

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

1 to the Medicare reimbursement rate for the service provided,
2 regardless of whether an individual, a health benefit plan issuer,
3 a third-party administrator, this state, or a political subdivision
4 of this state is responsible for the claim.

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

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

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

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

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

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