

By: Burrows

H.B. No. 4011

A BILL TO BE ENTITLED

AN ACT

relating to prohibited reporting of information regarding debt incurred for nonemergency medical care.

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

SECTION 1. The heading to Chapter 20, Business & Commerce Code, is amended to read as follows:

CHAPTER 20. REGULATION OF CONSUMER CREDIT REPORTING [~~AGENCIES~~]

SECTION 2. Section 20.05(a), Business & Commerce Code, is amended to read as follows:

(a) Except as provided by Subsection (b), a consumer reporting agency may not furnish a consumer report containing information related to:

(1) a case under Title 11 of the United States Code or under the federal Bankruptcy Act in which the date of entry of the order for relief or the date of adjudication predates the consumer report by more than 10 years;

(2) a suit or judgment in which the date of entry predates the consumer report by more than seven years or the governing statute of limitations, whichever is longer;

(3) a tax lien in which the date of payment predates the consumer report by more than seven years;

(4) a record of arrest, indictment, or conviction of a crime in which the date of disposition, release, or parole predates the consumer report by more than seven years; [~~or~~]

1 (5) another item or event that predates the consumer
2 report by more than seven years; or

3 (6) an amount unpaid by a consumer for nonemergency
4 medical care described by Section 20.52 unless the reporting of
5 that debt complies with Subchapter F.

6 SECTION 3. Section 20.11(a), Business & Commerce Code, is
7 amended to read as follows:

8 (a) The attorney general may file a suit against a person
9 for:

10 (1) injunctive relief to prevent or restrain a
11 violation of this chapter other than Subchapter F; or

12 (2) a civil penalty in an amount not to exceed \$2,000
13 for each violation of this chapter other than Subchapter F.

14 SECTION 4. Section 20.12, Business & Commerce Code, is
15 amended to read as follows:

16 Sec. 20.12. DECEPTIVE TRADE PRACTICE. A violation of this
17 chapter other than Subchapter F is a false, misleading, or
18 deceptive act or practice under Subchapter E, Chapter 17.

19 SECTION 5. Section 20.13, Business & Commerce Code, is
20 amended to read as follows:

21 Sec. 20.13. VENUE. An action brought under this chapter
22 other than Subchapter F shall be filed in a district court:

23 (1) in Travis County;

24 (2) in any county in which the violation occurred; or

25 (3) in the county in which the victim resides,
26 regardless of whether the alleged violator has resided, worked, or
27 done business in the county in which the victim resides.

1 SECTION 6. Chapter 20, Business & Commerce Code, is amended
2 by adding Subchapter F to read as follows:

3 SUBCHAPTER F. PROHIBITED REPORTING OF CERTAIN MEDICAL DEBT

4 Sec. 20.51. DEFINITIONS. In this subchapter:

5 (1) "Nonemergency medical care" means any health care
6 services that are not emergency care as defined by Section
7 1301.155(a), Insurance Code.

8 (2) "Health care provider" has the meaning assigned by
9 Section 1452.101, Insurance Code.

10 Sec. 20.52. REPORTING OF INFORMATION RELATED TO DEBT
11 ARISING FROM NONEMERGENCY MEDICAL CARE; TIME FOR REPORTING. (a) A
12 health care provider or other person may not provide to a consumer
13 reporting agency information regarding an amount unpaid by a
14 consumer for nonemergency medical care provided to the consumer or
15 a person to whom the consumer has a legal obligation to provide
16 support unless:

17 (1) the consumer or the consumer's guardian or other
18 legal representative is presented with and signs at the time of
19 receipt a disclosure form concerning the medical charges as
20 prescribed by Subsection (b) before the medical care is provided;
21 and

22 (2) the information is provided to the agency at least
23 180 days after the date the consumer receives the medical bill for
24 the charges.

25 (b) The executive commissioner of the Health and Human
26 Services Commission by rule shall prescribe the form and content of
27 the disclosure required by this section and the Department of State

1 Health Services shall publish the disclosure form on the
2 department's Internet website. The disclosure form must be in
3 plain language and include:

4 (1) an itemized statement of the amounts to be billed
5 for the nonemergency medical care;

6 (2) an explanation of the restrictions on providing
7 information under Subsection (a); and

8 (3) any other information the department considers
9 necessary.

10 SECTION 7. Subchapter F, Chapter 20, Business & Commerce
11 Code, as added by this Act, applies only to information provided to
12 a consumer reporting agency on or after the effective date of this
13 Act. The provision of information to a consumer reporting agency
14 before the effective date of this Act is governed by the law in
15 effect when the information was provided, and the former law is
16 continued in effect for that purpose.

17 SECTION 8. This Act takes effect September 1, 2017.