

By: Armbrister

S.B. No. 762

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

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

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

1 under an insurance policy;

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

8 (4) knowingly charges a person or the person's
9 insurer, health maintenance organization, preferred provider
10 organization, or other health care payor for diagnostic testing
11 unless the health care provider rendered a professional service in
12 the direct care and treatment of the person in relation to the
13 diagnostic test.

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

17 (1) the revocation or suspension of a provider's
18 license, permit, registration, certificate, or other authority or
19 other disciplinary action; and

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

23 SECTION 3. The change in law made by this Act applies only
24 to conduct that occurs on or after the effective date of this Act.
25 Conduct that occurs before that date is governed by the law in
26 effect at the time the conduct occurred, and the former law is
27 continued in effect for that purpose.

1 SECTION 4. This Act takes effect September 1, 2005.