

BILL ANALYSIS

H.B. 1376
By: Kolkhorst
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Over the past several years there has been a significant increase in the number of freestanding emergency medical facilities operating in the state. These facilities often offer the same services as a hospital-based emergency room, but are usually less crowded and more readily accessible. Interested parties report that some hospital-owned and operated freestanding emergency medical facilities are being advertised as urgent care clinics, but are billing patients at emergency room rates. H.B. 1376 seeks to protect consumers by requiring certain freestanding emergency medical facilities to advertise as emergency rooms.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTIONS 1 and 2 of this bill.

ANALYSIS

Section 531.0055, Government Code, as amended by Chapter 198 (H.B. 2292), Acts of the 78th Legislature, Regular Session, 2003, expressly grants to the executive commissioner of the Health and Human Services Commission all rulemaking authority for the operation of and provision of services by the health and human services agencies. Similarly, Sections 1.16-1.29, Chapter 198 (H.B. 2292), Acts of the 78th Legislature, Regular Session, 2003, provide for the transfer of a power, duty, function, program, or activity from a health and human services agency abolished by that act to the corresponding legacy agency. To the extent practical, this bill analysis is written to reflect any transfer of rulemaking authority and to update references as necessary to an agency's authority with respect to a particular health and human services program.

H.B. 1376 amends the Health and Safety Code to prohibit a freestanding emergency medical care facility that is exempt from certain licensing requirements under statutory provisions regulating such facilities from advertising or holding itself out as a medical office, facility, or provider other than an emergency room if the facility charges for its services the usual and customary rate charged for the same service by a hospital emergency room in the same region of the state or located in a region of the state with comparable rates for emergency health care services. The bill requires the executive commissioner of the Health and Human Services Commission, as soon as practicable after the bill's effective date, to adopt rules for a notice to be posted in a conspicuous place in such a facility that notifies prospective patients that the facility is an emergency room and charges rates comparable to a hospital emergency room.

H.B. 1376 establishes that a person who violates the bill's provisions commits a false, misleading, or deceptive act or practice within the meaning of Business & Commerce Code provisions relating to unlawful deceptive trade practices and authorizes the use of a public or private right or remedy under those provisions to enforce the bill's provisions.

EFFECTIVE DATE

September 1, 2013.