

By: Oliverson

H.B. No. 4273

A BILL TO BE ENTITLED

AN ACT

relating to unlawful acts involving certain health care programs.

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

SECTION 1. Section 36.002, Human Resources Code, is amended to read as follows:

Sec. 36.002. UNLAWFUL ACTS. A person commits an unlawful act if the person:

(1) knowingly makes or causes to be made a false statement or misrepresentation of a material fact to permit a person to receive a benefit or payment under a health care program that is not authorized or that is greater than the benefit or payment that is authorized;

(2) knowingly conceals or fails to disclose information that permits a person to receive a benefit or payment under a health care program that is not authorized or that is greater than the benefit or payment that is authorized;

(3) knowingly applies for and receives a benefit or payment on behalf of another person under a health care program and converts any part of the benefit or payment to a use other than for the benefit of the person on whose behalf it was received;

(4) knowingly makes, causes to be made, induces, or seeks to induce the making of a false statement or misrepresentation of material fact concerning:

(A) the conditions or operation of a facility in

1 order that the facility may qualify for certification or
2 recertification required by a health care program, including
3 certification or recertification as:

4 (i) a hospital;

5 (ii) a nursing facility or skilled nursing
6 facility;

7 (iii) a hospice;

8 (iv) an ICF-IID;

9 (v) an assisted living facility; or

10 (vi) a home health agency; or

11 (B) information required to be provided by a
12 federal or state law, rule, regulation, or provider agreement
13 pertaining to a health care program;

14 (5) except as authorized under a health care program,
15 knowingly pays, charges, solicits, accepts, or receives, in
16 addition to an amount paid under the program, a gift, money, a
17 donation, or other consideration as a condition to the provision of
18 a service or product or the continued provision of a service or
19 product if the cost of the service or product is paid for, in whole
20 or in part, under the program;

21 (6) knowingly presents or causes to be presented a
22 claim for payment under a health care program for a product provided
23 or a service rendered by a person who:

24 (A) is not licensed to provide the product or
25 render the service, if a license is required; or

26 (B) is not licensed in the manner claimed;

27 (7) knowingly makes or causes to be made a claim under

1 a health care program for:

2 (A) a service or product that has not been
3 approved or acquiesced in by a treating physician or health care
4 practitioner;

5 (B) a service or product that is substantially
6 inadequate or inappropriate when compared to generally recognized
7 standards within the particular discipline or within the health
8 care industry; or

9 (C) a product that has been adulterated, debased,
10 mislabeled, or that is otherwise inappropriate;

11 (8) makes a claim under a health care program and
12 knowingly fails to indicate:

13 (A) the type of license held by the licensed
14 health care provider who actually provided the service; or

15 (B) [and] the identification number of the
16 licensed health care provider who actually provided the service;

17 (9) conspires to commit a violation of Subdivision
18 (1), (2), (3), (4), (5), (6), (7), (8), (10), (11), (12), or (13);

19 (10) is a managed care organization that contracts
20 with the commission or other state agency to provide or arrange to
21 provide health care benefits or services to individuals eligible
22 under a health care program and knowingly:

23 (A) fails to provide to an individual a health
24 care benefit or service that the organization is required to
25 provide under the contract;

26 (B) fails to provide to the commission or
27 appropriate state agency information required to be provided by

1 law, commission or agency rule, or contractual provision; or

2 (C) engages in a fraudulent activity in
3 connection with the enrollment of an individual eligible under the
4 program in the organization's managed care plan or in connection
5 with marketing the organization's services to an individual
6 eligible under the program;

7 (11) knowingly obstructs an investigation by the
8 attorney general of an alleged unlawful act under this section;

9 (12) knowingly makes, uses, or causes the making or
10 use of a false record or statement material to an obligation to pay
11 or transmit money or property to this state under a health care
12 program, or knowingly conceals or knowingly and improperly avoids
13 or decreases an obligation to pay or transmit money or property to
14 this state under a health care program; or

15 (13) knowingly engages in conduct that constitutes a
16 violation under Section 32.039(b).

17 SECTION 2. Section 36.002, Human Resources Code, as amended
18 by this Act, applies only to an unlawful act committed on or after
19 the effective date of this Act.

20 SECTION 3. If before implementing any provision of this Act
21 a state agency determines that a waiver or authorization from a
22 federal agency is necessary for the implementation of that
23 provision, the agency affected by the provision shall request the
24 waiver or authorization and may delay implementing that provision
25 until the waiver or authorization is granted.

26 SECTION 4. This Act takes effect September 1, 2025.