

By: Kolkhorst

H.B. No. 2430

A BILL TO BE ENTITLED

AN ACT

relating to the price charged by a health care provider for a health care service or supply; providing penalties.

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

SECTION 1. This Act may be cited as the Texas Health Care Pricing Disclosure Act.

SECTION 2. The heading to Subchapter H, Chapter 101, Occupations Code, is amended to read as follows:

SUBCHAPTER H. BILLING AND PRICING INFORMATION

SECTION 3. Subchapter H, Chapter 101, Occupations Code, is amended by adding Section 101.3515 to read as follows:

Sec. 101.3515. PRICING INFORMATION. (a) In this section:

(1) "Bundled health care services and supplies" means for pricing purposes the grouping of multiple health care services and supplies provided by a health care provider to a patient during one visit to or treatment by the provider.

(2) "Health care price" means the total amount of compensation a health care provider accepts as payment in full for a health care service or supply or bundled health care services and supplies provided to a patient.

(3) "Health care provider" means:

(A) a health care professional who performs a health care service or provides a health care supply in this state under a license, certificate, registration, or other authority

1 issued by this state to diagnose, prevent, alleviate, or cure a
2 human illness or injury, including a physician and dentist;

3 (B) a health care facility that provides a health
4 care service or supply in this state under a license, certificate,
5 registration, or other authority issued by this state to diagnose,
6 prevent, alleviate, or cure a human illness or injury, including an
7 institutional health care provider; or

8 (C) a person that provides to patients in this
9 state ancillary health care-related services and supplies under a
10 license, certificate, or registration issued by this state, or that
11 is otherwise authorized to provide to patients in this state
12 ancillary health care-related services and supplies ordered or
13 authorized by a licensed health care professional, to diagnose,
14 prevent, alleviate, or cure a human illness or injury, including
15 laboratory services, radiological services, and durable medical
16 equipment.

17 (4) "Pricing information list" means a list of:

18 (A) the health care price of each health care
19 service and each health care supply that may be provided by a health
20 care provider to a patient; and

21 (B) the health care price of each set of bundled
22 health care services and supplies that may be provided by the health
23 care provider to a patient.

24 (b) This section does not apply to a health care price of a
25 health care service or supply or bundled health care services and
26 supplies provided to:

27 (1) a patient for whom a health care provider has

1 accepted assignment for the health care service or supply from
2 Medicaid or Medicare or any other federal, state, or local
3 government-sponsored medical assistance program; or

4 (2) a financially or medically indigent person who
5 qualifies for indigent health care services based on:

6 (A) a sliding fee scale; or

7 (B) a health care provider's written charity care
8 policy.

9 (c) Each health care provider shall:

10 (1) compile a pricing information list;

11 (2) post on the provider's Internet website the
12 pricing information list and the effective date of the list before
13 providing a health care service or supply or bundled health care
14 services and supplies to a patient; and

15 (3) not less than 30 days before changing the health
16 care price of a health care service or supply or bundled health care
17 services and supplies provided by the provider to the patient,
18 provide notice of the price change by posting the notice on the
19 provider's Internet website.

20 (d) A health care provider may not:

21 (1) charge an amount that is different from the amount
22 listed as the health care price in the pricing information list for
23 a health care service or supply or bundled health care services and
24 supplies provided to a patient; or

25 (2) include a discount, bonus, fee, or other charge
26 that changes the health care price listed in the pricing
27 information list.

1 (e) A health care provider may accept from a patient a
2 payment that is less than the health care price listed in the
3 pricing information list if the health care provider determines, in
4 the provider's sole discretion, that payment of the listed price
5 would present a hardship to the patient.

6 (f) Except for a health care service or supply or bundled
7 health care services and supplies provided to a patient in an
8 emergency department of a hospital or as a result of an emergent
9 direct admission, a patient who receives a health care service or
10 supply or bundled health care services and supplies from a health
11 care provider whose health care price listed is greater than the
12 payment provided under the patient's health plan is personally
13 responsible for the amount that exceeds the listed price.

14 (g) A health care provider that violates this section is
15 subject to an administrative penalty, a civil penalty, or other
16 disciplinary action, as applicable, in the same manner as if the
17 provider violated the law under which the provider is licensed,
18 certified, registered, or authorized.

