

By: Hupp

H.B. No. 2480

A BILL TO BE ENTITLED

AN ACT

1
2 relating to certain unprofessional conduct by a health care
3 provider; providing an administrative penalty.

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

5 SECTION 1. Section 105.001, Occupations Code, is amended to
6 read as follows:

7 Sec. 105.001. DEFINITION. In this chapter, "health care
8 provider" means a person who furnishes services under a license,
9 certificate, registration, or other authority issued by this state
10 or another state to diagnose, prevent, alleviate, or cure a human
11 illness or injury. The term includes a hospital licensed under
12 Chapter 241, Health and Safety Code.

13 SECTION 2. Section 105.002, Occupations Code, is amended to
14 read as follows:

15 Sec. 105.002. UNPROFESSIONAL CONDUCT. (a) A health care
16 provider commits unprofessional conduct if the health care
17 provider, in connection with the provider's professional
18 activities:

19 (1) knowingly presents or causes to be presented a
20 false or fraudulent claim for the payment of a loss under an
21 insurance policy; ~~or~~

22 (2) knowingly prepares, makes, or subscribes to any
23 writing, with intent to present or use the writing, or to allow it
24 to be presented or used, in support of a false or fraudulent claim

1 under an insurance policy; or

2 (3) knowingly collects or attempts to collect a
3 payment from a person knowing that the collection or attempt to
4 collect violates a contract, agreement, or other arrangement
5 between the health care provider and the person's insurer, health
6 maintenance organization, preferred provider organization, or
7 other health care payor.

8 (b) In addition to other provisions of civil or criminal
9 law, commission of unprofessional conduct under Subsection (a)
10 constitutes cause for:

11 (1) the revocation or suspension of a provider's
12 license, permit, registration, certificate, or other authority or
13 other disciplinary action; and

14 (2) imposition of an administrative penalty of \$500
15 for each violation of this chapter or a greater amount determined by
16 the entity authorized by law to impose the penalty.

17 SECTION 3. The change in law made by this Act applies only
18 to conduct that occurs on or after the effective date of this Act.
19 Conduct that occurs before that date is governed by the law in
20 effect at the time the conduct occurred, and the former law is
21 continued in effect for that purpose.

22 SECTION 4. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2005.