

By: Schwertner

S.B. No. 1139

A BILL TO BE ENTITLED

AN ACT

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

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. 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 3. Sections 4201.002(2) and (13), Insurance Code, are 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:

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 (13) "Utilization review" includes a system for  
11 prospective, concurrent, or retrospective review of the medical  
12 necessity and appropriateness of health care services, including a  
13 determination that the services do not meet the definition of  
14 emergency care, and a system for prospective, concurrent, or  
15 retrospective review to determine the experimental or  
16 investigational nature of health care services. The term does not  
17 include a review in response to an elective request for  
18 clarification of coverage.

19 SECTION 4. The changes in law made by this Act apply only to  
20 a health benefit plan delivered, issued for delivery, or renewed on  
21 or after January 1, 2024. A health benefit plan delivered, issued  
22 for delivery, or renewed before January 1, 2024, is governed by the  
23 law as it existed immediately before the effective date of this Act,  
24 and that law is continued in effect for that purpose.

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