87R6108 SRA-D

By:  Dean H.B. No. 2797

A BILL TO BE ENTITLED

AN ACT

relating to prices charged by freestanding emergency medical care facilities during a declared state of disaster; providing administrative penalties.

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

SECTION 1.  Subchapter D, Chapter 254, Health and Safety Code, is amended by adding Section 254.1555 to read as follows:

Sec. 254.1555.  DISCLOSURE OF CERTAIN PRICES DURING DECLARED DISASTER. A facility that provides testing or vaccination for an infectious disease based on a state of disaster declared under Chapter 418, Government Code, shall disclose the price the facility charges for the test or vaccine:

(1)  verbally, in an audible and intelligible manner, to an individual before the facility provides the test or vaccine; and

(2)  on the facility's Internet website.

SECTION 2.  Subchapter D, Chapter 254, Health and Safety Code, is amended by adding Section 254.160 to read as follows:

Sec. 254.160.  PROHIBITED PRICING PRACTICES DURING DECLARED STATE OF DISASTER. (a) In this section, "unconscionable price" means a price that is more than 200 percent of the average price for the same or a substantially similar product or service provided to other individuals by health care facilities located in the same county or nearest county to the county in which the freestanding emergency medical care facility is located, as applicable, according to data collected by the department under Chapter 108.

(b)  A facility, during a state of disaster declared by the governor under Chapter 418, Government Code, may not:

(1)  charge an individual an unconscionable price for a product or service provided at the facility; or

(2)  knowingly or intentionally charge a third-party payor, including a health benefit plan insurer, a price higher than the price charged to an individual for the same product or service based on the payor's liability for payment or partial payment of the product or service.

SECTION 3.  Subchapter E, Chapter 254, Health and Safety Code, is amended by adding Section 254.207 to read as follows:

Sec. 254.207.  MANDATORY ENFORCEMENT. Notwithstanding any conflicting provision in this subchapter and except for good cause shown, the Health and Human Services Commission shall impose the following on a person licensed under this chapter who violates Section 254.160 or a rule adopted under that section:

(1)  for the first violation, an administrative penalty in an amount equal to $10,000;

(2)  for the second violation:

(A)  an administrative penalty in an amount equal to $50,000; and

(B)  a suspension of the person's license for 30 days; and

(3)  for the third violation, a permanent revocation of the person's license.

SECTION 4.  This Act takes effect September 1, 2021.