

By: Bonnen of Galveston

H.B. No. 2700

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the requirement that certain health care providers give
3 patients a good faith estimate of the expected payment for health
4 care services and goods before the services or goods are provided;
5 providing penalties.

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

7 SECTION 1. Subtitle A, Title 3, Occupations Code, is
8 amended by adding Chapter 117 to read as follows:

9 CHAPTER 117. GOOD FAITH ESTIMATE OF HEALTH CARE PAYMENTS

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 117.001. DEFINITIONS. In this chapter:

12 (1) "Department" means the Department of State Health
13 Services.

14 (2) "Executive commissioner" means the executive
15 commissioner of the Health and Human Services Commission.

16 (3) "Health care provider" means:

17 (A) a health care professional who performs a
18 health care service or provides a health care good in this state
19 under a license, certificate, registration, or other authority
20 issued by this state to diagnose, prevent, alleviate, or cure a
21 human illness or injury, including a physician, dentist, pharmacy,
22 or pharmacist;

23 (B) a health care facility that provides a health
24 care service or good in this state under a license, certificate,

1 registration, or other authority issued by this state to diagnose,
2 prevent, alleviate, or cure a human illness or injury, including an
3 institutional health care provider or other hospital; or

4 (C) a person that provides to patients in this
5 state ancillary health care-related services and goods under a
6 license, certificate, or registration issued by this state, or that
7 is otherwise authorized to provide to patients in this state
8 ancillary health care-related services and goods ordered or
9 authorized by a licensed health care professional, to diagnose,
10 prevent, alleviate, or cure a human illness or injury, including
11 laboratory services, radiological services, and durable medical
12 equipment.

13 SUBCHAPTER B. ADMINISTRATION OF CHAPTER

14 Sec. 117.051. ADMINISTRATION BY LICENSING ENTITIES. (a)

15 The governing body of the entity that issues a license,
16 certificate, registration, or other authorization to practice to a
17 health care provider shall administer and enforce this chapter as
18 it applies to the provider.

19 (b) A governing body described by Subsection (a) may adopt
20 rules governing the application of this chapter to health care
21 providers regulated by the entity.

22 Sec. 117.052. ADMINISTRATION BY DEPARTMENT. (a) The

23 department shall administer and enforce this chapter as it applies
24 to any health care provider not issued a license, certificate,
25 registration, or other authorization to practice described by
26 Section 117.051.

27 (b) The executive commissioner shall adopt rules governing

1 the application of this chapter to a health care provider described
2 by Subsection (a).

3 SUBCHAPTER C. GOOD FAITH ESTIMATE

4 Sec. 117.101. GOOD FAITH ESTIMATE REQUIRED. (a) Except as
5 provided by Subsection (b), before a health care provider provides
6 to a person a health care service or a health care good, including a
7 drug or medical device, the health care provider must provide the
8 person a good faith estimate of the actual expected payments for the
9 service or good, as provided by this subchapter. The health care
10 provider shall ask the person to disclose the person's anticipated
11 method of payment for purposes of complying with this subchapter.

12 (b) A health care provider shall:

13 (1) in an emergency or urgent medical situation,
14 provide to a person any health care service or health care good
15 necessary to stabilize the person's medical condition if delay
16 required to provide a good faith estimate of the actual payment for
17 the service or good under Subsection (a) could result in an adverse
18 medical consequence to the person; or

19 (2) provide to a person a health care service or health
20 care good ordered by the person's physician or other person
21 primarily responsible for the person's care if the person is unable
22 to make medical decisions and does not have a legal representative
23 to make medical decisions on the person's behalf.

24 Sec. 117.102. GOOD FAITH ESTIMATE FOR INSURED PERSONS. If a
25 person has an individual, group, or other private or commercial
26 health insurance plan or policy, including coverage through a
27 preferred provider organization or health maintenance

1 organization, a health care provider shall provide the person a
2 good faith estimate of:

3 (1) the amount the insurance plan or policy will
4 actually pay the health care provider for the health care service or
5 health care good based on the negotiated rate between the health
6 care provider and the insurance plan or policy; and

7 (2) the amount of any copayment, coinsurance, or other
8 amount the person will actually pay the health care provider for the
9 health care service or health care good based on the terms of the
10 person's insurance plan or policy and the negotiated rate between
11 the health care provider and the person's insurance plan or policy.

