

1-1 By: Menéndez S.B. No. 2038
 1-2 (In the Senate - Filed March 12, 2021; April 1, 2021, read
 1-3 first time and referred to Committee on Business & Commerce;
 1-4 April 9, 2021, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 0; April 9, 2021,
 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. 2038 By: Hancock

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

1-21 relating to fees and prices charged by freestanding emergency
 1-22 medical care facilities; providing administrative penalties.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subchapter D, Chapter 254, Health and Safety
 1-25 Code, is amended by adding Section 254.1555 to read as follows:

1-26 Sec. 254.1555. CERTAIN FEES PROHIBITED. (a) A facility
 1-27 that provides a health care service, including testing or
 1-28 vaccination, to an individual accessing the service from the
 1-29 individual's vehicle may not charge the individual or a third-party
 1-30 payor a facility or observation fee.

1-31 (b) This section may not be construed as expanding the type
 1-32 of health care services a facility is authorized to provide under
 1-33 this chapter.

1-34 SECTION 2. Subchapter D, Chapter 254, Health and Safety
 1-35 Code, is amended by adding Section 254.160 to read as follows:

1-36 Sec. 254.160. PROHIBITED PRICING PRACTICES DURING DECLARED
 1-37 STATE OF DISASTER. (a) In this section, "unconscionable price"
 1-38 means a price a facility charges for a health care service provided
 1-39 to an individual in an amount that is more than 200 percent of the
 1-40 average price charged for the same or a substantially similar
 1-41 product or service provided to other individuals by health care
 1-42 facilities located in the same county or nearest county to the
 1-43 county in which the freestanding emergency medical care facility is
 1-44 located, as applicable, according to data collected by the
 1-45 department under Chapter 108.

1-46 (b) A facility, during a state of disaster declared under
 1-47 Chapter 418, Government Code, may not:

1-48 (1) charge an individual an unconscionable price for a
 1-49 product or service provided at the facility; or

1-50 (2) knowingly or intentionally charge a third-party
 1-51 payor, including a health benefit plan insurer, a price higher than
 1-52 the price charged to an individual for the same product or service
 1-53 based on the payor's liability for payment or partial payment of the
 1-54 product or service.

1-55 SECTION 3. Subchapter E, Chapter 254, Health and Safety
 1-56 Code, is amended by adding Section 254.207 to read as follows:

1-57 Sec. 254.207. MANDATORY ENFORCEMENT. Notwithstanding any
 1-58 conflicting provision in this subchapter and except for good cause
 1-59 shown, the Health and Human Services Commission shall impose the
 1-60 following on a person licensed under this chapter who violates

2-1 Section 254.160 or a rule adopted under that section:
2-2 (1) for the first violation, an administrative penalty
2-3 in an amount equal to \$10,000;
2-4 (2) for the second violation:
2-5 (A) an administrative penalty in an amount equal
2-6 to \$50,000; and
2-7 (B) a suspension of the person's license for 30
2-8 days; and
2-9 (3) for the third violation, a permanent revocation of
2-10 the person's license.

2-11 SECTION 4. This Act takes effect September 1, 2021.

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