

By: Frullo

H.B. No. 3102

A BILL TO BE ENTITLED

AN ACT

relating to the disclosure by health care practitioners and facilities of patient liability for payment for certain health care services.

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

SECTION 1. The heading to Chapter 1456, Insurance Code, is amended to read as follows:

CHAPTER 1456. DISCLOSURE OF PROVIDER STATUS AND PATIENT LIABILITY

SECTION 2. Section 1456.003(a), Insurance Code, is amended to read as follows:

(a) Each health benefit plan that provides health care through a provider network shall provide notice to its enrollees that:

(1) a facility-based physician or other health care practitioner may not be included in the health benefit plan's provider network; and

(2) subject to Subchapter D, Chapter 324, Health and Safety Code, a health care practitioner described by Subdivision (1) may balance bill the enrollee for amounts not paid by the health benefit plan.

SECTION 3. Section 1456.007, Insurance Code, is amended to read as follows:

Sec. 1456.007. HEALTH BENEFIT PLAN ESTIMATE OF CHARGES. A health benefit plan that must comply with this chapter under

1 Section 1456.002 shall, on the request of an enrollee, provide an  
2 estimate of payments that will be made for any health care service  
3 or supply and shall also specify any applicable deductibles,  
4 copayments, or coinsurance~~[, or other amounts for which the~~  
5 ~~enrollee is responsible]~~. The estimate must be provided not later  
6 than the 10th business day after the date on which the estimate was  
7 requested. A health benefit plan must advise the enrollee that:

8 (1) the actual payment and charges for the services or  
9 supplies will vary based upon the enrollee's actual medical  
10 condition and other factors associated with performance of medical  
11 services; and

12 (2) subject to Subchapter D, Chapter 324, Health and  
13 Safety Code, the enrollee may be personally liable for the payment  
14 of services or supplies based upon the enrollee's health benefit  
15 plan coverage.

16 SECTION 4. Chapter 324, Health and Safety Code, is amended  
17 by adding Subchapter D to read as follows:

18 SUBCHAPTER D. PRICE DISCLOSURE

19 Sec. 324.151. DEFINITIONS. Notwithstanding Section  
20 324.001, in this subchapter:

21 (1) "Health care facility" means a hospital, emergency  
22 clinic, outpatient clinic, birthing center, ambulatory surgical  
23 center, or other facility providing health care services.

24 (2) "Health care practitioner" means an individual who  
25 is licensed to provide and provides health care services.

26 Sec. 324.152. PRICE DISCLOSURE BY HEALTH CARE PRACTITIONERS  
27 AND FACILITIES. (a) At least three business days before providing a

health care service other than emergency care, as defined by Section 1301.155, Insurance Code, to a patient, a health care practitioner or facility must disclose to the patient the price that will be accepted as payment in full for the service. The disclosure required by this section must be provided in writing in a readily understandable manner.

(b) Notwithstanding another provision of this subchapter, Chapter 1456, Insurance Code, or any other law, a health care practitioner or facility that does not make a disclosure required by this section before providing a health care service may not:

(1) attempt to collect from the patient, by lawsuit or otherwise, any billed amount that would otherwise be owed by the patient for the service;

(2) transfer or sell to a third party the right to collect any billed amount that would otherwise be owed by the patient for the service; or

(3) furnish adverse information to a consumer reporting agency regarding any billed amount that would otherwise be owed by the patient for the service.

Sec. 324.153. DUPLICATIVE ESTIMATE NOT REQUIRED. A facility that receives a request for an estimate under Section 324.101(d) may provide, instead of an estimate, the price disclosure required by this subchapter. A facility that provides an estimate under Section 324.101(d) is not relieved of the obligation to provide a price disclosure under this subchapter.

Sec. 324.154. PATIENT HELD HARMLESS. In addition to any other remedy provided by this subchapter or other law, a health care

1 practitioner or facility shall hold a patient harmless from any  
2 damages resulting from the practitioner's or facility's violation  
3 of this subchapter.

4       SECTION 5. The change in law made by this Act applies only  
5 to a service provided by a health care practitioner or facility on  
6 or after January 1, 2016. A service provided by a health care  
7 practitioner or facility before January 1, 2016, is governed by the  
8 law in effect immediately before the effective date of this Act, and  
9 that law is continued in effect for that purpose.

10       SECTION 6. This Act takes effect September 1, 2015.