

By: Sparks

S.B. No. 392

A BILL TO BE ENTITLED

1 AN ACT
2 relating to prohibited facility fees for telehealth and
3 telemedicine medical services; providing an administrative
4 penalty.

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

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

8 CHAPTER 328. PROHIBITED FACILITY FEES FOR TELEHEALTH AND
9 TELEMEDICINE MEDICAL SERVICES

10 Sec. 328.001. DEFINITIONS. In this chapter:

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

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

15 (3) "Facility fee" means a fee a health care provider
16 charges that is:

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

19 (B) separate from a fee a health care provider
20 charges for professional medical services provided to a patient.

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

23 (5) "Health care provider" means an individual,
24 entity, corporation, person, or organization, whether for profit or

1 nonprofit, that provides or bills for the provision of health care
2 services in the normal course of business. The term includes a
3 hospital system, hospital, hospital-based facility, freestanding
4 emergency medical care facility, and urgent care clinic.

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

7 (7) "Hospital-based facility" means a facility a
8 hospital owns or operates, wholly or partly, at which hospital or
9 professional medical services are provided.

10 (8) "Telehealth service" and "telemedicine medical
11 service" have the meanings assigned by Section 111.001, Occupations
12 Code.

13 Sec. 328.002. PROHIBITED FACILITY FEES. A health care
14 provider may not charge a facility fee for telehealth services or
15 telemedicine medical services.

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

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

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

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

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1 Act takes effect September 1, 2025.