

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Springer

H.B. No. 463

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to reciprocity agreements between air ambulance companies  
3 operating a subscription program.

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

5 SECTION 1. Section 773.011, Health and Safety Code, is  
6 amended by adding Subsection (d-1) and amending Subsection (e) to  
7 read as follows:

8 (d-1) An air ambulance company that operates a subscription  
9 program under this section shall, in accordance with executive  
10 commissioner rules, enter into a reciprocity agreement with each  
11 other air ambulance company in this state that operates a  
12 subscription program to ensure maximum geographic coverage for  
13 patients covered under a subscription program.

14 (e) The Insurance Code does not apply to a subscription  
15 program established or a reciprocity agreement entered into under  
16 this section.

17 SECTION 2. As soon as practicable after the effective date  
18 of this Act, the executive commissioner of the Health and Human  
19 Services Commission shall adopt rules necessary to implement  
20 Section 773.011, Health and Safety Code, as amended by this Act.

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

ADOPTED

MAY 22 2019

*Leta Spaw*  
Secretary of the Senate

By: Springer/Berry

\_\_\_\_.B. No. \_\_\_\_

Substitute the following for \_\_\_\_B. No. \_\_\_\_:

By: Charles Berry

C.S. H.B. No. 463

A BILL TO BE ENTITLED

AN ACT

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relating to reciprocity agreements between certain air ambulance companies operating a subscription program.

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

SECTION 1. Section 773.011, Health and Safety Code, is amended by amending Subsections (b) and (e) and adding Subsection (d-1) to read as follows:

(b) The executive commissioner shall adopt rules establishing minimum standards for the creation and operation of a subscription program. The rules must:

- (1) ensure the protection of public health and safety;
- (2) ensure compliance with federal laws and rules related to air ambulance subscription program services; and
- (3) establish minimum standards and objectives for the delivery of air ambulance emergency medical services provided in accordance with a reciprocity agreement entered into under Subsection (d-1).

(d-1) To ensure maximum geographic coverage for patients covered under a subscription program, an air ambulance company that operates a subscription program shall, in accordance with executive commissioner rules, enter into a reciprocity agreement with each other air ambulance company that operates a subscription program in the same service delivery area.

(e) The Insurance Code does not apply to a subscription

1 program established or a reciprocity agreement entered into under  
2 this section.

3           SECTION 2. As soon as practicable after the effective date  
4 of this Act, the executive commissioner of the Health and Human  
5 Services Commission shall adopt rules necessary to implement  
6 Section 773.011, Health and Safety Code, as amended by this Act.

7           SECTION 3. This Act takes effect January 1, 2020.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 23, 2019**

**TO:** Honorable Dennis Bonnen, Speaker of the House, House of Representatives

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB463** by Springer (Relating to reciprocity agreements between certain air ambulance companies operating a subscription program.), **As Passed 2nd House**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend Chapter 773 of the Health and Safety Code to require the executive commissioner of the Health and Human Services Commission to adopt rules related to air ambulance companies that ensure the protection of health and safety, comply with federal law, and establish minimum standards for reciprocity agreements. The bill would require air ambulance companies that operate a subscription program to enter into reciprocity agreements with all other air ambulance companies in the same service delivery area that also operate a subscription program. DSHS has determined that the provisions of the bill could be implemented using existing resources. The bill would take effect September 1, 2019.

The federal Airline Deregulation Act (ADA) applies to and therefore preempts state law in price regulations of air transportation. See 49 U.S.C.A. § 41713 and Texas Attorney General Opinion No. GA-0684.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 537 State Health Services, Department of

**LBB Staff:** WP, SD, AKi, JQ, ND

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 17, 2019**

**TO:** Honorable Lois W. Kolkhorst, Chair, Senate Committee on Health & Human Services

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB463** by Springer (Relating to reciprocity agreements between certain air ambulance companies operating a subscription program.), **Committee Report 2nd House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend Chapter 773 of the Health and Safety Code to require the executive commissioner of the Health and Human Services Commission to adopt rules related to air ambulance companies that ensure the protection of health and safety, comply with federal law, and establish minimum standards for reciprocity agreements. The bill would require air ambulance companies that operate a subscription program to enter into reciprocity agreements with all other air ambulance companies in the same service delivery area that also operate a subscription program. DSHS has determined that the provisions of the bill could be implemented using existing resources. The bill would take effect September 1, 2019.

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**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 537 State Health Services, Department of

**LBB Staff:** WP, AKi, JQ, ND

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**April 22, 2019**

**TO:** Honorable Lois W. Kolkhorst, Chair, Senate Committee on Health & Human Services

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE:** **HB463** by Springer (Relating to reciprocity agreements between air ambulance companies operating a subscription program.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill would amend Chapter 773 of the Health and Safety Code to require air ambulance companies that operate a subscription program to enter into reciprocity agreements with all other air ambulance companies in the state that also operate a subscription program. DSHS has determined that the provisions of the bill could be implemented using existing resources. The bill would take effect September 1, 2019.

The federal Airline Deregulation Act (ADA) applies to and therefore preempts state law in price regulations of air transportation. See 49 U.S.C.A. § 41713 and Texas Attorney General Opinion No. GA-0684.

**Local Government Impact**

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**Source Agencies:** 537 State Health Services, Department of  
**LBB Staff:** WP, AKi, JQ, ND

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**March 11, 2019**

**TO:** Honorable Senfronia Thompson, Chair, House Committee on Public Health

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB463** by Springer (Relating to reciprocity agreements between air ambulance companies operating a subscription program.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend Chapter 773 of the Health and Safety Code to require air ambulance companies that operate a subscription program to enter into reciprocity agreements with all other air ambulance companies in the state that also operate a subscription program. DSHS has determined that the provisions of the bill could be implemented using existing resources. The bill would take effect September 1, 2019.

The federal Airline Deregulation Act (ADA) applies to and therefore preempts state law in price regulations of air transportation. See 49 U.S.C.A. § 41713 and Texas Attorney General Opinion No. GA-0684.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 537 State Health Services, Department of  
**LBB Staff:** WP, AKi, JQ, ND