

AN ACT

relating to advertising by certain facilities that provide emergency services; providing an administrative penalty.

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

SECTION 1. Chapter 241, Health and Safety Code, is amended by adding Subchapter H to read as follows:

SUBCHAPTER H. FREESTANDING EMERGENCY MEDICAL CARE FACILITIES

ASSOCIATED WITH LICENSED HOSPITALS

Sec. 241.181. APPLICABILITY. This subchapter applies only to a freestanding emergency medical care facility, as that term is defined by Section 254.001, that is exempt from the licensing requirements of Chapter 254 under Section 254.052(7) or (8).

Sec. 241.182. ADVERTISING. A facility described by Section 241.181 may not advertise or hold 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.

Sec. 241.183. POSTED NOTICE. Subject to Section 241.006, the department shall adopt rules for a notice to be posted in a conspicuous place in the facility described by Section 241.181 that notifies prospective patients that the facility is an emergency room and charges rates comparable to a hospital emergency room.

1 Sec. 241.184. ADMINISTRATIVE PENALTY. The commissioner of
2 health may assess an administrative penalty under Section 241.059
3 against a hospital that violates this subchapter.

4 SECTION 2. As soon as practicable after the effective date
5 of this Act, the Department of State Health Services shall adopt
6 rules relating to the notice required under Section 241.183, Health
7 and Safety Code, as added by this Act.

8 SECTION 3. This Act takes effect September 1, 2013.

President of the Senate

Speaker of the House

I certify that H.B. No. 1376 was passed by the House on May 2, 2013, by the following vote: Yeas 147, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1376 was passed by the Senate on May 22, 2013, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor