

By: Whitmire

S.B. No. 1037

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the definition of emergency care for purposes of
3 certain health benefit plans.

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

5 SECTION 1. Section 843.002(7), Insurance Code, is amended
6 to read as follows:

7 (7) "Emergency care" means health care services
8 provided in a hospital emergency facility, freestanding emergency
9 medical care facility, or comparable emergency facility to evaluate
10 and stabilize medical conditions of a recent onset and severity,
11 including severe pain, regardless of the final diagnosis of the
12 conditions, that would lead a prudent layperson possessing an
13 average knowledge of medicine and health to believe that the
14 individual's condition, sickness, or injury is of such a nature
15 that failure to get immediate medical care could:

16 (A) place the individual's health in serious
17 jeopardy;

18 (B) result in serious impairment to bodily
19 functions;

20 (C) result in serious dysfunction of a bodily
21 organ or part;

22 (D) result in serious disfigurement; or

23 (E) for a pregnant woman, result in serious
24 jeopardy to the health of the fetus.

1 SECTION 2. Section 1301.155(a), Insurance Code, is amended
2 to read as follows:

3 (a) In this section, "emergency care" means health care
4 services provided in a hospital emergency facility, freestanding
5 emergency medical care facility, or comparable emergency facility
6 to evaluate and stabilize a medical condition of a recent onset and
7 severity, including severe pain, regardless of the final diagnosis
8 of the condition, that would lead a prudent layperson possessing an
9 average knowledge of medicine and health to believe that the
10 person's condition, sickness, or injury is of such a nature that
11 failure to get immediate medical care could result in:

- 12 (1) placing the person's health in serious jeopardy;
- 13 (2) serious impairment to bodily functions;
- 14 (3) serious dysfunction of a bodily organ or part;
- 15 (4) serious disfigurement; or
- 16 (5) in the case of a pregnant woman, serious jeopardy
17 to the health of the fetus.

18 SECTION 3. Section 4201.002(2), Insurance Code, is amended
19 to read as follows:

20 (2) "Emergency care" means health care services
21 provided in a hospital emergency facility or comparable facility to
22 evaluate and stabilize medical conditions of a recent onset and
23 severity, including severe pain, regardless of the final diagnosis
24 of the conditions, that would lead a prudent layperson possessing
25 an average knowledge of medicine and health to believe that the
26 individual's condition, sickness, or injury is of such a nature
27 that failure to get immediate medical care could:

- 1 (A) place the individual's health in serious
2 jeopardy;
- 3 (B) result in serious impairment to bodily
4 functions;
- 5 (C) result in serious dysfunction of a bodily
6 organ or part;
- 7 (D) result in serious disfigurement; or
- 8 (E) for a pregnant woman, result in serious
9 jeopardy to the health of the fetus.

10 SECTION 4. The changes in law made by this Act apply only to
11 a health benefit plan delivered, issued for delivery, or renewed on
12 or after January 1, 2022. A health benefit plan delivered, issued
13 for delivery, or renewed before January 1, 2022, is governed by the
14 law as it existed immediately before the effective date of this Act,
15 and that law is continued in effect for that purpose.

16 SECTION 5. This Act takes effect September 1, 2021.