

1           “(3) *ENFORCEMENT.*—*The Secretary shall pro-*  
2           *mulgate regulations for enforcing the provisions of*  
3           *this section and may provide for appropriate pen-*  
4           *alties.*

5           “(c) *DEFINITIONS.*—*Not later than December 31, 2010,*  
6           *and subject to the certification of the Secretary, the Na-*  
7           *tional Association of Insurance Commissioners shall estab-*  
8           *lish uniform definitions of the activities reported under sub-*  
9           *section (a) and standardized methodologies for calculating*  
10           *measures of such activities, including definitions of which*  
11           *activities, and in what regard such activities, constitute ac-*  
12           *tivities described in subsection (a)(2). Such methodologies*  
13           *shall be designed to take into account the special cir-*  
14           *cumstances of smaller plans, different types of plans, and*  
15           *newer plans.*

16           “(d) *ADJUSTMENTS.*—*The Secretary may adjust the*  
17           *rates described in subsection (b) if the Secretary determines*  
18           *appropriate on account of the volatility of the individual*  
19           *market due to the establishment of State Exchanges.*

20           “(e) *STANDARD HOSPITAL CHARGES.*—*Each hospital*  
21           *operating within the United States shall for each year es-*  
22           *tablish (and update) and make public (in accordance with*  
23           *guidelines developed by the Secretary) a list of the hospital’s*  
24           *standard charges for items and services provided by the hos-*

1 *pital, including for diagnosis-related groups established*  
2 *under section 1886(d)(4) of the Social Security Act.”.*

3 *(g) Section 2719 of the Public Health Service Act, as*  
4 *added by section 1001(4) of this Act, is amended to read*  
5 *as follows:*

6 **“SEC. 2719. APPEALS PROCESS.**

7 *“(a) INTERNAL CLAIMS APPEALS.—*

8 *“(1) IN GENERAL.—A group health plan and a*  
9 *health insurance issuer offering group or individual*  
10 *health insurance coverage shall implement an effective*  
11 *appeals process for appeals of coverage determinations*  
12 *and claims, under which the plan or issuer shall, at*  
13 *a minimum—*

14 *“(A) have in effect an internal claims ap-*  
15 *peal process;*

16 *“(B) provide notice to enrollees, in a cul-*  
17 *turally and linguistically appropriate manner,*  
18 *of available internal and external appeals proc-*  
19 *esses, and the availability of any applicable of-*  
20 *fice of health insurance consumer assistance or*  
21 *ombudsman established under section 2793 to as-*  
22 *sist such enrollees with the appeals processes;*  
23 *and*

24 *“(C) allow an enrollee to review their file,*  
25 *to present evidence and testimony as part of the*