

By: Chavez

H.B. No. 111

A BILL TO BE ENTITLED

AN ACT

1
2 relating to responsibility for payment for transport by ambulance
3 of a recipient of medical assistance in certain circumstances.

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

5 SECTION 1. Section 32.024(t), Human Resources Code, is
6 amended to read as follows:

7 (t) The department by rule shall require a physician,
8 nursing facility, health care provider, or other responsible party
9 to obtain authorization from the department or a person authorized
10 to act on behalf of the department before an ambulance is used to
11 transport a recipient of medical assistance under this chapter in
12 circumstances not involving an emergency. The rules must provide
13 that:

14 (1) except as provided by Subdivision (3), a request
15 for authorization must be evaluated based on the recipient's
16 medical needs and may be granted for a length of time appropriate to
17 the recipient's medical condition;

18 (2) except as provided by Subdivision (3), a response
19 to a request for authorization must be made not later than 48 hours
20 after receipt of the request;

21 (3) a request for authorization must be immediately
22 granted and must be effective for a period of 180 days from the date
23 of issuance if the request includes a written statement from a
24 physician that:

1 (A) states that alternative means of
2 transporting the recipient are contraindicated; and

3 (B) is dated not earlier than the 60th day before
4 the date on which the request for authorization is made; ~~and~~

5 (4) a person denied payment for ambulance services
6 rendered is entitled to payment from the physician, nursing
7 facility, health care provider, or other responsible party that
8 requested the services if:

9 (A) payment under the medical assistance program
10 is denied because of lack of prior authorization; and

11 (B) the person provides the physician, nursing
12 facility, health care provider, or other responsible party with a
13 copy of the bill for which payment was denied; and

14 (5) a person denied payment for services rendered
15 because of failure to obtain prior authorization or because a
16 request for prior authorization was denied is entitled to appeal
17 the denial of payment to the department.

18 SECTION 2. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect September 1, 2003.