

By: Ellis

S.B. No. 603

A BILL TO BE ENTITLED

1 AN ACT

2 relating to overcharging by health care providers under the
3 workers' compensation system; providing criminal penalties.

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

5 SECTION 1. Section 413.043, Labor Code, is amended by
6 amending Subsection (b) and by adding Subsections (c) and (d) to
7 read as follows:

8 (b) If the difference between the amount charged the
9 insurance carrier by the health care provider and the amount
10 normally charged for similar treatment to a payor outside the
11 workers' compensation system [~~An offense under this section~~] is:

12 (1) less than \$20, an offense under this section is a
13 Class C misdemeanor;

14 (2) \$20 or more but less than \$500, an offense under
15 this section is a Class B misdemeanor;

16 (3) \$500 or more but less than \$1,500, an offense under
17 this section is a Class A misdemeanor;

18 (4) \$1,500 or more but less than \$20,000, an offense
19 under this section is a state jail felony;

20 (5) \$20,000 or more but less than \$100,000, an offense
21 under this section is a felony of the third degree;

22 (6) \$100,000 or more but less than \$200,000, an
23 offense under this section is a felony of the second degree; or

24 (7) \$200,000 or more, an offense under this section is

1 a felony of the first degree.

2 (c) If a health care provider obtains payments for services
3 in violation of Subsection (a) under one scheme or a continuing
4 course of conduct, whether from one source or several sources, the
5 conduct may be considered one offense and the amounts aggregated in
6 determining the classification of the offense.

7 (d) An offense under this section may be prosecuted in:

8 (1) Travis County;

9 (2) a county in which any element of the offense
10 occurs; or

11 (3) the county of the insurance carrier's principal
12 office in this state.

13 SECTION 2. (a) The change in law made by this Act applies
14 only to the punishment for an offense committed on or after the
15 effective date of this Act. For purposes of this section, an
16 offense is committed before the effective date of this Act if any
17 element of the offense occurs before the effective date.

18 (b) An offense committed before the effective date of this
19 Act is governed by the law in effect on the date that the offense was
20 committed, and the former law is continued in effect for that
21 purpose.

22 SECTION 3. This Act takes effect September 1, 2003.