12 Sec. 117.103. GOOD FAITH ESTIMATE FOR RECIPIENTS OF
13 GOVERNMENT-SPONSORED PROGRAM. If a person receives benefits under
14 a government-sponsored health benefits program, including the
15 Medicaid program, the Medicare program, the Children's Health
16 Insurance Program (CHIP), and the TRICARE military health system, a
17 health care provider shall provide the person a good faith estimate
18 of:

19 (1) the amount the government-sponsored health
20 benefits program will actually pay the health care provider for the
21 health care service or health care good; and

22 (2) any amount the person will actually pay the health
23 care provider for the health care service or health care good under
24 the terms of the government-sponsored health benefits program.

25 Sec. 117.104. GOOD FAITH ESTIMATE FOR RECIPIENTS OF
26 WORKERS' COMPENSATION BENEFITS. If a person receives benefits under
27 a workers' compensation claim, a health care provider shall provide

1 the person a good faith estimate of the amount the workers'
2 compensation insurance carrier will actually pay the health care
3 provider for the health care service or health care good.

4 Sec. 117.105. STATEMENT FOR PERSONS PAYING CASH, PERSONS
5 RECEIVING CHARITY CARE, AND INDIGENT PERSONS. If a person will pay
6 cash or will receive charity care for a health care service or
7 health care good or if a person is indigent, a health care provider
8 shall provide the person with a statement of the average amount the
9 health care provider was actually paid for the health care service
10 or health care good by the five insurance carriers or
11 government-sponsored programs described by Sections 117.102,
12 117.103, and 117.104 that paid the health care provider for the
13 greatest number of that health care service or health care good in
14 the preceding calendar year, or in the current calendar year if the
15 health care provider did not practice in the preceding calendar
16 year.

17 SUBCHAPTER D. AGREEMENT TO PROVIDE GOOD FAITH ESTIMATE ON BEHALF OF
18 ANOTHER HEALTH CARE PROVIDER

19 Sec. 117.151. CONTRACT TO ALLOW ANOTHER HEALTH CARE
20 PROVIDER TO PROVIDE GOOD FAITH ESTIMATE. (a) A health care provider
21 may by contract agree to allow another health care provider to
22 provide a good faith estimate under Subchapter C for that health
23 care provider's health care services and health care goods.

24 (b) A health care provider who enters into a contract
25 described by Subsection (a) is responsible for the content of the
26 good faith estimate provided by the other health care provider on
27 that provider's behalf.

1 Sec. 117.152. RULES GOVERNING CONTRACTING. (a) The
2 executive commissioner may adopt rules governing contracts under
3 Section 117.151.

4 (b) The department shall administer rules described by
5 Subsection (a).

6 SUBCHAPTER E. PENALTIES AND ENFORCEMENT

7 Sec. 117.201. VIOLATION BY LICENSED HEALTH CARE PROVIDERS. A
8 health care provider that violates this chapter is subject to an
9 administrative penalty, a civil penalty, or other disciplinary
10 action, as applicable, in the same manner as if the health care
11 provider violated the law under which the health care provider is
12 licensed, certified, registered, or authorized to practice.

13 Sec. 117.202. VIOLATION BY OTHER HEALTH CARE PROVIDERS.

14 (a) The executive commissioner or department may impose an
15 administrative penalty against a health care provider that is not
16 required to hold a license, certificate, registration, or other
17 authorization to practice and that violates this chapter.

18 (b) An administrative penalty imposed under this section
19 shall be imposed in the same manner as other administrative
20 penalties imposed by the executive commissioner.

21 (c) The amount of the penalty may not exceed \$1,000 for each
22 violation.

23 (d) The executive commissioner may adopt rules to implement
24 this section.

25 SECTION 2. The changes in law made by this Act apply only to
26 a health care service or health care good ordered or provided on or
27 after the effective date of this Act. A health care service or

1 health care good ordered or provided before the effective date of
2 this Act is governed by the law in effect on the date the service or
3 good was ordered or provided, and the former law is continued in
4 effect for that purpose.

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