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Statement for the Record

Senate Committee on Health, Education, Labor, and Pensions Executive Session

July 22, 2026

The Federation of American Hospitals (FAH) appreciates the opportunity to submit this Statement for the Record as the Committee considers S. 2355, the Patients Deserve Price Tags Act. As the federal representative for over 1,000 taxpaying hospitals across the country, who employ nearly 500,000 health care workers and care for millions of patients every year, we appreciate the Committee's commitment to pursuing meaningful and patient-centered policies to address health care access and affordability. Our members are committed to helping patients better understand their cost-sharing responsibilities and have made significant investments into consumer-friendly tools as well as collaborated with the federal government on transparency efforts.

Patients need clear and actionable information about their expected out-of-pocket costs in order to make informed decisions about their care. This can only be achieved through collaboration among hospitals, health plans, employers and policymakers to improve access to timely and accurate cost information. FAH members share the larger goal of increasing transparency in health care and our comments reflect practical and operational considerations that we believe should be reflected in the legislation.

S. 2355, Patients Deserve Price Tags Act

FAH members appreciate the engagement and extensive work that has gone into the development and refinement of the Patients Deserve Price Tags Act. FAH has assessed the bill from two perspectives: (1) how the required information would support patients in their health choices and (2) implementation challenges and clarifications. Patients Deserve Price Tags prioritizes making health care entity pricing information public and accessible, and FAH members are aligned with that goal. As the Committee moves forward with this legislation, we would raise the following items for additional consideration and discussion.

As drafted, cost estimator tools would be excluded from meeting the "shoppable services" transparency requirements of the bill. FAH members have developed price estimator tools to provide as accurate a view as possible of the cost that a patient may expect, including possible insurance coverage. A cost estimator provides information that is as relevant for an insured patient as the discounted cash price is for a self-pay patient. FAH would welcome additional discussion about the role of cost estimator tools.

Additionally, the legislation includes facility fee transparency requirements that raise questions for implementation. Currently, facility fee information is part of hospital transparency reports under the CY2026 OPPI/ASC final rule¹ among other standard services. FAH members have implemented these requirements and already make facility information available as part of their standard disclosures. The bill being considered by the Committee includes language that would instruct hospitals to tell patients how to avoid such charges. FAH recommends reconsidering what responsibility a facility would have to direct patients to other sites of service, or clarification of what kind of information that requirement would include.

One of the most far-reaching provisions of the Patients Deserve Price Tags Act is the establishment of a new standard for how providers would be permitted to bill patients. The legislation builds on the Advance Explanation of Benefits (AEOB) and Good Faith Estimate (GFE) policies that were established in the No Surprises Act. The hold-harmless provisions in the legislation for both AEOBs and GFEs would prohibit a provider from billing a patient



beyond those estimates, with exceptions for unforeseen medical necessity. FAH encourages further consideration of this new construct and recommends additional review of the repurposing of an estimate framework into a billing system.

As the Committee considers S. 2355, Patients Deserve Price Tags Act, FAH welcomes the opportunity to continue to provide feedback and share recommendations. FAH shares the goals of empowering patients to be informed consumers of health care. We are pleased to be able to provide input to the Committee and work together on policy that gives patients accurate and useful information about their health costs.