

BILL ANALYSIS

Senate Research Center
89R14147 AND-F

H.B. 4273
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Health & Human Services
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In *Malouf v. State ex rel. Ellis*, 2024, the court emphasized that the word "and" in Human Resources Code Section 36.002(8) requires the State to prove that a provider both failed to indicate the type of license of the health care provider who provided the service and failed to indicate the identification number of the health care provider who provided the service.

In that case, it was undisputed that Malouf's identification number was used in instances where another dentist performed the work. While the court acknowledged that the 1,842 claims at issue did not indicate the actual providers' identification numbers, the claims did indicate the actual providers' license type.

Thus, the court agreed with Malouf's interpretation of Section 36.002(8) and held that the 1,842 claims at issue did not constitute unlawful acts because the claims identified the actual providers' license type (i.e., dentist).

This bill's goal is to clarify the list of unlawful acts under the Medicaid Fraud Prevention Act by ensuring that the statute prohibits making a claim and knowingly failing to indicate the type of license held by the healthcare provider who actually administered the services.

H.B. 4273 amends the Human Resources Code to state that an unlawful act occurs when a person makes a claim under a health care program and knowingly fails to indicate the type of license of the licensed health care provider who actually provided the service or makes a claim under a health care program and knowingly fails to indicate the identification number of the licensed health care provider who actually provided the service.

H.B. 4273 amends current law relating to unlawful acts involving certain health care programs.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 36.002, Human Resources Code, to provide that a person commits an unlawful act if the person performs certain actions, including making a claim under a health care program and knowingly failing to indicate certain information, including the type of license held by the licensed health care provider who actually provided the service, and to make nonsubstantive changes.

SECTION 2. Makes Section 36.002 (Unlawful Acts), Human Resources Code, as amended by this Act, prospective.

SECTION 3. Requires a state agency, if necessary for implementation of a provision of this Act, to request a waiver or authorization from a federal agency, and authorizes delay of implementation until such a waiver or authorization is granted.

SECTION 4. Effective date: September 1, 2025.