

116TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To provide immediate relief for patients from certain medical debt collection efforts during and immediately after the COVID-19 public health emergency.

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IN THE SENATE OF THE UNITED STATES

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\_\_\_\_\_ introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To provide immediate relief for patients from certain medical debt collection efforts during and immediately after the COVID-19 public health emergency.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “COVID-19 Medical  
5 Debt Collection Relief Act of 2020”.

6 **SEC. 2. RELIEF FROM MEDICAL DEBT COLLECTION.**

7 (a) DEFINITIONS.—In this section:

8 (1) COVERED PERIOD.—The term “covered pe-  
9 riod” means the period beginning on February 1,  
10 2020, and ending on the date that is the later of—

1 (A) the end of the incident period with re-  
2 spect to the emergency involving Federal pri-  
3 mary responsibility determined to exist by the  
4 President under section 501(b) of the Robert T.  
5 Stafford Disaster Relief and Emergency Assist-  
6 ance Act (42 U.S.C. 5191(b)) with respect to  
7 the coronavirus disease 2019 (COVID-19); or

8 (B) 18 months after the date of enactment  
9 of this Act.

10 (2) COVERED PROVIDER.—The term “covered  
11 provider” means any entity or individual that—

12 (A) provides health care services to pa-  
13 tients; and

14 (B) has applied for or accepted any Fed-  
15 eral funds for COVID-19 health care costs or  
16 financial relief, including funds allocated under  
17 the Families First Coronavirus Response Act  
18 (Public Law 116-127), the CARES Act (Public  
19 Law 116-136), or any other Federal law that  
20 allocates COVID-19 relief funding.

21 (3) EXTRAORDINARY COLLECTION ACTIONS.—  
22 The term “extraordinary collection actions” means  
23 the actions described in sections 1.50-1(r) through  
24 6(b) of title 26, Code of Federal Regulations.

1           (4) MEDICAL DEBT.—The term “medical debt”  
2           means a debt arising from the receipt of medical  
3           services, products, or devices.

4           (5) SECRETARY.—The term “Secretary” means  
5           the Secretary of Health and Human Services.

6           (b) SUSPENSION OF COLLECTION ACTIVITIES.—A  
7           covered provider and agents operating on behalf of covered  
8           providers shall suspend all extraordinary collection actions  
9           relating to the collection of a medical debt relating to a  
10          patient during the covered period.

11          (c) SUSPENSION OF REPAYMENT PLANS.—

12           (1) IN GENERAL.—With respect to a patient  
13           who has entered into a repayment plan with a cov-  
14           ered provider relating to a medical debt, such pro-  
15           vider shall suspend such repayment plan upon the  
16           request of the patient or the patient’s guardian for  
17           the duration of the covered period, and ensure the  
18           application of reasonable forbearance and repayment  
19           options when such repayments resume. Such options  
20           may include maintaining the same payment schedule  
21           with respect to the medical debt by extending the re-  
22           payment period by the same period of time that pay-  
23           ments were suspended under the previous sentence.

1           (2) INTEREST AND FEES.—Interest or fees  
2 shall not accrue during the period in which a pay-  
3 ment plan is suspended under paragraph (1).

4           (d) APPLICATION OF CERTAIN CONSUMER PROTEC-  
5 TIONS.—

6           (1) IN GENERAL.—Medical debt incurred dur-  
7 ing the period beginning on February 1, 2020, and  
8 ending on the date that is 60 days after the lifting  
9 of the state of emergency for COVID-19-related  
10 testing and treatment (as determined by the Sec-  
11 retary) shall be subject to the following consumer  
12 protections:

13           (A) A one-year extension of Federal and  
14 State health insurance appeal deadlines, includ-  
15 ing the deadlines set forth in section 2719 of  
16 the Public Health Service Act (42 U.S.C.  
17 300gg-19) and sections 2590.715 through 2179  
18 of title 29, Code of Federal Regulations, and  
19 the appeal and grievance deadlines for the deni-  
20 als of Medicare or Medicaid claims under titles  
21 XVIII and XIX of the Social Security Act (42  
22 U.S.C. 1395 and 1396 et seq.).

23           (B) A prohibition on the accrual and col-  
24 lection of fees and interest related to the med-  
25 ical debts involved.

1 (C) A prohibition on any extraordinary col-  
2 lection actions as described in sections 1.50-1(r)  
3 through 6(b) of title 26, Code of Federal Regu-  
4 lations.

5 (2) COVID-19 RELATED TESTING AND TREAT-  
6 MENT.—For purposes of paragraph (1), the term  
7 “COVID-19-related testing and treatment” includes  
8 items and services (including in-person or telehealth  
9 visits in which such items and services are fur-  
10 nished) that are furnished—

11 (A) to an individual who has been diag-  
12 nosed with (or after the provision of such items  
13 and services is diagnosed with) COVID-19 to  
14 treat or mitigate the effects of COVID-19; and

15 (B) to an individual who is presumed by a  
16 health care provider to have COVID-19 but is  
17 never diagnosed as such.

18 (e) PENALTIES.—Except as provided in this section,  
19 a covered provider or its agent that fails to comply with  
20 any provision of this section with respect to a patient shall  
21 be liable to such patient for damages in an amount equal  
22 to the sum of—

23 (1) any actual damages sustained by such pa-  
24 tient as a result of such failure to comply;

25 (2) in the case of an action commenced—

1 (A) by an individual, any additional dam-  
2 ages as the court may permit, but not to exceed  
3 \$1,000 for each failure to comply; or

4 (B) by a class of patients—

5 (i) such amount for each named plain-  
6 tiff as could be recovered under paragraph  
7 (1) and subparagraph (A); and

8 (ii) such amount as the court may  
9 allow for all other class members, without  
10 regard to a minimum individual recovery,  
11 not to exceed the lesser of \$2,000,000 or  
12 1 percent of the annual net income of the  
13 covered provider; and

14 (3) in the case of any successful action under  
15 this section, the costs of the action, together with a  
16 reasonable attorney's fee as determined appropriate  
17 by the court.