

By: Sheffield of Coryell

H.B. No. 3020

A BILL TO BE ENTITLED

AN ACT

relating to disclosure of the price charged by a health care provider for a health care service or supply; providing penalties.

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

SECTION 1. This Act may be cited as the Texas Health Care Pricing Disclosure Act.

SECTION 2. The heading to Subchapter H, Chapter 101, Occupations Code, is amended to read as follows:

SUBCHAPTER H. BILLING AND PRICING INFORMATION

SECTION 3. Subchapter H, Chapter 101, Occupations Code, is amended by adding Section 101.3515 to read as follows:

Sec. 101.3515. PRICING INFORMATION. (a) In this section:

(1) "Bundled health care services and supplies" means for pricing purposes the grouping of multiple health care services and supplies provided by a health care provider to a patient during one visit to or treatment by the provider.

(2) "Health care price" means the total amount of compensation a health care provider accepts as payment in full for a health care service or supply or bundled health care services and supplies provided to a patient.

(3) "Health care provider" means:

(A) a health care professional who performs a health care service or provides a health care supply in this state under a license, certificate, registration, or other authority

1 issued by this state to diagnose, prevent, alleviate, or cure a
2 human illness or injury, including a physician and dentist;

3 (B) a health care facility that provides a health
4 care service or supply in this state under a license, certificate,
5 registration, or other authority issued by this state to diagnose,
6 prevent, alleviate, or cure a human illness or injury, including an
7 institutional health care provider; or

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

17 (b) Each health care provider shall compile a pricing
18 information list that lists the prices of certain frequently
19 performed services. A health care facility that provides inpatient
20 care shall list the prices for the 25 most frequently performed
21 procedures of each department in the facility based on the 25 most
22 frequently coded Diagnosis-Related Groups codes for that
23 department. A health care facility that provides outpatient care
24 shall list the prices for the 25 most frequently performed
25 procedures of each department in the facility based on the 25 most
26 frequently coded Ambulatory Payment Classification codes for that
27 department. A physician or other practitioner shall list the

prices for the 10 most frequently performed procedures of the physician or other practitioner based on the 10 most frequently coded Current Procedural Terminology codes.

(c) The health care provider may choose to disclose its prices under Subsection (b) in either of the following formats:

(1) the prices of each health care service and each health care supply; or

(2) the prices of each set of bundled health care services and supplies.

(d) For each service in the pricing information list under Subsection (b), a health care provider shall disclose:

(1) the highest charge the patient can expect to pay; and

(2) the lowest discounted charge accepted for that service from a payor.

(e) A health care provider shall make the provider's pricing information list under Subsection (b) available to the public in the form and manner determined by the provider.

(f) This section does not apply to a health care price of a health care service or supply or bundled health care services and supplies provided to:

(1) a patient for whom a health care provider has accepted assignment for the health care service or supply from Medicaid or Medicare or any other federal, state, or local government-sponsored medical assistance program; or

(2) a financially or medically indigent person who qualifies for indigent health care services based on:

1 (A) a sliding fee scale; or

2 (B) a health care provider's written charity care
3 policy.

4 (g) Each health care provider shall:

5 (1) compile a pricing information list under
6 Subsection (b);

7 (2) post on the provider's Internet website or
8 otherwise make public the pricing information list and the
9 effective date of the list before providing a health care service or
10 supply or bundled health care services and supplies to a patient;
11 and

12 (3) not less than 30 days before changing the health
13 care price of a health care service or supply or bundled health care
14 services and supplies provided by the provider to the patient,
15 provide notice of the price change by posting the notice on the
16 provider's Internet website or by another method of publication or
17 dissemination that the provider uses for the list.

18 (h) A health care provider may not:

19 (1) charge an amount that is different from the amount
20 listed as the health care price in the pricing information list
21 under Subsection (b) for a health care service or supply or bundled
22 health care services and supplies provided to a patient; or

23 (2) include a discount, bonus, fee, or other charge
24 that changes the health care price listed in the pricing
25 information list under Subsection (b).

26 (i) Notwithstanding Subsection (h), a health care provider
27 may accept or negotiate a payment that is less than the health care

1 price listed in the pricing information list under Subsection (b)
2 from an individual patient. A health care provider may not accept
3 or negotiate a payment that is less than the health care price
4 listed in the pricing information list under Subsection (b) from a
5 third party payor.

6 (j) A health care provider that violates this section is
7 subject to an administrative penalty, a civil penalty, or other
8 disciplinary action, as applicable, in the same manner as if the
9 provider violated the law under which the provider is licensed,
10 certified, registered, or authorized.

11 SECTION 4. Notwithstanding Section 101.3515, Occupations
12 Code, as added by this Act, a health care provider is not required
13 to comply with the change in law made by that section until
14 September 1, 2014.

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