

By: Schwertner, et al.  
(Bonnen of Galveston)

S.B. No. 425

A BILL TO BE ENTITLED

AN ACT

relating to health care information provided by and notice of  
facility fees charged by certain freestanding emergency medical  
care facilities.

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

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

SUBCHAPTER J. NOTICE OF FACILITY FEES IN CERTAIN FREESTANDING  
EMERGENCY MEDICAL CARE FACILITIES

Sec. 241.251. 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(8).

Sec. 241.252. NOTICE OF FEES. (a) In this section,  
"provider network" has the meaning assigned by Section 1456.001,  
Insurance Code.

(b) A facility described by Section 241.251 shall post  
notice that states:

(1) that the facility is a freestanding emergency  
medical care facility;

(2) that the facility charges rates comparable to a  
hospital emergency room and may charge a facility fee;

(3) that a facility or a physician providing medical  
care at the facility may not be a participating provider in the

1 patient's health benefit plan provider network; and

2 (4) that a physician providing medical care at the  
3 facility may bill separately from the facility for the medical care  
4 provided to a patient.

5 (c) The notice required by this section must be posted  
6 prominently and conspicuously:

7 (1) at the primary entrance to the facility;

8 (2) in each patient treatment room; and

9 (3) at each location within the facility at which a  
10 person pays for health care services.

11 (d) The notice required by this section must be in legible  
12 print on a sign with dimensions of at least 8.5 inches by 11 inches.

13 SECTION 2. Section 254.001, Health and Safety Code, is  
14 amended by adding Subdivision (6) to read as follows:

15 (6) "Provider network" has the meaning assigned by  
16 Section 1456.001, Insurance Code.

17 SECTION 3. Subchapter D, Chapter 254, Health and Safety  
18 Code, is amended by adding Section 254.155 to read as follows:

19 Sec. 254.155. NOTICE OF FEES. (a) A facility shall post  
20 notice that states:

21 (1) that the facility is a freestanding emergency  
22 medical care facility;

23 (2) that the facility charges rates comparable to a  
24 hospital emergency room and may charge a facility fee;

25 (3) that a facility or a physician providing medical  
26 care at the facility may not be a participating provider in the  
27 patient's health benefit plan provider network; and

1           (4) that a physician providing medical care at the  
2 facility may bill separately from the facility for the medical care  
3 provided to a patient.

4           (b) The notice required by this section must be posted  
5 prominently and conspicuously:

6                   (1) at the primary entrance to the facility;

7                   (2) in each patient treatment room; and

8                   (3) at each location within the facility at which a  
9 person pays for health care services.

10           (c) The notice required by this section must be in legible  
11 print on a sign with dimensions of at least 8.5 inches by 11 inches.

12           SECTION 4. Section 324.001(7), Health and Safety Code, is  
13 amended to read as follows:

14                   (7) "Facility" means:

15                           (A) an ambulatory surgical center licensed under  
16 Chapter 243;

17                           (B) a birthing center licensed under Chapter 244;  
18 [~~or~~]

19                           (C) a hospital licensed under Chapter 241; or

20                           (D) a freestanding emergency medical care  
21 facility, as defined in Section 254.001, including a freestanding  
22 emergency medical care facility that is exempt from the licensing  
23 requirements of Chapter 254 under Section 254.052(8).

24           SECTION 5. Section 241.183, Health and Safety Code, as  
25 added by Chapter 917 (H.B. 1376), Acts of the 83rd Legislature,  
26 Regular Session, 2013, and as amended by S.B. 219, Acts of the 84th  
27 Legislature, Regular Session, 2015, is repealed.

1           SECTION 6. (a) Notwithstanding Subchapter J, Chapter 241,  
2 Health and Safety Code, and Section 254.155, Health and Safety  
3 Code, as added by this Act, a freestanding emergency medical care  
4 facility is not required to comply with those provisions until  
5 January 1, 2016.

6           (b) Notwithstanding Chapter 324, Health and Safety Code, as  
7 amended by this Act, a freestanding emergency medical care facility  
8 is not required to comply with Chapter 324, Health and Safety Code,  
9 until January 1, 2016.

10          SECTION 7. This Act takes effect September 1, 2015.