86R11332 LED-D

By:  Turner of Tarrant H.B. No. 3999

A BILL TO BE ENTITLED

AN ACT

relating to reimbursement for health care services provided to certain first responders; creating a civil penalty.

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

SECTION 1.  Subtitle G, Title 4, Health and Safety Code, is amended by adding Chapter 327 to read as follows:

CHAPTER 327. PROVISION OF HEALTH CARE SERVICES TO FIRST RESPONDERS

Sec. 327.0001.  DEFINITIONS. In this chapter:

(1)  "First responder" means law enforcement, fire protection, or emergency medical services personnel who are employed full-time by this state or a political subdivision of this state.

(2)  "Health care facility" means a hospital, an outpatient facility, or a clinic. The term does not include a physician's office.

Sec. 327.0002.  APPLICABILITY. This chapter applies to the health care services provided to:

(1)  a first responder;

(2)  a retired first responder who is younger than 65 years of age; and

(3)  a qualified dependent of a first responder.

Sec. 327.0003.  REIMBURSEMENT RATE FOR HEALTH CARE SERVICES. A health care facility that provides a health care service to which this chapter applies must accept as payment in full an amount equal to the Medicare reimbursement rate for the service provided, regardless of whether an individual, a health benefit plan issuer, a third-party administrator, this state, or a political subdivision of this state is responsible for the claim.

Sec. 327.0004.  CIVIL PENALTY. (a) A health care facility that fails to comply with Section 327.0003 or that refuses to provide necessary medical treatment to a first responder that the health care facility is otherwise capable of providing is liable to the state for a civil penalty of $1,000 for each violation. Each day of a continuing violation constitutes a separate violation.

(b)  The attorney general may sue to collect the penalty.

(c)  The attorney general shall file an action under this section in a district court in Travis County or the county in which the violation occurred.

(d)  The attorney general may recover reasonable expenses incurred in obtaining injunctive relief or a civil penalty under this section, including court costs, attorney's fees, investigative costs, witness fees, and deposition expenses.

SECTION 2.  Chapter 327, Health and Safety Code, as added by this Act, applies only to a service provided by a health care facility on or after January 1, 2020. A service provided before January 1, 2020, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 3.  This Act takes effect September 1, 2019.