

By: Scott

H.B. No. 2882

A BILL TO BE ENTITLED

AN ACT

relating to subrogation of certain costs for services provided or paid by the Nueces County Hospital District; providing penalties.

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

SECTION 1. Subchapter D, Chapter 281, Health and Safety Code, is amended by adding Section 281.075 to read as follows:

Sec. 281.075. SUBROGATION BY NUECES COUNTY HOSPITAL DISTRICT. (a) The filing of an application for or receipt of health care services provided or paid for by the Nueces County Hospital District constitutes an assignment of the applicant's or recipient's right of recovery from:

(1) personal insurance;

(2) other sources; or

(3) another person for personal injury caused by the other person's negligence or wrong.

(b) A person who applies for or receives health care services shall inform the Nueces County Hospital District, at the time of application or at any time during eligibility for services, of:

(1) any unsettled tort claim that may affect medical needs;

(2) any private accident or health insurance coverage that is or may become available; and

(3) any injury that is caused by the act or failure to

1 act of some other person.

2 (c) An applicant or eligible resident shall inform the
3 Nueces County Hospital District of information required by
4 Subsection (b) within 10 days of the date the person learns of the
5 person's insurance coverage, tort claim, or potential cause of
6 action.

7 (d) A claim for damages for personal injury does not
8 constitute grounds for denying or discontinuing services under this
9 chapter or Chapter 61.

10 (e) A separate and distinct cause of action is created in
11 favor of the Nueces County Hospital District, and the district may,
12 with the approval of the board of managers, take direct civil action
13 in any court of competent jurisdiction. A suit brought under this
14 section does not need to be ancillary to or dependent on any other
15 action.

16 (f) The Nueces County Hospital District's right of recovery
17 under this section is limited to the amount of the cost of services
18 paid by the district. Other subrogation rights granted under this
19 section are limited to the cost of the services provided by the
20 Nueces County Hospital District.

21 (g) An applicant or eligible resident who knowingly and
22 intentionally fails to disclose the information required by
23 Subsection (b):

24 (1) is subject to denial of services under Section
25 61.066, following an administrative hearing; and

26 (2) commits an offense.

27 (h) An offense under Subsection (g)(2) is a Class C

1 misdemeanor. If conduct constituting an offense under Subsection
2 (g)(2) also constitutes an offense under another law, the actor may
3 be prosecuted under Subsection (g)(2), the other law, or both.

4 (i) Procedures established by the Nueces County Hospital
5 District for administrative hearings under this section shall
6 provide for appropriate due process, including procedures for
7 appeals.

8 SECTION 2. This Act applies only to the filing of an
9 application for services or receipt of services as described by
10 Section 281.075, Health and Safety Code, as added by this Act, on or
11 after the effective date of this Act. The filing of an application
12 for services or receipt of services before the effective date of
13 this Act is governed by the law in effect on the date of filing for
14 or receipt of services, and the former law is continued in effect
15 for that purpose.

16 SECTION 3. This Act takes effect September 1, 2011.