

By: Dean

H.B. No. 2797

A BILL TO BE ENTITLED

AN ACT

1
2 relating to prices charged by freestanding emergency medical care
3 facilities during a declared state of disaster; providing
4 administrative penalties.

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

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

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

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

16 (2) on the facility's Internet website.

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

19 Sec. 254.160. PROHIBITED PRICING PRACTICES DURING DECLARED
20 STATE OF DISASTER. (a) In this section, "unconscionable price"
21 means a price that is more than 200 percent of the average price for
22 the same or a substantially similar product or service provided to
23 other individuals by health care facilities located in the same
24 county or nearest county to the county in which the freestanding

1 emergency medical care facility is located, as applicable,
2 according to data collected by the department under Chapter 108.

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

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

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

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

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

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

21 (2) for the second violation:

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

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

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

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