

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

)
THE AMERICAN HOSPITAL ASSOCIATION,)
ASSOCIATION OF AMERICAN MEDICAL)
COLLEGES, THE FEDERATION OF)
AMERICAN HOSPITALS, NATIONAL)
ASSOCIATION OF CHILDREN’S)
HOSPITALS, INC., MEMORIAL COMMUNITY)
HOSPITAL AND HEALTH SYSTEM,)
PROVIDENCE HEALTH SYSTEM -)
SOUTHERN CALIFORNIA d/b/a)
PROVIDENCE HOLY CROSS MEDICAL)
CENTER, and BOTHWELL REGIONAL)
HEALTH CENTER,)

Plaintiffs,

v.

Civil Action No. 1:19-cv-3619-CJN

)
ALEX M. AZAR II,)
in his official capacity as SECRETARY OF)
HEALTH AND HUMAN SERVICES,)

Defendant.

JOINT APPENDIX IN SUPPORT OF PARTIES’

MOTIONS AND CROSS-MOTIONS FOR SUMMARY JUDGMENT

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Dated: April 7, 2020

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Tab No.	Description	Administrative Record Page Nos.
VOLUME I		
1	Proposed Rule: Medicare Programs, 84 Fed. Reg. 39,398 (August 9, 2019); CMS-1717-P	AR0001-247
2	Final Rule: Price Transparency Requirements, 84 Fed. Reg. 65,524 (November 27, 2019); CMS 1717-F2	AR000248-330
VOLUME II		
3	Public Comments on CMS-1717-P (Excerpt)	AR000367-368, AR000444-446, AR000607-616, AR000638-644, AR000683, AR000727, AR000778, AR000785-789, AR000807, AR001133, AR001372-400, AR001438-48, AR001496-501, AR001531-41, AR001649-54, AR001729-42, AR001764-74, AR001933-34, AR002108-12, AR002347, AR002359, AR002429-36, AR002515-25,

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3	Public Comments on CMS-1717-P (Excerpt), continued	AR002552-618, AR002754, AR003404-07, AR003675-81, AR004047-65, AR004461-67, AR004488-500, AR004571-79
VOLUME III		
4	Jon Bees, Survey Snapshot: Is Transparency the Answer to Rising Health Care Costs?, New England Journal of Medicine Catalyst (March 20, 2019)	AR004591-99
5	Congressional Research Service, Does Price Transparency Improve Market Efficiency? (2008)	AR004755-99
6	U.S. Government Accountability Office, Health Care Price Transparency: Meaningful Price Information Is Difficult for Consumers to Obtain Prior to Receiving Care (Sept. 2011)	AR004800-42
7	Zach Y. Brown, An Empirical Model of Price Transparency and Markups in Health Care (Aug. 2009)	AR004923-82
8	Zach Y. Brown, Equilibrium Effects of Health Care Price Information, The Review of Economics and Statistics (Oct. 2019)	AR004996-5009
9	Christopher P. Tompkins, et al., The Precarious Pricing System for Hospital Services, Health Affairs (Jan. 2006)	AR005151-62
10	Paul B. Ginsburg, Shopping For Price In Medical Care, MarketWatch (Feb. 6, 2007)	AR005260-68
11	Massachusetts Office of the Attorney General, Examination of Health Care Cost Trends and Cost Drivers (2018)	AR005275-300
12	Donna Rosato, How Paying Your Doctor in Cash Could Save You Money, Consumer Reports (May 4, 2018)	AR005413-19

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13	ClearHealthCosts, CHCosts PriceCheck: A Community-Created Guide to Health Costs	AR005431-35
14	Sze-jung Wu et al., Price Transparency For MRIs Increased Use of Less Costly Providers and Triggered Provider Competition, HealthAffairs (Aug. 2014)	AR005624-31
15	Ethan M.J. Lieber, Does It Pay to Know Prices in Health Care?, American Economic Journal (Feb. 2017)	AR005652-78
16	Christopher Whaley, et al., Association Between Availability of Health Service Prices and Payments for These Services, JAMA (2014)	AR005679-85
17	Celine Goetz, et al., The Effect of Charge Display on Cost of Care and Physician Practice Behaviors: A Systematic Review, Journal of General Internal Medicine (June 2015)	AR006141-48
18	Hans B. Christensen et al., The Only Prescription is Transparency: The Effect of Charge-Price-Transparency Regulation on Healthcare Prices, Chicago Booth Research Paper No. 14-33 (Feb. 21, 2019)	AR006688-757
19	Executive Order on Improving Price and Quality Transparency in American Healthcare to Put Patients First (June 24, 2019)	AR007101-04