardless of the location of the provider when providing the services.

### RESPONSE FROM ADMINISTRATION/AGENCY:

Sen. Martin Looney, President Pro Tempore – **Supports** this bill because it would prohibit hospitals from charging facility fees for telehealth services regardless of whether the provider was on or off the hospital campus when the services were provided.

Victoria Veltri, Executive Director, Office of Health Strategy (OHS) – States that as drafted, this bill will need additional changes to include the relevant sections of Public Act 21-9 for it to accomplish the intent of the bill to become effective before June 30, 2023,

### NATURE AND SOURCES OF SUPPORT:

Connecticut Association of Health Plans – **Supports** this bill because it is important to provide transparency around, and protection from, the charges associated with facility Fees including those of telehealth in order help protect consumers.

Connecticut Hospital Association (CHA) - **Supports** this bill with changes to recognize that traditional facility fee is not appropriate for a telehealth visit during which the patient is not at the facility. However, they state that an originating site facility fee is appropriate in such circumstances, consistent with coverage rules established by the Centers for Medicare and Medicaid Services (CMS) for the Medicare program.

Laura Hoch, Senior Manager of Advocacy, National Multiple Sclerosis Society – **Supports** this bill because it will help patients afford their healthcare. One possible barrier to this care is the use of facility fees when passed along to the patient. If a health carrier covers telehealth services for the provider and facility, there is no reason that the patient should ever see a bill for a facility fee. If the health carrier will not cover this and the facility will be charging this fee, the patient must be warned in advance. If not, the patient should not have this fee passed on to them. People living with chronic illnesses already struggle to afford care and the unnecessary burden of paying a facility fee for telehealth visits has serious financial repercussions for the patient.

#### **NATURE AND SOURCES OF OPPOSITION:**

Kathleen Silard, Stamford Health – **Opposes** this bill as the bill would expand existing law that bars an individual provider from charging a patient a facility fee for a telehealth visit to also bar a hospital from charging such a fee for telehealth, care even in the case where the patient is located and receiving care on a hospital campus.

David Godbout – **Opposes** this bill.

**Reported by: Alexander Pachkovsky**

**Date: 3/29/22**