

Presentation to the House Insurance Committee

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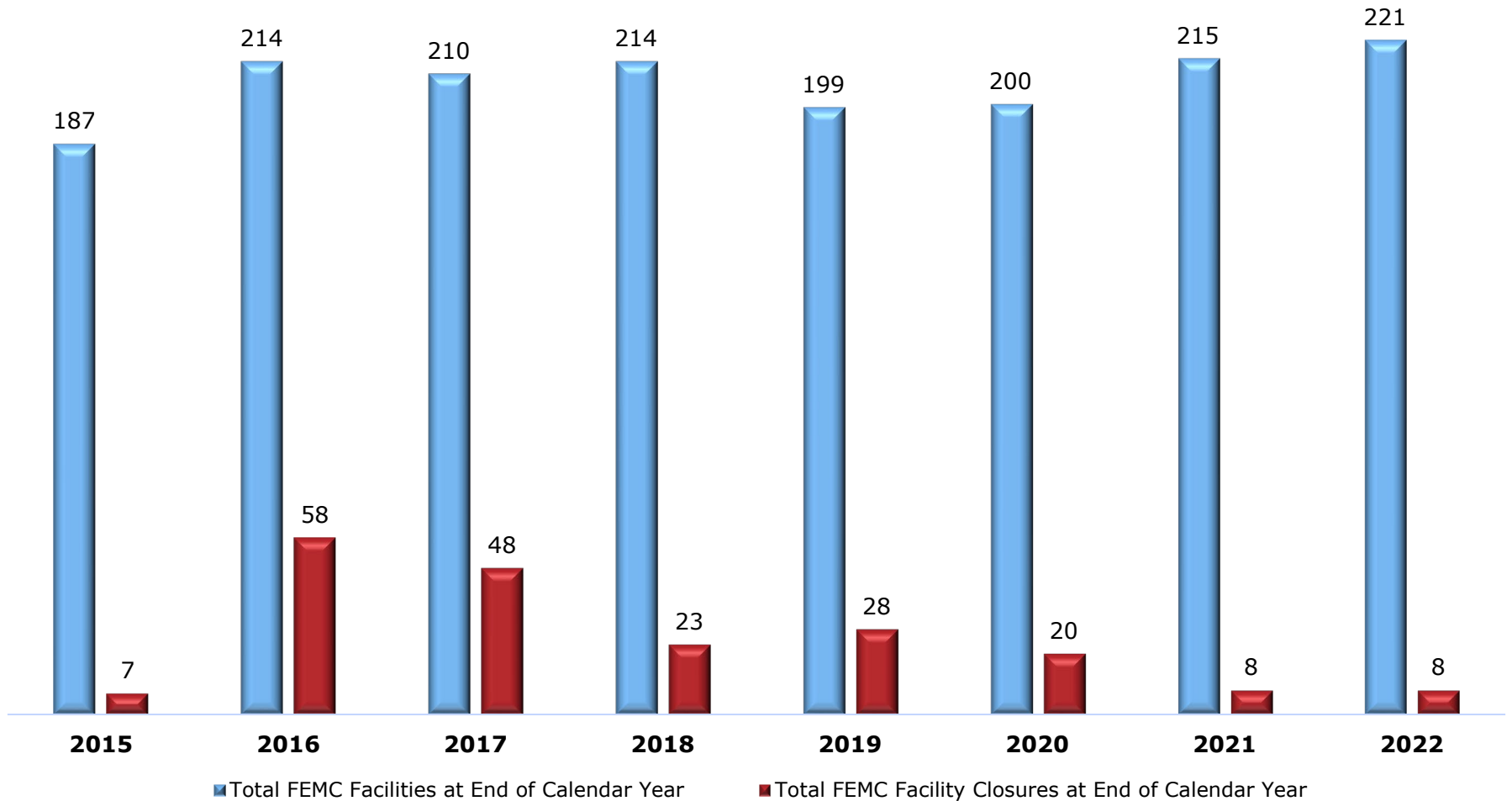
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Freestanding Emergency Medical Care Facilities



- Texas Health and Safety Code Chapter 254 requires most freestanding emergency medical care facilities (FEMCs) obtain a license from the Health and Human Services Commission (HHSC).
- Texas Administrative Code Title 25 (25 TAC) Chapter 131 and 26 TAC Chapter 509 contain operational standards for licensed FEMCs.

Number of Licensed Freestanding Emergency Medical Care Facilities





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Senate Bill 2038

87th Legislature, 2021

- Requires an FEMC facility to disclose its prices for any testing and vaccination services the facility offers for an infectious disease for which a state of disaster has been declared
- Prohibits an FEMC facility from charging a facility or observation fee for a health care service accessed from a vehicle
- Prohibits an FEMC facility from charging an unconscionable price for products and services provided during a declared state of disaster
- Prohibits a facility from intentionally charging a third-party payor a higher price than an individual for the same product or service during a declared state of disaster
- Grants HHSC authority to impose an administrative penalty for violations related to pricing practices during a declared state of disaster



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Senate Bill 2038 Implementation

HHSC has completed the following implementation activities:

- Issued guidance to providers
- Trained staff
- Proposed rules in the *Texas Register*
- The new rules are currently in the final adoption phase and are anticipated to take effect by December 2022



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House Bill 2041, 86th Legislature, 2019: Disclosure Requirements

Requires FEMC facilities provide to each patient a written disclosure statement listing the following:

- Observation and other facility fees that may result from a patient's visit
- Health benefit plans for which the facility is an in-network provider or a statement that the facility is an out-of-network provider for all plans



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House Bill 2041: Posting Notice

Requires an FEMC facility to prominently and conspicuously post a notice stating the following:

- The facility's rates are comparable to hospital emergency room rates and the facility may charge a facility fee
- The physician providing care and facility may be out-of-network for the patient's health plan
- The physician may bill separately from the facility for the medical care provided to the patient
- Which health benefit plans are in-network, or that the facility is an out-of-network provider for all health benefit plans, as applicable



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House Bill 2041: Prohibited Marketing Practices

- Prohibits an FEMC facility from falsely advertising as a network provider of a health benefit plan issuer
- Prohibits an FEMC facility from posting health benefit issuer's name or logo in any signage or marketing materials if the facility is an out-of-network provider for any of the issuer's health benefit plans
- Requires a closed FEMC facility to immediately remove any signs within public view that may indicate the facility is in operation



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House Bill 2041 Implementation

HHSC has completed the following implementation activities:

- Issued guidance to providers
- Trained staff
- Investigated complaints