



1188 Centre Street, #3  
Newton, MA 02459

April 19, 2022

HCA Board Members:

Thomas F. Frist III	Charles O. Holliday Jr.
Samuel N. Hazen	Hugh F. Johnston
Meg G. Crofton	Michael W. Michelson
Robert J. Dennis	Wayne J. Riley
Nancy-Ann DeParle	Andrea B. Smith
William R. Frist	

Dear Board Member:

As you prepare for the upcoming HCA Healthcare annual meeting and reflect on the company's performance, we would like to draw your attention to the fact that HCA is not complying with the federal [Hospital Price Transparency Rule](#). According to PatientRightsAdvocate.org's (PRA) [February 2022 Semi-Annual Hospital Price Transparency Compliance Report](#), none of the 188 HCA Healthcare hospitals reviewed are in compliance with this rule that took effect January 1, 2021.

As an HCA board member, you're certainly aware of your legal, moral, and fiduciary responsibility to ensure the company complies with federal law. Compliance is also vital for HCA's stakeholders, including its customers, patients, employees, vendors, shareholders, and the many communities that HCA serves. HCA's [mission](#) says above all, you are committed to the care and improvement of human life. It also states you are committed to ethics and compliance. With that in mind, we are asking that you please use your leadership position to help bring HCA into rapid compliance with this critical federal regulation.

The U.S. Health and Human Services (HHS) hospital price transparency rule requires hospitals to publish their standard charges by providing a machine-readable file of all actual charges, discounted cash rates, and all payer-specific negotiated rates. A consumer-friendly list of prices for a set of "shoppable services" is also required.

Actual, upfront hospital prices are essential for consumers, employers, unions, and patients to lower their healthcare costs. According to the [National Consumer Law Center](#), healthcare costs are the single most common factor in personal bankruptcies. Prices empower consumers with a measure of financial control, offering a pathway to shop for needed care at fair prices. Keeping purchasers in the dark on the prices they pay is unthinkable in any other part of our economy, and the HHS rule represents a major step toward ending this practice at America's hospitals. While HCA hospitals do provide price files in response to this rule, these are not compliant with the law.

As a good faith offer to demonstrate our analysis, we invite you to consider any procedure at an HCA hospital. Let us know the hospital and procedure, and we'll send you a sample of the relevant portion of the public price data file so you can attempt to find and compare the procedure's price across all payers and plans. We'll show you what the file contains and compare that to what the federal rule require. We offer to do so because this situation is not only a technical regulatory compliance issue; it is also about the rules that will play a key role in remaking American healthcare, putting patients and families in control of their healthcare choices and costs.

Last November HHS increased the financial penalties on noncompliant hospitals to \$2 million per year, per hospital. We believe you have a fiduciary duty to ensure HCA avoids these penalties and their impact on HCA's bottom line. But more important is your moral obligation to do what's right for the patients/customers in the communities you serve. Hospital charges have proven to be a devastating source of harm to Americans' financial health -- harm that in turn, negatively impacts their physical health in a vicious cycle.

As our nation's largest health system, HCA can set an example for price transparency and help patients manage their physical, mental, *and financial* health. PRA encourages all hospitals to provide transparent prices. We are happy to provide examples of compliant price files or other assistance that may be helpful in HCA's efforts to comply with the law.

Sincerely,

A handwritten signature in black ink that reads "Cynthia A. Fisher". The signature is written in a cursive, flowing style.

Cynthia A. Fisher  
Founder and Chairman  
PatientRightsAdvocate.org

CC: William B. Rutherford, Chief Financial Officer