19 SECTION 4. Section 101.352(a), Occupations Code, is amended
20 to read as follows:

21 (a) A physician shall develop, implement, and enforce
22 written policies for the billing of health care services and
23 supplies. The policies must address:

24 (1) ~~[any discounting of charges for health care~~
25 ~~services or supplies provided to an uninsured patient that is not~~
26 ~~covered by a patient's third-party payor, subject to Chapter 552,~~
27 ~~Insurance Code,~~

1 ~~[(2)]~~ any discounting of charges for health care
2 services or supplies provided to an indigent patient who qualifies
3 for services or supplies based on a sliding fee scale or a written
4 charity care policy established by the physician;

5 (2) ~~[(3)]~~ whether interest will be applied to any
6 billed health care service or supply not covered by a third-party
7 payor and the rate of any interest charged; and

8 (3) ~~[(4)]~~ the procedure for handling complaints
9 relating to billed charges for health care services or supplies.

10 SECTION 5. Section 324.101(a), Health and Safety Code, is
11 amended to read as follows:

12 (a) Each facility shall develop, implement, and enforce
13 written policies for the billing of facility health care services
14 and supplies. The policies must address:

15 (1) ~~[any discounting of facility charges to an
16 uninsured consumer, subject to Chapter 552, Insurance Code,~~

17 ~~[(2)]~~ any discounting of facility charges provided to
18 a financially or medically indigent consumer who qualifies for
19 indigent services based on a sliding fee scale or a written charity
20 care policy established by the facility and the documented income
21 and other resources of the consumer;

22 (2) ~~[(3)] the providing of an itemized statement
23 required by Subsection (c),~~

24 ~~[(4)]~~ whether interest will be applied to any billed
25 service not covered by a third-party payor and the rate of any
26 interest charged; and

27 (3) ~~[(5)]~~ the procedure for handling complaints~~[~~

1 ~~[(6) the providing of a conspicuous written disclosure~~
2 ~~to a consumer at the time the consumer is first admitted to the~~
3 ~~facility or first receives services at the facility that:~~

4 ~~[(A) provides confirmation whether the facility~~
5 ~~is a participating provider under the consumer's third-party payor~~
6 ~~coverage on the date services are to be rendered based on the~~
7 ~~information received from the consumer at the time the confirmation~~
8 ~~is provided;~~

9 ~~[(B) informs consumers that a facility-based~~
10 ~~physician who may provide services to the consumer while the~~
11 ~~consumer is in the facility may not be a participating provider with~~
12 ~~the same third-party payors as the facility;~~

13 ~~[(C) informs consumers that the consumer may~~
14 ~~receive a bill for medical services from a facility-based physician~~
15 ~~for the amount unpaid by the consumer's health benefit plan;~~

16 ~~[(D) informs consumers that the consumer may~~
17 ~~request a listing of facility-based physicians who have been~~
18 ~~granted medical staff privileges to provide medical services at~~
19 ~~the facility; and~~

20 ~~[(E) informs consumers that the consumer may~~
21 ~~request information from a facility-based physician on whether the~~
22 ~~physician has a contract with the consumer's health benefit plan~~
23 ~~and under what circumstances the consumer may be responsible for~~
24 ~~payment of any amounts not paid by the consumer's health benefit~~
25 ~~plan;~~

26 ~~[(7) the requirement that a facility provide a list,~~
27 ~~on request, to a consumer to be admitted to, or who is expected to~~

1 ~~receive services from, the facility, that contains the name and~~
2 ~~contact information for each facility-based physician or~~
3 ~~facility-based physician group that has been granted medical staff~~
4 ~~privileges to provide medical services at the facility; and~~

5 ~~[(8) if the facility operates a website that includes~~
6 ~~a listing of physicians who have been granted medical staff~~
7 ~~privileges to provide medical services at the facility, the posting~~
8 ~~on the facility's website of a list that contains the name and~~
9 ~~contact information for each facility-based physician or~~
10 ~~facility-based physician group that has been granted medical staff~~
11 ~~privileges to provide medical services at the facility and the~~
12 ~~updating of the list in any calendar quarter in which there are any~~
13 ~~changes to the list].~~

14 SECTION 6. Sections 324.101(b) and (d), Health and Safety
15 Code, are repealed.

16 SECTION 7. Notwithstanding Section 101.3515, Occupations
17 Code, as added by this Act, Section 101.352, Occupations Code, as
18 amended by this Act, or Section 324.101, Health and Safety Code, as
19 amended by this Act, a health care provider is not required to
20 comply with the changes in law made by those sections until
21 September 1, 2012.

22 SECTION 8. This Act takes effect September 1, 2011.