

By: Klick

H.B. No. 3863

A BILL TO BE ENTITLED

1 AN ACT

2 relating to exemptions from licensing requirements to operate an  
3 end stage renal disease facility.

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

5 SECTION 1. Section 251.012, Health and Safety Code, is  
6 amended to read as follows:

7 Sec. 251.012. EXEMPTIONS FROM LICENSING REQUIREMENT. The  
8 following facilities are not required to be licensed under this  
9 chapter:

10 (1) a home and community support services agency that  
11 is licensed under Chapter 142 with a home dialysis designation and  
12 that:

13 (A) has not more than five patients at any time as  
14 a total number of patients to whom the agency provides dialysis  
15 services; or

16 (B) is certified by the Centers for Medicare and  
17 Medicaid Services as an end stage renal disease facility under  
18 Medicare;

19 (2) a hospital licensed under Chapter 241 that  
20 provides dialysis only to individuals receiving:

21 (A) inpatient services from the hospital; or

22 (B) outpatient services due to a disaster  
23 declared by the governor or a federal disaster declared by the  
24 president of the United States occurring in this state or another

1 state during the term of the disaster declaration;

2 (3) a hospital operated by or on behalf of the state as  
3 part of the managed health care provider network established under  
4 Chapter 501, Government Code, that provides dialysis only to  
5 individuals receiving:

6 (A) inpatient services from the hospital; or

7 (B) outpatient services while serving a term of  
8 confinement in a facility operated by or under contract with the  
9 Texas Department of Criminal Justice;

10 (4) an end stage renal disease facility operated by or  
11 on behalf of the state as part of the managed health care provider  
12 network established under Chapter 501, Government Code, that  
13 provides dialysis only to individuals receiving those services  
14 while serving a term of confinement in a facility operated by or  
15 under contract with the Texas Department of Criminal Justice; or

16 (5) the office of a physician, other than an ~~unless~~  
17 ~~the~~ office ~~is~~ used primarily as an end stage renal disease  
18 facility, that:

19 (A) has not more than five patients at any time as  
20 a total number of patients to whom the office provides dialysis  
21 services; or

22 (B) is certified by the Centers for Medicare and  
23 Medicaid Services as an end stage renal disease facility under  
24 Medicare.

25 SECTION 2. This Act takes effect September 1, 2021.