By:  Oliverson, Raymond H.B. No. 1236

A BILL TO BE ENTITLED

AN ACT

relating to the definition of and certain determinations regarding emergency care for purposes of certain health benefit plan coverage.

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

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

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

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

(B)  result in serious impairment to bodily functions;

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

(D)  result in serious disfigurement; or

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

SECTION 2.  Subchapter A, Chapter 843, Insurance Code, is amended by adding Section 843.011 to read as follows:

Sec. 843.011.  EMERGENCY SERVICE DETERMINATIONS. Nothing in this subchapter prohibits a health maintenance organization from considering diagnosis codes to detect fraud or abuse.

SECTION 3.  Section 1301.155(a), Insurance Code, is amended to read as follows:

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

(1)  placing the person's health in serious jeopardy;

(2)  serious impairment to bodily functions;

(3)  serious dysfunction of a bodily organ or part;

(4)  serious disfigurement; or

(5)  in the case of a pregnant woman, serious jeopardy to the health of the fetus.

SECTION 4.  Subchapter D, Chapter 1301, Insurance Code, is amended by adding Section 1301.166 to read as follows:

Sec. 1301.166.  EMERGENCY SERVICE DETERMINATIONS. Nothing in this subchapter prohibits a preferred provider benefit plan from considering diagnosis codes to detect fraud or abuse.

SECTION 5.  Section 4201.002(2), Insurance Code, is amended to read as follows:

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

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

(B)  result in serious impairment to bodily functions;

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

(D)  result in serious disfigurement; or

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

SECTION 6.  Subchapter A, Chapter 4201, Insurance Code, is amended by adding Section 4201.005 to read as follows:

Sec. 4201.005.  EMERGENCY SERVICE DETERMINATIONS. Nothing in this subchapter prohibits a payor from considering diagnosis codes to detect fraud or abuse.

SECTION 7.  The changes in law made by this Act apply only to a health benefit plan delivered, issued for delivery, or renewed on or after January 1, 2024. A health benefit plan delivered, issued for delivery, or renewed before January 1, 2024, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 8.  This Act takes effect September 1, 2023.