

By: Oliverson

H.B. No. 1460

A BILL TO BE ENTITLED

AN ACT

relating to regulation of air ambulance subscription providers by the Texas Department of Insurance.

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

SECTION 1. Subtitle I, Title 8, Insurance Code, is amended by adding Chapter 1654 to read as follows:

CHAPTER 1654. AIR AMBULANCE SUBSCRIPTIONS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 1654.001. DEFINITIONS. In this chapter:

(1) "Air ambulance" means a helicopter or fixed-wing aircraft that is an emergency medical services vehicle as defined by Section 773.003, Health and Safety Code.

(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, Health and Safety Code.

Sec. 1654.002. BUSINESS OF INSURANCE. An air ambulance subscription provider engages in the business of insurance.

Sec. 1654.003. COVERAGE MAY BE SECONDARY. Coverage of

1 transportation in an air ambulance by an air ambulance subscription
2 provider may be made secondary to an insurance policy or health
3 benefit plan in which the consumer is enrolled.

4 SUBCHAPTER B. CONSUMER ADVOCACY

5 Sec. 1654.051. INTERNET WEBSITE. (a) An air ambulance
6 subscription provider shall maintain an Internet website.

7 (b) An air ambulance subscription provider shall include on
8 its Internet website a section that is clearly marked "patient
9 portal" or "patient advocacy."

10 (c) The Internet website address to the patient portal or
11 patient advocacy section must be on each piece of communication
12 provided or made available to a consumer, including an Internet
13 website, brochure, letter, invoice, or billing statement.

14 (d) The patient portal or patient advocacy section of an air
15 ambulance subscription provider's Internet website must:

16 (1) be easy for a consumer to access;

17 (2) provide a layperson's explanation of what to
18 expect during the claims process; and

19 (3) contain clearly written and comprehensive
20 resources for consumers, including:

21 (A) frequently asked questions and answers;

22 (B) frequently used forms;

23 (C) information regarding the air ambulance
24 subscription provider's financial assistance program;

25 (D) contact information for the Emergency
26 Medical Services Compliance Unit of the Department of State Health
27 Services;

1 (E) information on how to file a complaint with
2 the department;

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

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

8 Sec. 1654.052. E-MAIL ADDRESS AND TELEPHONE HOTLINE. (a) An
9 air ambulance subscription provider shall provide an e-mail address
10 and a dedicated telephone hotline number for consumers to submit
11 questions, complaints, and concerns.

12 (b) The e-mail address and telephone hotline number
13 required by this section must be listed on the air ambulance
14 subscription provider's Internet website and on each piece of
15 communication provided or made available to a consumer, including a
16 brochure, letter, invoice, or billing statement.

17 Sec. 1654.053. FINANCIAL ASSISTANCE. An air ambulance
18 subscription provider shall implement and maintain a financial
19 assistance program designed to provide assistance to consumers
20 experiencing financial hardship in resolving an outstanding
21 balance for air ambulance transportation.

22 Sec. 1654.054. DESIGNATED PERSONNEL. An air ambulance
23 subscription provider shall designate an appropriate number of
24 individuals to:

25 (1) address questions, complaints, or concerns
26 submitted to the e-mail address or telephone hotline described by
27 Section 1654.052 not later than three months after the date the

1 question, complaint, or concern is submitted;

2 (2) handle consumer disputes not later than three
3 months after the dispute is initiated; and

4 (3) address concerns or requests from a governmental
5 agency not later than three months after the concern or request is
6 submitted.

7 Sec. 1654.055. MANDATORY TRAINING. An air ambulance
8 subscription provider shall require annual consumer advocacy
9 training in accordance with department rule for all provider
10 personnel who have direct contact with consumers, patients, or
11 family members of consumers or patients.

12 Sec. 1654.056. REQUIRED DISCLOSURE. An air ambulance
13 subscription provider shall include the following statements in
14 12-point or larger bold type on each marketing, advertisement, or
15 contract document related to an air ambulance subscription:

16 (1) "If eligible and covered by Medicaid, a consumer
17 is covered for air ambulance services with no out-of-pocket cost.";
18 and

19 (2) "If eligible and covered by Medicare or a Medicare
20 supplement plan, a consumer may be covered for air ambulance
21 services and should consult a representative of the Medicare
22 program, the Medicare Advantage Plan, or the Medicare Supplemental
23 Plan to determine the level of existing coverage for air ambulance
24 services, the amount of out-of-pocket costs for those services, and
25 whether the Medicare plan provider recommends additional
26 supplemental insurance coverage."

27 SECTION 2. Section [773.011\(e\)](#), Health and Safety Code, is

1 amended to read as follows:

2 (e) Except as provided by Chapter 1654, Insurance Code,
3 the [~~The~~] Insurance Code does not apply to a subscription program
4 established under this section.

5 SECTION 3. (a) The change in law made by this Act applies
6 only to an air ambulance subscription contract that is delivered,
7 issued for delivery, or renewed on or after September 1, 2022. A
8 contract delivered, issued for delivery, or renewed before
9 September 1, 2022, is governed by the law as it existed immediately
10 before the effective date of this Act, and that law is continued in
11 effect for that purpose.

12 (b) An air ambulance subscription provider is not required
13 to comply with Chapter 1654, Insurance Code, as added by this Act,
14 before September 1, 2022.

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