

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

1 jeopardy to the health of the fetus.

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

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

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

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

- 18 (1) placing the person's health in serious jeopardy;
19 (2) serious impairment to bodily functions;
20 (3) serious dysfunction of a bodily organ or part;
21 (4) serious disfigurement; or
22 (5) in the case of a pregnant woman, serious jeopardy
23 to the health of the fetus.

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

26 Sec. 1301.166. EMERGENCY SERVICE DETERMINATIONS. Nothing
27 in this subchapter prohibits a preferred provider benefit plan from

1 considering diagnosis codes to detect fraud or abuse.

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

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

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

14 (B) result in serious impairment to bodily
15 functions;

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

18 (D) result in serious disfigurement; or

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

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

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

26 SECTION 7. The changes in law made by this Act apply only to
27 a health benefit plan delivered, issued for delivery, or renewed on

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1 or after January 1, 2024. A health benefit plan delivered, issued
2 for delivery, or renewed before January 1, 2024, is governed by the
3 law as it existed immediately before the effective date of this Act,
4 and that law is continued in effect for that purpose.

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