

By: Martinez Fischer

H.B. No. 4444

A BILL TO BE ENTITLED

AN ACT

relating to consumer protections against surprise billing.

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

SECTION 1. Subchapter E, Chapter 17, Business & Commerce Code, is amended by adding Section 17.464 to read as follows:

Sec. 17.464. SURPRISE BILLING. (a) In this section:

(1) "Emergency care" has the meaning assigned by Section 1301.155.

(2) "Emergency care provider" means a physician, health care practitioner, facility, or other health care provider who provides emergency care.

(3) "Facility" has the meaning assigned by Section 324.001, Health and Safety Code.

(4) "Facility-based provider" means a physician or health care provider who provides health care services to patients of a health care facility.

(5) "Health care practitioner" means an individual who is licensed to provide health care services.

(6) "Participating provider" means a physician or health care provider who has contracted with an eligible plan administrator to provide services to enrollees.

(7) "Surprise bill" means a bill received by an insured or enrollee for amounts in addition to the applicable copayment, coinsurance, and deductible:

1           (A) for services furnished by an out-of-network  
2 facility-based provider who performed the service at a facility  
3 that is an in-network provider; or

4           (B) for emergency care services furnished by an  
5 out-of-network provider.

6           (b) For purposes of Section 17.46(a), the term "false,  
7 misleading, or deceptive acts or practices" includes a  
8 facility-based provider that bills an enrollee receiving health  
9 care services described by Subsection (a)(7), except for the  
10 enrollee's responsibility under the enrollee's health plan,  
11 including an applicable copayment, coinsurance, or deductible.

12           (c) The consumer protection division may not bring an action  
13 under Section 17.47 for an act or practice described by Subsection  
14 (b) if the bill sent to the enrollee is less than five hundred  
15 dollars.

16           (d) In an action brought under Section 17.47 to enforce this  
17 section, the consumer protection division may request, and the  
18 trier of fact may award the recovery of:

- 19                   (1) reasonable attorney's fees and court costs; and  
20                   (2) the reasonable expenses incurred by the division  
21 in obtaining any remedy available under Section 17.47, including  
22 the cost of investigation, witness fees, and deposition expenses.

23           SECTION 2. This Act takes effect September 1, 2019.