

By: Hayes

H.B. No. 4035

A BILL TO BE ENTITLED

AN ACT

relating to disclosure of certain health care costs.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 2, Health and Safety Code, is amended by adding Subtitle J to read as follows:

SUBTITLE J. HEALTH CARE PRICE DISCLOSURES

CHAPTER 185. HEALTH CARE PRICE DISCLOSURES

Sec. 185.001. DEFINITIONS. In this chapter:

(1) "Facility" means a hospital, outpatient clinic, birthing center, ambulatory surgical center, or other licensed facility providing health care services. The term does not include an emergency clinic, a freestanding emergency medical care facility, or other facility providing only emergency care.

(2) "Patient" includes a prospective patient and a personal representative of the patient.

(3) "Practitioner" means an individual who is licensed to provide and provides medical or other health care services in this state.

Sec. 185.002. PRICE DISCLOSURE OR ESTIMATE. (a) Before providing a nonemergency health care service offered to the patient by the facility or practitioner, a facility or practitioner shall provide a price disclosure described by Subsection (b) or an estimate described by Subsection (c) unless declined by the patient.

1       (b) Except as provided by Subsection (c), a facility or  
2 practitioner required to provide a price disclosure under  
3 Subsection (a) shall disclose to the patient the amount, including  
4 facility fees, that:

5           (1) the patient's health benefit plan will reimburse  
6 the facility or practitioner for the service, if the facility or  
7 practitioner is a participating provider under the patient's health  
8 benefit plan; or

9           (2) the facility or practitioner will charge for the  
10 service, if the facility or practitioner is not a participating  
11 provider under the patient's health benefit plan.

12       (c) If a facility or practitioner is unable to quote a  
13 specific amount under Subsection (b) because of the facility's or  
14 practitioner's inability to predict the specific service the  
15 patient will need, the facility or practitioner shall provide an  
16 estimate of the amount, including facility fees, that:

17           (1) the patient's health benefit plan will reimburse  
18 the facility or practitioner for the predicted service, if the  
19 facility or practitioner is a participating provider under the  
20 patient's health benefit plan; or

21           (2) the facility or practitioner will charge for the  
22 predicted service, if the facility or practitioner is not a  
23 participating provider under the patient's health benefit plan.

24       (d) A facility or practitioner that provides an estimate  
25 described by Subsection (c) shall:

26           (1) disclose the incomplete nature of the estimate;

27 and

1           (2) inform the patient that the facility or  
2 practitioner may be able to provide an updated estimate after the  
3 facility or practitioner obtains additional information.

4           (e) Notwithstanding any other law, a facility or  
5 practitioner that does not provide the price disclosure or estimate  
6 required by this section before providing a health care service for  
7 which the price disclosure or estimate is required may not bill the  
8 patient or the patient's health benefit plan for the service.

9           Sec. 185.003. EFFECT OF OTHER LAW. A facility that provides  
10 an estimate under Section 324.101(d) is not relieved of the  
11 obligation to provide a price disclosure or estimate under Section  
12 185.002.

13           Sec. 185.004. PATIENT INFORMATION. On request, a facility  
14 or practitioner shall provide a patient with sufficient information  
15 about a proposed nonemergency health care service to enable the  
16 patient to determine the amount of the patient's personal liability  
17 by using the patient's health benefit plan's toll-free telephone  
18 number or Internet website. The facility or practitioner shall  
19 provide the information to the patient based on the information  
20 available to the facility or practitioner at the time of the  
21 request. The facility or practitioner may assist the patient in  
22 using the telephone number or website.

23           SECTION 2. Section 324.101, Health and Safety Code, is  
24 amended by adding Subsection (d-1) and amending Subsection (e) to  
25 read as follows:

26           (d-1) A facility that provides a price disclosure or  
27 estimate under Section 185.002 is not relieved of the obligation to

1 provide an estimate under Subsection (d).

2 (e) A facility shall provide to the consumer at the  
3 consumer's request an itemized statement in plain language of the  
4 billed services if the consumer requests the statement not later  
5 than the first anniversary of the date the person is discharged from  
6 the facility. The facility shall provide the statement to the  
7 consumer not later than the 10th business day after the date on  
8 which the statement is requested.

9 SECTION 3. Chapter 185, Health and Safety Code, as added by  
10 this Act, and Section 324.101(e), Health and Safety Code, as  
11 amended by this Act, apply only to a service provided by a facility  
12 or practitioner on or after January 1, 2024. A service provided  
13 before January 1, 2024, is governed by the law as it existed  
14 immediately before the effective date of this Act, and that law is  
15 continued in effect for that purpose.

16 SECTION 4. This Act takes effect September 1, 2023.