

By: Oliverson

H.B. No. 1236

Substitute the following for H.B. No. 1236:

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

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

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

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

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

1 that failure to get immediate medical care could:

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

4 (B) result in serious impairment to bodily
5 functions;

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

8 (D) result in serious disfigurement; or

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

11 SECTION 4. Subchapter D, Chapter 4201, Insurance Code, is
12 amended by adding Section 4201.156 to read as follows:

13 Sec. 4201.156. CERTAIN EMERGENCY CARE DETERMINATIONS. A
14 utilization review of emergency care provided in a facility
15 licensed under Chapter 254, Health and Safety Code, may consider
16 diagnosis codes, relevant documentation, and presenting symptoms.

17 SECTION 5. The changes in law made by this Act apply only to
18 a health benefit plan delivered, issued for delivery, or renewed on
19 or after January 1, 2024. A health benefit plan delivered, issued
20 for delivery, or renewed before January 1, 2024, is governed by the
21 law as it existed immediately before the effective date of this Act,
22 and that law is continued in effect for that purpose.

23 SECTION 6. This Act takes effect September 1, 2023.