

By: Farrar

H.B. No. 4251

A BILL TO BE ENTITLED

AN ACT

relating to claims and liens by certain health care providers.

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

SECTION 1. Section 146.001(2), Civil Practice and Remedies Code, is amended to read as follows:

(2) "Health care service provider" means a person who, under a license or other grant of authority issued by this state, provides health care services the costs of which may be paid for or reimbursed under a health benefit plan. The term includes a hospital or other organization or entity that provides health care the costs of which may be paid for or reimbursed under a health benefit plan.

SECTION 2. Section 146.003(a), Civil Practice and Remedies Code, is amended to read as follows:

(a) Notwithstanding Chapter 55, Property Code, a [A] health care service provider who violates Section 146.002 may not recover from the patient directly or by way of a lien, assignment, or other method from the proceeds of a patient's third-party tort judgment, uninsured or underinsured motorist insurance, personal injury protection insurance, or any amount that the patient would have been entitled to receive as payment or reimbursement under a health benefit plan or that the patient would not otherwise have been obligated to pay had the provider complied with Section 146.002. A lien filed under Chapter 55, Property Code, is subject to this

1 section.

2 SECTION 3. Section 55.002, Property Code, is amended by  
3 adding Subsections (d) and (e) to read as follows:

4 (d) A hospital or emergency medical services provider must  
5 bill the applicable health insurance, including Medicaid,  
6 Medicare, a compensation to victims of crime fund or a compensation  
7 to victims of crime auxiliary fund, workers' compensation, or other  
8 public or private health insurance not later than the date provided  
9 by the insurer or by applicable law. A hospital or emergency  
10 medical services provider that violates this section or Section  
11 146.002, Civil Practice and Remedies Code, may not recover from the  
12 patient directly or by way of a lien, assignment, or other method  
13 from the proceeds of a patient's third-party tort judgment,  
14 uninsured or underinsured motorist insurance, personal injury  
15 protection insurance, or any amount that the patient would have  
16 been entitled to receive as payment or reimbursement under a health  
17 benefit plan or that the patient would not otherwise have been  
18 obligated to pay had the provider complied with this section or  
19 Section 146.002, Civil Practice and Remedies Code.

20 (e) A patient's obligation to a hospital or emergency  
21 medical services provider may not be assigned to an automobile  
22 insurance coverage, including uninsured or underinsured motorist  
23 coverage, personal injury protection coverage, or medical payments  
24 coverage. A patient's obligation to a hospital or emergency  
25 medical services provider may be assigned to the patient's health  
26 insurance or employee welfare benefit plan.

27 SECTION 4. The change in law made by this Act applies only

1 to an action that accrues on or after the effective date of this  
2 Act. An action that accrues before the effective date of this Act  
3 is governed by the law as it existed immediately before that date,  
4 and that law is continued in effect for that purpose.

5 SECTION 5. This Act takes effect immediately if it receives  
6 a vote of two-thirds of all the members elected to each house, as  
7 provided by Section 39, Article III, Texas Constitution. If this  
8 Act does not receive the vote necessary for immediate effect, this  
9 Act takes effect September 1, 2009.