89R2805 MPF-F

By:  Oliverson H.B. No. 2075

A BILL TO BE ENTITLED

AN ACT

relating to facility fees charged by certain health care providers; providing an administrative penalty.

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

SECTION 1.  Subtitle G, Title 4, Health and Safety Code, is amended by adding Chapter 328 to read as follows:

CHAPTER 328. PROHIBITED FACILITY FEES BY CERTAIN HEALTH CARE PROVIDERS

Sec. 328.001.  DEFINITIONS. In this chapter:

(1)  "Commission" means the Health and Human Services Commission.

(2)  "Executive commissioner" means the executive commissioner of the commission.

(3)  "Facility fee" means a fee charged by a health care provider that is:

(A)  intended to compensate the health care provider for operational expenses; and

(B)  separate from a fee charged by a health care provider for professional medical services provided in a hospital-based facility.

(4)  "Freestanding emergency medical care facility" has the meaning assigned by Section 254.001.

(5)  "Health care provider" means an individual, entity, corporation, person, or organization, whether for profit or nonprofit, that provides or bills for the provision of health care services in the normal course of business. The term includes a hospital system, hospital, hospital-based facility, freestanding emergency medical care facility, and urgent care clinic.

(6)  "Hospital" has the meaning assigned by Section 241.003.

(7)  "Hospital-based facility" means a facility that is owned or operated, wholly or partly, by a hospital, and where hospital or professional medical services are provided.

(8)  "Hospital campus" means:

(A)  the main buildings of a hospital;

(B)  the physical area immediately adjacent to the main buildings of a hospital and other areas or structures that are not strictly contiguous to the main buildings but are located not more than 250 yards from the main buildings of a hospital; and

(C)  any other area that has been determined by the Centers for Medicare and Medicaid Services to be a hospital campus.

Sec. 328.002.  PROHIBITED FACILITY FEES. (a) Except as provided by Subsection (b), a health care provider may not charge a facility fee for health care services.

(b)  Subsection (a) does not apply to:

(1)  services provided on a hospital campus; or

(2)  emergency care, as defined by Section 1301.155, Insurance Code.

Sec. 328.003.  ENFORCEMENT. (a) The commission shall assess an administrative penalty in an amount not to exceed $1,000 against a health care provider that violates this chapter or a rule adopted under this chapter.

(b)  This section does not create a private cause of action against a provider for legal or equitable relief.

Sec. 328.004.  RULES. The executive commissioner may adopt rules to implement this chapter.

SECTION 2.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2025.