

By: Davis of Harris

H.B. No. 2855

A BILL TO BE ENTITLED

AN ACT

relating to consumer access to health care information; imposing penalties.

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

SECTION 1. Subtitle G, Title 4, Health and Safety Code, is amended by adding Chapter 324 to read as follows:

CHAPTER 324. CONSUMER ACCESS TO HEALTH CARE INFORMATION

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 324.001. DEFINITIONS. In this chapter:

(1) "Consumer" means any person who is considering receiving, is receiving, or has received a health care service or supply as a patient from a health care facility. The term includes the personal representative of the patient and any other person paying for a health care service or supply on behalf of the patient.

(2) "Department" means the Department of State Health Services.

(3) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

(4) "Health benefit plan" has the meaning assigned by Section 108.002.

(5) "Health care facility" means:

(A) an ambulatory surgical center licensed under Chapter 243; or

(B) a hospital licensed under Chapter 241.

1 (6) "Outcome data" has the meaning assigned by Section
2 108.002.

3 Sec. 324.002. RULES. The executive commissioner may adopt
4 and enforce rules to further the purposes of this chapter.

5 [Sections 324.003-324.050 reserved for expansion]

6 SUBCHAPTER B. PUBLICATION OF HEALTH CARE FACILITY AND

7 HEALTH BENEFIT PLAN INFORMATION

8 Sec. 324.051. PUBLICATION OF FACILITY OUTCOME DATA FOR
9 CONSUMER USE. (a) Using the data collected under Chapter 108, the
10 department shall publish on the department's Internet website
11 outcome data for each health care facility that submits data under
12 that chapter. The department shall make the data available in a
13 manner that allows a consumer to conduct an interactive search on
14 the website to compare the outcome data for specific health care
15 facilities.

16 (b) The department shall ensure that the information
17 published on the department's Internet website under Subsection (a)
18 enhances informed decision-making among consumers. The information
19 may include:

20 (1) performance-based outcome data for specific
21 conditions and procedures, including:

22 (A) patient length of stay;

23 (B) mortality;

24 (C) co-morbidity;

25 (D) complications; and

26 (E) infection rates; and

27 (2) patient charges for specific conditions and

1 procedures, including:

2 (A) average charge;

3 (B) net revenue per adjusted patient day;

4 (C) average cost per adjusted patient day; and

5 (D) average cost per admission.

6 (c) The department must provide on the department's
7 Internet website:

8 (1) guidance on using the data; and

9 (2) information on why the data may vary from facility
10 to facility.

11 (d) The executive commissioner by rule shall determine the
12 conditions and procedures for which outcome data will be published
13 under this section.

14 Sec. 324.052. PUBLICATION OF HEALTH BENEFIT PLAN DATA FOR
15 CONSUMER USE. (a) Using data collected under Chapter 108, the
16 department shall publish on the department's Internet website
17 information derived from data collected from health benefit plans
18 that submit data under that chapter. The department shall make the
19 information available in a manner that allows a consumer to conduct
20 an interactive search on the website to compare information for
21 specific health benefit plans.

22 (b) The department shall ensure that the information
23 published on the department's Internet website enhances informed
24 decision-making among consumers. The information may include
25 information regarding:

26 (1) enrollee satisfaction;

27 (2) quality of care;

- 1 (3) current enrollment or membership;
- 2 (4) coverage areas;
- 3 (5) accreditation status;
- 4 (6) premium costs;
- 5 (7) plan costs;
- 6 (8) premium increases;
- 7 (9) range of benefits;
- 8 (10) copayments and deductibles;
- 9 (11) accuracy and speed of claims payment;
- 10 (12) credentials of physicians;
- 11 (13) number of providers;
- 12 (14) names of network providers; and
- 13 (15) hospitals in the network.

14 (c) The department must provide on the department's
15 Internet website:

- 16 (1) guidance on using the information; and
- 17 (2) information on why the data may vary from plan to
18 plan.

19 Sec. 324.053. STAKEHOLDER WORK GROUP. The department may
20 appoint a work group made up of representatives from facilities and
21 health benefit plans to advise the department on whether the
22 release of information under this chapter is useful to a consumer.

23 Sec. 324.054. CONFIDENTIALITY. Information received under
24 this chapter is subject to the confidentiality provisions under
25 Section 108.013.

26 [Sections 324.055-324.100 reserved for expansion]

1 SUBCHAPTER C. CONSUMER ACCESS TO HEALTH CARE INFORMATION

2 Sec. 324.101. FACILITY NOTIFICATION TO CONSUMER OF
3 DEPARTMENT INFORMATION. Each health care facility that submits
4 data to the department under Chapter 108 shall:

5 (1) post, in a prominent location in the facility's
6 reception areas, patient waiting rooms, admissions offices, and
7 billing offices, a clear and conspicuous notice of the availability
8 of the information under Section 324.051;

9 (2) provide a link to the information under Section
10 324.051 on the facility's Internet website; and

11 (3) make available on request a written copy of the
12 information under Section 324.051 related to that facility.

13 Sec. 324.102. ESTIMATE OF CHARGES. (a) Before any
14 nonemergency treatment or service is performed for a consumer, a
15 health care facility must disclose to the consumer the consumer's
16 right to receive a written estimate of the charges for any
17 procedure, service, or supply provided to the consumer.

18 (b) A health care facility shall post, in a prominent
19 location in the facility's reception areas, patient waiting rooms,
20 admissions offices, and billing offices, a clear and conspicuous
21 notice of the availability of the information required by this
22 section.

23 Sec. 324.103. CHARGE VERIFICATION INFORMATION. A health
24 care facility shall make available to a consumer all records
25 necessary for verification of the accuracy of the consumer's bill
26 not later than 10 business days after the date the consumer requests
27 the information. The verification information must be available at

1 the facility's offices. The facility may not charge the patient for
2 making the information available for inspection, but may charge a
3 fee for providing copies of the records.

4 Sec. 324.104. PENALTY. A health care facility that
5 violates Section 324.101, 324.102, or 324.103 is subject to
6 discipline under Section 241.053 or 243.011, or an administrative
7 penalty under Section 241.059 or Sections 243.015 and 243.016 in
8 the same manner as if the facility had violated Chapter 241 or 243,
9 as applicable to the facility.

10 SECTION 2. Section 311.002, Health and Safety Code, is
11 amended by adding Subsection (b-1) to read as follows:

12 (b-1) A hospital that is a health care facility as defined
13 by Section 324.001 is required to provide all records necessary for
14 verification of the accuracy of the consumer's bill as required by
15 Section 324.103.

16 SECTION 3. Subchapter A, Chapter 311, Health and Safety
17 Code, is amended by adding Section 311.0021 to read as follows:

18 Sec. 311.0021. ESTIMATE OF CHARGES. A hospital that is a
19 health care facility as defined by Section 324.001 must provide on
20 request an estimate of charges as required by Section 324.102.

21 SECTION 4. The Department of State Health Services shall
22 make available on its Internet website the information required by
23 Sections 324.051 and 324.052, Health and Safety Code, as added by
24 this Act, not later than September 1, 2008.

25 SECTION 5. Notwithstanding Section 324.104, Health and
26 Safety Code, as added by this Act, a hospital or ambulatory surgical
27 center is not subject to discipline or an administrative penalty

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1 for a violation of Section 324.101, 324.102, or 324.103, Health and
2 Safety Code, as added by this Act, that occurs before January 1,
3 2009.

4 SECTION 6. This Act takes effect September 1, 2007.