

By: Oliverson

H.B. No. 1460

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

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C.S.H.B. No. 1460

A BILL TO BE ENTITLED

1 AN ACT
2 relating to regulation of air ambulance subscription providers by
3 the Department of State Health Services.

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

5 SECTION 1. Chapter [773](#), Health and Safety Code, is amended
6 by adding Subchapter J to read as follows:

7 SUBCHAPTER J. AIR AMBULANCE SUBSCRIPTIONS

8 Sec. 773.281. DEFINITIONS. In this subchapter:

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

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

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

18 (B) is required to secure a surety bond under
19 Section [773.011](#).

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

22 (b) An air ambulance subscription provider shall include
23 the Internet website address to the patient portal or patient
24 advocacy section on each piece of communication provided or made

1 available to a consumer, including an Internet website, brochure,
2 letter, invoice, or billing statement. The provider shall make the
3 following information accessible by one click from the website's
4 home page:

5 (1) frequently asked questions and answers;

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

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

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

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

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

22 Sec. 773.284. REQUIRED DISCLOSURE. An air ambulance
23 subscription provider shall include the following statements in
24 14-point or larger bold type on each marketing, advertisement, or
25 contract document related to an air ambulance subscription:

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

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

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

11 (A) your coverage for air ambulance services;

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

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

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

22 (A) your coverage for air ambulance services;

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

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

26 SECTION 2. (a) The change in law made by this Act applies
27 only to an air ambulance subscription contract that is delivered,

1 issued for delivery, or renewed on or after September 1, 2022. A
2 contract delivered, issued for delivery, or renewed before
3 September 1, 2022, is governed by the law as it existed immediately
4 before the effective date of this Act, and that law is continued in
5 effect for that purpose.

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

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