

By: Leibowitz

H.B. No. 3100

A BILL TO BE ENTITLED

AN ACT

relating to billing for certain adverse events that occur during the provision of health care services.

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

SECTION 1. The heading to Subtitle I, Title 2, Health and Safety Code, is amended to read as follows:

SUBTITLE I. MEDICAL RECORDS AND BILLING

SECTION 2. Subtitle I, Title 2, Health and Safety Code, is amended by adding Chapter 183 to read as follows:

CHAPTER 183. PROHIBITED BILLING PRACTICES

Sec. 183.001. DEFINITIONS. In this chapter:

(1) "Health care facility" means a facility licensed, certified, or otherwise authorized by the laws of this state to administer health care, for profit or otherwise, in the ordinary course of business.

(2) "Health care provider" means a person or facility licensed, certified, or otherwise authorized by the laws of this state to administer health care, for profit or otherwise, in the ordinary course of business or professional practice.

(3) "Serious disability" means:

(A) a physical or mental impairment that substantially limits one or more major life activities of an individual such as seeing, hearing, speaking, walking, or breathing, or a loss of a bodily function, if the impairment or loss

1 lasts more than seven days or is still present at the time of
2 discharge from an inpatient health care facility; or

3 (B) loss of a body part.

4 Sec. 183.002. PREVENTABLE ADVERSE EVENT. For purposes of
5 this chapter, a preventable adverse event is any of the following
6 events that occur during the provision of a health care service to a
7 patient:

8 (1) the unintended retention of a foreign object in
9 the patient after surgery or another procedure;

10 (2) death or serious disability caused by an
11 intravascular air embolism that occurs while the patient is
12 receiving care in a health care facility, excluding a death
13 associated with a neurological procedure known to present a high
14 risk of intravascular air embolism;

15 (3) death or serious disability of a patient caused by
16 a hemolytic reaction resulting from the administration of ABO- or
17 HLA-incompatible blood or blood products;

18 (4) stage three or four pressure ulcers acquired after
19 admission to a health care facility, excluding progression from
20 stage two to stage three if stage two was recognized on admission;

21 (5) death or serious disability caused by an electric
22 shock while the patient is receiving care in a health care facility,
23 excluding an event involving a planned treatment such as electric
24 countershock;

25 (6) death or serious disability caused by a burn
26 incurred from any source while the patient is receiving care in a
27 health care facility;

1 (7) death or serious disability caused by a fall or
2 trauma resulting in a fracture, dislocation, intracranial injury,
3 or crushing injury while the patient is receiving care in a health
4 care facility;

5 (8) death or serious disability directly related to
6 the following manifestations of poor glycemic control, the onset of
7 which occurs while the patient is receiving care in a health care
8 facility:

9 (A) diabetic ketoacidosis;

10 (B) nonketotic hyperosmolar coma;

11 (C) hypoglycemic coma;

12 (D) secondary diabetes with ketoacidosis; and

13 (E) secondary diabetes with hyperosmolarity;

14 (9) death or serious disability caused by a urinary
15 tract infection resulting from the insertion of a catheter by an
16 individual health care provider;

17 (10) death or serious disability caused by an
18 infection resulting from the insertion of a vascular catheter by an
19 individual health care provider;

20 (11) death or serious disability caused by a surgical
21 site infection occurring as a result of the following procedures:

22 (A) a coronary artery bypass graft;

23 (B) bariatric surgery such as laparoscopic
24 gastric bypass surgery, gastroenterostomy, and laparoscopic
25 gastric restrictive surgery; and

26 (C) orthopedic procedures involving the spine,
27 neck, shoulder, or elbow; and

1 (12) death or serious disability caused by a pulmonary
2 embolism or deep vein thrombosis that occurs while the patient is
3 receiving care in a health care facility following an orthopedic
4 procedure, including total knee replacement or hip replacement.

5 Sec. 183.003. PROHIBITED BILLING FOR PREVENTABLE ADVERSE
6 EVENT. A health care provider may not present or cause to be
7 presented to any person, including the state Medicaid program, an
8 insurer, or another third party payor, a bill or demand for payment
9 for a health care service that included a preventable adverse event
10 or a health care service provided to a patient in this state as a
11 result of or to correct a preventable adverse event that is caused
12 by the provider or a person employed or supervised by or holding
13 practice privileges from the provider.

14 Sec. 183.004. RULES. The appropriate regulatory agency of
15 this state that issues a license or certificate to a licensed health
16 care provider may adopt rules necessary to implement and enforce
17 this chapter.

18 Sec. 183.005. DISCIPLINARY ACTION. A licensed health care
19 provider who violates this chapter or a rule adopted under this
20 chapter by the appropriate regulatory agency of this state is
21 subject to disciplinary action by the regulatory agency under
22 applicable law, including revocation, suspension, or nonrenewal of
23 the provider's license.

24 SECTION 3. Section 183.003, Health and Safety Code, as
25 added by this Act, applies only to a preventable adverse event
26 occurring on or after November 1, 2009.

27 SECTION 4. If before implementing any provision of this Act

1 a state agency determines that a waiver or authorization from a
2 federal agency is necessary for implementation of that provision,
3 the agency affected by the provision shall request the waiver or
4 authorization and may delay implementing that provision until the
5 waiver or authorization is granted.

6 SECTION 5. This Act takes effect September 1, 2009.