

By: Williams

S.B. No. 1768

A BILL TO BE ENTITLED

AN ACT

relating to recovery of uncompensated hospital care costs.

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

SECTION 1. Sections 241.003 and 241.025, Health and Safety Code, are amended to read as follows:

Sec. 241.003. DEFINITIONS. In this chapter:

(1) "Advanced practice nurse" means a registered nurse recognized as an advanced practice nurse by the Texas Board of Nursing.

(2) "Board" means the Texas Board of Health.

(3) "Commission" means the Health and Human Services Commission.

(4) "Commissioner" means the executive commissioner of the Health and Human Services Commission.

(5) "Comprehensive medical rehabilitation hospital" means a general hospital that specializes in providing comprehensive medical rehabilitation services, including surgery and related ancillary services.

(6) ~~(4)~~ "Department" means the Texas Department of Health.

(7) ~~(5)~~ "General hospital" means an establishment that:

(A) offers services, facilities, and beds for use for more than 24 hours for two or more unrelated individuals

1 requiring diagnosis, treatment, or care for illness, injury,
2 deformity, abnormality, or pregnancy; and

3 (B) regularly maintains, at a minimum, clinical
4 laboratory services, diagnostic X-ray services, treatment
5 facilities including surgery or obstetrical care or both, and other
6 definitive medical or surgical treatment of similar extent.

7 (8)~~[(6)]~~ "Governmental unit" means a political
8 subdivision of the state, including a hospital district, county, or
9 municipality, and any department, division, board, or other agency
10 of a political subdivision.

11 (9)~~[(7)]~~ "Hospital" includes a general hospital and a
12 special hospital.

13 (10)~~[(8)]~~ "Medical staff" means a physician or group
14 of physicians and a podiatrist or a group of podiatrists who by
15 action of the governing body of a hospital are privileged to work in
16 and use the facilities of a hospital for or in connection with the
17 observation, care, diagnosis, or treatment of an individual who is,
18 or may be, suffering from a mental or physical disease or disorder
19 or a physical deformity or injury.

20 (11)~~[(9)]~~ "Pediatric and adolescent hospital" means a
21 general hospital that specializes in providing services to children
22 and adolescents, including surgery and related ancillary services.

23 (12)~~[(10)]~~ "Person" means an individual, firm,
24 partnership, corporation, association, or joint stock company, and
25 includes a receiver, trustee, assignee, or other similar
26 representative of those entities.

27 (13)~~[(11)]~~ "Physician" means a physician licensed by

the Texas State Board of Medical Examiners.

(14)~~[(12)]~~ "Physician assistant" means a physician assistant licensed by the Texas State Board of Physician Assistant Examiners.

(15)~~[(13)]~~ "Podiatrist" means a podiatrist licensed by the Texas State Board of Podiatric Medical Examiners.

(16)~~[(14)]~~ Repealed by Acts 2005, 79th Leg., Ch. 1286, Sec. 2, eff. September 1, 2005.

(17)~~[(15)]~~ "Special hospital" means an establishment that:

(A) offers services, facilities, and beds for use for more than 24 hours for two or more unrelated individuals who are regularly admitted, treated, and discharged and who require services more intensive than room, board, personal services, and general nursing care;

(B) has clinical laboratory facilities, diagnostic X-ray facilities, treatment facilities, or other definitive medical treatment;

(C) has a medical staff in regular attendance; and

(D) maintains records of the clinical work performed for each patient.

Sec. 241.025. LICENSE FEES AND COST RECOVERY.

(a) (1) The department shall charge each hospital an annual license fee for an initial license or a license renewal.

(2)~~[(1)]~~ The board by rule shall adopt the license fees authorized by Subsection (a) according to a schedule under which

the number of beds in the hospital determines the amount of the fee. The licensing fee may not exceed \$15 a bed. A minimum license fee may be established. The minimum fee may not exceed \$1,000.

(3)~~(c)~~ A licensing fee adopted under this chapter must be based on the estimated cost to and level of effort expended by the department to conduct the activity for which the fee is imposed.

(b)(1) The commission must annually collect an amount that, in combination with any available federal funds, is sufficient to reimburse:

(A) the estimated cost of administering public duties related to hospitals licensed under this chapter that are imposed on the department or another state agency pursuant to other law; and

(B) the estimated cost of uncompensated care, including, but not limited to, uncompensated care provided to noncitizen unauthorized immigrants.

(2) The commissioner by rule shall require each hospital to report fiscal year the following information relating to noncitizen unauthorized immigrant patients:

(A) the total cost of inpatient care and outpatient care provided to such patients;

(B) the total number of inpatient paid cases and outpatient paid cases;

(C) the total amount of payments received for inpatient care and outpatient care provided to such patients; and

(D) the total amount of payments received by the hospital for such care as a percentage of the hospital's total cost.

1 (d) All license fees collected shall be deposited in the
2 state treasury to the credit of the department to administer and
3 enforce this chapter. These fees are hereby appropriated to the
4 department.

5 (e) All costs recovered under subsection (c), including all
6 federal receipts, shall be deposited in accordance with the general
7 appropriations act or other state law.

8 (f) Notwithstanding Subsection (d) or subsection (e), to
9 the extent that money received from the fees collected under this
10 chapter exceeds the costs to the department or the commission to
11 conduct the activity for which the fee is imposed, the department
12 may use the money to administer Chapter 324 and similar laws that
13 require the department to provide information related to hospital
14 care to the public. The department may not consider the costs of
15 administering Chapter 324 or similar laws in adopting a fee imposed
16 under this section.

17 SECTION 2. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2011.