

By: Menéndez

S.B. No. 2038

A BILL TO BE ENTITLED

AN ACT

relating to fees and prices charged by freestanding emergency medical care facilities; providing administrative penalties.

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

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

Sec. 254.1555. CERTAIN FEES PROHIBITED. A facility that provides a health care service, including testing and vaccination, to an individual accessing the service from the individual's vehicle may only charge the individual or a third-party payor a fee for administering the provided service and any related laboratory fees. The facility may not charge the individual or payor any additional fees, including a facility fee, observation fee, or provider fee.

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

Sec. 254.160. PROHIBITED PRICING PRACTICES DURING DECLARED STATE OF DISASTER. (a) In this section, "unconscionable price" means a price that is more than 200 percent of the average price for the same or a substantially similar product or service provided to other individuals by health care facilities located in the same county or nearest county to the county in which the freestanding emergency medical care facility is located, as applicable, according to data collected by the department under Chapter 108.

1 (b) A facility, during a state of disaster declared under
2 Chapter 418, Government Code, may not:

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

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

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

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

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

19 (2) for the second violation:
20 (A) an administrative penalty in an amount equal
21 to \$50,000; and

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

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

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