

By: Hunter

H.B. No. 3630

A BILL TO BE ENTITLED

AN ACT

relating to certain unprofessional conduct by a health care provider.

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

SECTION 1. Section 105.002(a), Occupations Code, is amended to read as follows:

(a) A health care provider commits unprofessional conduct if the health care provider, in connection with the provider's professional activities:

(1) knowingly presents or causes to be presented a false or fraudulent claim for the payment of a loss under an insurance policy;

(2) knowingly prepares, makes, or subscribes to any writing, with intent to present or use the writing, or to allow it to be presented or used, in support of a false or fraudulent claim under an insurance policy; ~~or~~

(3) knowingly directs or requires a patient to obtain health care goods or services from a niche hospital in which the health care provider or an immediate family member of the provider has a financial interest, unless the provider:

(A) discloses to the patient, in writing, that the provider or the provider's family member has a financial interest in the niche hospital; and

(B) informs the patient that the patient has the

1 option of using an alternative health care facility; or  
2 (4) knowingly fails to allow a patient, when requested  
3 by the patient or a guardian authorized to consent to treatment for  
4 the patient, to have another person present with the patient during  
5 an examination, service, or procedure to observe the patient or  
6 health care provider.

7 SECTION 2. This Act takes effect September 1, 2011.