

By: Price

H.B. No. 3269

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to level of care designations for hospitals that provide  
3 neonatal and maternal care.

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

5 SECTION 1. Section 241.183, Health and Safety Code, is  
6 amended by amending Subsection (a) and adding Subsection (f) to  
7 read as follows:

8 (a) The executive commissioner, in consultation with the  
9 commission [~~department~~], shall adopt rules:

10 (1) establishing the levels of care for neonatal and  
11 maternal care to be assigned to hospitals;

12 (2) prescribing criteria for designating levels of  
13 neonatal and maternal care, respectively, including specifying the  
14 minimum requirements to qualify for each level designation;

15 (3) establishing a process for the assignment of  
16 levels of care to a hospital for neonatal and maternal care,  
17 respectively;

18 (4) establishing a process for amending the level of  
19 care designation requirements, including a process for assisting  
20 facilities in implementing any changes made necessary by the  
21 amendments;

22 (5) dividing the state into neonatal and maternal care  
23 regions;

24 (6) facilitating transfer agreements through regional

1 coordination;

2 (7) requiring payment, other than quality or  
3 outcome-based funding, to be based on services provided by the  
4 facility, regardless of the facility's level of care designation;  
5 ~~and~~

6 (8) prohibiting the denial of a neonatal or maternal  
7 level of care designation to a hospital that meets the minimum  
8 requirements for that level of care designation;

9 (9) establishing a process through which a hospital  
10 may appeal to an independent third party regarding the level of care  
11 designation assigned to the hospital;

12 (10) permitting a health care provider who provides  
13 care at a hospital assigned a Level I or II level of care  
14 designation to provide each health care service for which the  
15 provider is licensed if the hospital demonstrates a need for the  
16 service; and

17 (11) specifying the situations in which a hospital can  
18 receive off-site medical consulting or services to meet the  
19 requirements for a level of care designation.

20 (f) In adopting rules under Subsection (a), the executive  
21 commissioner shall ensure that any requirement for a level of care  
22 designation related to care for patients of a particular  
23 gestational age or for a specified number of patients of a  
24 particular gestational age provides flexibility based on the  
25 geographic area in which the hospital is located and the hospital's  
26 capabilities for providing care.

27 SECTION 2. Subchapter H, Chapter 241, Health and Safety

1 Code, is amended by adding Sections 241.1835 and 241.1865 to read as  
2 follows:

3 Sec. 241.1835. USE OF TELEHEALTH SERVICES AND TELEMEDICINE  
4 MEDICAL SERVICES AT CERTAIN HOSPITALS. (a) In this section,  
5 "telehealth service" and "telemedicine medical service" have the  
6 meanings assigned by Section 111.001, Occupations Code.

7 (b) In adopting rules under Section 241.183, the executive  
8 commissioner may not exclude or prohibit the use of telehealth  
9 services or telemedicine medical services by a physician providing  
10 on-call services at a hospital located in a rural area of this  
11 state, as defined by executive commissioner rule, that is assigned  
12 a Level I, II, or III level of care designation. This section  
13 applies only to on-call services provided:

14 (1) at a hospital with a local medical staff  
15 consisting of not more than four physicians; and

16 (2) for a hospital assigned a Level II or III level of  
17 care designation, by a physician licensed to practice medicine  
18 under Subtitle B, Title 3, Occupations Code, and board certified in  
19 obstetrics or gynecology.

20 (c) This section does not waive the requirements for a level  
21 of care designation.

22 Sec. 241.1865. WAIVER FROM LEVEL OF CARE DESIGNATION  
23 REQUIREMENTS. (a) The executive commissioner by rule shall  
24 develop and implement a process through which a hospital may enter  
25 into an agreement with the commission to waive one or more  
26 requirements for a level of care designation.

27 (b) The executive commissioner by rule shall adopt

1 requirements to enter into a waiver agreement under Subsection (a)  
2 and specify the type of designation requirements that may be  
3 waived.

4 (c) A waiver agreement entered into under Subsection (a):

5 (1) must expire at the end of each designation cycle  
6 but may be renewed by the commission under the same or different  
7 terms; and

8 (2) may require a hospital to meet the requirements  
9 for a level of care designation within the period specified under  
10 the agreement.

11 (d) A hospital that enters into a waiver agreement under  
12 Subsection (a) is required to satisfy all other requirements for a  
13 level of care designation that are not waived in the agreement.

14 SECTION 3. Section 241.187, Health and Safety Code, is  
15 amended by amending Subsection (l) and adding Subsection (m) to  
16 read as follows:

17 (l) The advisory council is subject to Chapter 325,  
18 Government Code (Texas Sunset Act). The advisory council shall be  
19 reviewed during the period in which the Department of State Health  
20 Services is reviewed [~~Unless continued in existence as provided by~~  
21 ~~that chapter, the advisory council is abolished and this section~~  
22 ~~expires September 1, 2025].~~

23 (m) The executive commissioner, in consultation with the  
24 commission and the advisory council, shall:

25 (1) conduct a strategic review of the practical  
26 implementation of rules adopted by the executive commissioner under  
27 this subchapter that at a minimum identifies:

1           (A) barriers to a hospital obtaining the  
2 hospital's preferred level of care designation; and

3           (B) whether the barriers identified under  
4 Paragraph (A) are appropriate;

5           (2) based on the review conducted under Subdivision  
6 (1), modify rules adopted under this subchapter, as appropriate, to  
7 improve the process and methodology of assigning level of care  
8 designations; and

9           (3) prepare and submit to the legislature each  
10 biennium a written report that summarizes:

11           (A) the review conducted under Subdivision (1);  
12 and

13           (B) actions taken by the executive commissioner  
14 based on the review.

15           SECTION 4. As soon as practicable after the effective date  
16 of this Act, the executive commissioner of the Health and Human  
17 Services Commission shall adopt rules as necessary to implement the  
18 changes in law made by this Act.

19           SECTION 5. This Act takes effect September 1, 2019.