AMENDMENT TO H.R. 9393
OFFERED BY MS. DEGETTE OF COLORADO

Add at the end of section 2 the following new subsection:

(c) MANDATORY REPORTING WITH RESPECT TO CERTAIN HEALTH-RELATED OWNERSHIP INFORMATION.—Title XXVII of the Public Health Service Act is amended by adding at the end the following new part:

"PART F—MANDATORY REPORTING WITH RESPECT TO CERTAIN HEALTH-RELATED OWNERSHIP INFORMATION

"SEC. 2799C–1. MANDATORY REPORTING WITH RESPECT TO CERTAIN HEALTH-RELATED OWNERSHIP INFORMATION.

"(a) MANDATORY REPORTING WITH RESPECT CERTAIN HEALTH-RELATED OWNERSHIP INFORMATION.—

"(1) INITIAL REPORT.—Not later than January 1, 2027 (or in the case of a specified entity formed after January 1, 2027, within 60 days of becoming a specified entity), each specified entity (as defined in subsection (g)(5)) shall submit to the Secretary, in a form and manner specified by the Secretary, a report containing the following information:

"(A) Data on mergers, acquisitions, and changes in ownership with respect to such specified entity for the previous 1-year period.

"(B) In the case that a specified entity is, or includes, a hospital, the additional information described in subsection (b).

"(C) As applicable, the name, address, and business structure of the parent company of such specified entity (including the tax status of such parent company) as of the date of the submission of this report.

"(D) Any other information with respect to ownership of a specified entity, as determined by the Secretary.

"(2) SUBSEQUENT REPORTS.—Not later than 1 year after submitting the report under paragraph (1), and annually thereafter, each specified entity shall submit to the Secretary an updated report, including—

"(A)(i) data on mergers, acquisitions, and changes in ownership with respect to such entities for the previous 1-year period; and

"(ii) any other information with respect to ownership of a specified entity, as determined by the Secretary; and

"(B) in the case that a specified entity is, or includes, a hospital, the additional information described in subsection (b).

"(b) ADDITIONAL INFORMATION SUBMITTED BY CERTAIN SPECIFIED ENTITIES.—For purposes of paragraphs (1)(C) and (2)(B) of subsection (a), with respect to a specified entity that is, or includes, a hospital, the information described in this subsection is the following information with respect to the previous 1-year period:

"(1) The business structure of the specified entity, including the business type and the tax status of such entity.

"(2) The average debt-to-earnings ratio of the specified entity.

"(3) The average amount of debt incurred—

"(A) by the hospital; and

"(B) by the entire specified entity.

"(4) Information with respect to real estate leases and purchases for property used, or intended to be used, to furnish or otherwise support the provision of health care services.

"(5) In the case of a non-profit hospital, a subsidiary of a non-profit hospital, or a 501(c)(3) entity that shares common ownership with a non-profit hospital, capital gains investments (disaggregated by the type of investment) and any taxes paid on such gains from such investments.

"(6) As applicable, information with respect to the parent company of such specified entity.

"(c) PUBLIC REPORTING.—Not later than January 1, 2029, and annually thereafter, the Secretary shall post on a publicly available website of the Department of Health and Human Services a report with respect to the previous 1-year period, including—

"(1) the number of specified entities reporting for such year, disaggregated by the business structure of each specified entity in accordance with paragraph (2);

"(2) the number of owners of each specified entity;

"(3) any change in ownership for each specified entity;

"(4) any change in the tax status of a specified entity;

"(5) an analysis of trends in horizontal and vertical consolidation, disaggregated by business structure and provider type; and

"(6) as applicable, the name, address, and business structure of the parent company of such specified entity (including the business type and the tax status of such parent company).

"(d) AUDITS.—The Secretary shall conduct an annual audit consisting of a random sample of specified entities to verify compliance with the requirements of this section and the accuracy of information submitted pursuant to this section.

"(e) PENALTY FOR FAILURE TO REPORT.—If a specified entity fails to provide a complete report under subsection (a), or submits a report containing false information, such entity shall be subject to a civil monetary penalty of not more than $5,000,000 for each such report not provided or containing false information. Such penalty shall be imposed and collected in the same manner as civil money penalties under subsection (a) of section 1128A of the Social Security Act are imposed and collected under that section.

"(f) INAPPLICABILITY OF PAPERWORK REDUCTION ACT.—Chapter 35 of title 44, United States Code, shall not apply to collections of information made under this section.

"(g) DEFINITIONS.—In this section:

"(1) HEALTH PLAN.—The term 'health plan' has the meaning given such term in section 1128C(c) of the Social Security Act.

"(2) HOSPITAL.—The term 'hospital' has the meaning given such term in section 1861(e) of the Social Security Act.

"(3) INDEPENDENT FREESTANDING EMERGENCY DEPARTMENT.—The term 'independent freestanding emergency department' has the meaning given such term in section 2799A–1(a)(3)(D).

"(4) PRIVATE EQUITY COMPANY.—The term 'private equity company' means a publicly traded or non-publicly traded company that collects capital investments from individuals or entities and purchases an ownership share of a provider of services (as defined in section 1861(u) of the Social Security Act).

"(5) SPECIFIED ENTITY.—The term 'specified entity' means—

"(A) a hospital;

"(B) a physician-owned physician practice with more than 25 physicians for a year;

"(C) a physician practice owned by a hospital, a health plan, a private equity company, or a venture capital fund;

"(D) an ambulatory surgical center meeting the standards specified under section 1832(a)(2)(F)(i) of the Social Security Act; or

"(E) an independent freestanding emergency department.

"(6) VENTURE CAPITAL FUND.—The term 'venture capital fund' has the meaning given such term in section 275.203(l)–1 of title 17, Code of Federal Regulations.".