87R20131 SMT-F

By:  Oliverson H.B. No. 1460

Substitute the following for H.B. No. 1460:

By:  Oliverson C.S.H.B. No. 1460

A BILL TO BE ENTITLED

AN ACT

relating to regulation of air ambulance subscription providers by the Department of State Health Services.

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

SECTION 1.  Chapter 773, Health and Safety Code, is amended by adding Subchapter J to read as follows:

SUBCHAPTER J. AIR AMBULANCE SUBSCRIPTIONS

Sec. 773.281.  DEFINITIONS. In this subchapter:

(1)  "Air ambulance" means a helicopter or fixed-wing aircraft that is an emergency medical services vehicle.

(2)  "Air ambulance subscription provider" means a person who, directly or indirectly, including through an affiliated entity or agreement with a third party, solicits membership subscriptions, accepts applications, or charges membership fees for a subscription program that:

(A)  indemnifies a person against the cost of emergency transportation in an air ambulance; and

(B)  is required to secure a surety bond under Section 773.011.

Sec. 773.282.  INTERNET WEBSITE. (a) An air ambulance subscription provider shall maintain an Internet website.

(b)  An air ambulance subscription provider shall include the Internet website address to the patient portal or patient advocacy section on each piece of communication provided or made available to a consumer, including an Internet website, brochure, letter, invoice, or billing statement. The provider shall make the following information accessible by one click from the website's home page:

(1)  frequently asked questions and answers;

(2)  contact information for the department's Emergency Medical Services Compliance Unit;

(3)  information on the procedure for filing a complaint with the department;

(4)  contact information for the United States Department of Transportation's Office of Aviation Consumer Protection; and

(5)  contact information for other health consumer informational resources as prescribed by department rule.

Sec. 773.283.  E-MAIL ADDRESS AND TELEPHONE HOTLINE. An air ambulance subscription provider shall provide an e-mail address and a dedicated telephone hotline number for consumers to submit questions, complaints, and concerns on the provider's Internet website and on each piece of communication provided or made available to a consumer, including a brochure, letter, invoice, or billing statement.

Sec. 773.284.  REQUIRED DISCLOSURE. An air ambulance subscription provider shall include the following statements in 14-point or larger bold type on each marketing, advertisement, or contract document related to an air ambulance subscription:

(1)  "You are not required to purchase a membership to receive air medical services.";

(2)  "If you are covered by Medicaid, your air ambulance bills are covered at no cost to you.";

(3)  "If you are covered by Medicare, a Medicare Advantage plan, or a Medigap plan, you already have coverage for air ambulance services in an emergency. Required out-of-pocket costs vary by plan. To determine whether this subscription provides an additional benefit to you, you must first determine the out-of-pocket costs you would pay for an air ambulance under your Medicare plan. Call the customer service phone number for your Medicare, Medicare Advantage, or Medigap plan and ask about:

(A)  your coverage for air ambulance services;

(B)  the out-of-pocket costs you would pay; and

(C)  whether purchasing additional insurance coverage for air ambulance services is recommended."; and

(4)  "If you are covered by private health insurance, you should check with your health insurer to learn about your existing coverage for air ambulance services, the out-of-pocket costs you would pay for those services, and whether your insurer recommends other products to reduce your out-of-pocket costs. Call the customer service phone number for your health insurance plan and ask about:

(A)  your coverage for air ambulance services;

(B)  the out-of-pocket costs you would pay; and

(C)  whether purchasing additional insurance coverage for air ambulance services is recommended."

SECTION 2.  (a) The change in law made by this Act applies only to an air ambulance subscription contract that is delivered, issued for delivery, or renewed on or after September 1, 2022. A contract delivered, issued for delivery, or renewed before September 1, 2022, 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.

(b)  An air ambulance subscription provider is not required to comply with Subchapter J, Chapter 773, Health and Safety Code, as added by this Act, before September 1, 2022.

SECTION 3.  This Act takes effect September 1, 2021.