

1-1 By: Taylor of Galveston S.B. No. 2240
1-2 (In the Senate - Filed March 10, 2017; March 29, 2017, read
1-3 first time and referred to Committee on Business & Commerce;
1-4 April 24, 2017, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 24, 2017,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 2240 By: Taylor of Galveston

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to notice of health benefit plan provider network status
1-22 provided by certain freestanding emergency medical care
1-23 facilities.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 241.252, Health and Safety Code, is
1-26 amended by amending Subsection (b) and adding Subsections (e) and
1-27 (f) to read as follows:

1-28 (b) A facility described by Section 241.251 shall post
1-29 notice that:

1-30 (1) states:

1-31 (A) [~~(1) that~~] the facility is a freestanding
1-32 emergency medical care facility;

1-33 (B) [~~(2) that~~] the facility charges rates
1-34 comparable to a hospital emergency room and may charge a facility
1-35 fee;

1-36 (C) [~~(3) that~~] a facility or a physician
1-37 providing medical care at the facility may not be a participating
1-38 provider in the patient's health benefit plan provider network; and

1-39 (D) [~~(4) that~~] a physician providing medical
1-40 care at the facility may bill separately from the facility for the
1-41 medical care provided to a patient; and

1-42 (2) either:

1-43 (A) lists the health benefit plans in which the
1-44 facility is a participating provider in the health benefit plan's
1-45 provider network; or

1-46 (B) states the facility is not a participating
1-47 provider in any health benefit plan provider network.

1-48 (e) Notwithstanding Subsection (c), a facility that is a
1-49 participating provider in one or more health benefit plan provider
1-50 networks complies with Subsection (b)(2) if the facility:

1-51 (1) provides notice on the facility's Internet website
1-52 listing the health benefit plans in which the facility is a
1-53 participating provider in the health benefit plan's provider
1-54 network; and

1-55 (2) provides to a patient written confirmation of
1-56 whether the facility is a participating provider in the patient's
1-57 health benefit plan's provider network.

1-58 (f) A facility described by Section 241.251 may not include
1-59 in any of the facility's signage or marketing materials the logo or
1-60 name of any insurer, health maintenance organization, health

2-1 benefit plan, or health benefit plan network in which the facility
2-2 does not participate.

2-3 SECTION 2. Section 254.155, Health and Safety Code, is
2-4 amended by amending Subsection (a) and adding Subsections (d) and
2-5 (e) to read as follows:

2-6 (a) A facility shall post notice that:

2-7 (1) states:

2-8 (A) [~~(1) that~~] the facility is a freestanding
2-9 emergency medical care facility;

2-10 (B) [~~(2) that~~] the facility charges rates
2-11 comparable to a hospital emergency room and may charge a facility
2-12 fee;

2-13 (C) [~~(3) that~~] a facility or a physician
2-14 providing medical care at the facility may not be a participating
2-15 provider in the patient's health benefit plan provider network; and

2-16 (D) [~~(4) that~~] a physician providing medical
2-17 care at the facility may bill separately from the facility for the
2-18 medical care provided to a patient; and

2-19 (2) either:

2-20 (A) lists the health benefit plans in which the
2-21 facility is a participating provider in the health benefit plan's
2-22 provider network; or

2-23 (B) states the facility is not a participating
2-24 provider in any health benefit plan provider network.

2-25 (d) Notwithstanding Subsection (b), a facility that is a
2-26 participating provider in one or more health benefit plan provider
2-27 networks complies with Subsection (a)(2) if the facility:

2-28 (1) provides notice on the facility's Internet website
2-29 listing the health benefit plans in which the facility is a
2-30 participating provider in the health benefit plan's provider
2-31 network; and

2-32 (2) provides to a patient written confirmation of
2-33 whether the facility is a participating provider in the patient's
2-34 health benefit plan's provider network.

2-35 (e) A facility may not include in any of the facility's
2-36 signage or marketing materials the logo or name of any insurer,
2-37 health maintenance organization, health benefit plan, or health
2-38 benefit plan network in which the facility does not participate.

2-39 SECTION 3. This Act takes effect September 1, 2017.

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