

BILL ANALYSIS

H.B. 4011
By: Burrows
Business & Industry
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerns have been raised regarding the unaffordability of health care for many people and the effect medical debt can have on a person's credit rating. The purpose of H.B. 4011 is to offer some relief by prohibiting certain reporting of information related to debt arising from nonemergency medical care.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 6 of this bill.

ANALYSIS

H.B. 4011 amends the Business & Commerce Code to prohibit a health care provider or other person from providing to a consumer reporting agency information regarding an amount unpaid by a consumer for nonemergency medical care provided to the consumer or a person to whom the consumer has a legal obligation to provide support unless the consumer or the consumer's guardian or other legal representative is presented with and signs at the time of receipt a disclosure form concerning the medical charges before the medical care is provided and the information is provided to the agency at least 180 days after the date the consumer receives the medical bill for the charges. The bill requires the executive commissioner of the Health and Human Services Commission by rule to prescribe the form and content of that disclosure and requires the Department of State Health Services (DSHS) to publish the disclosure form on the DSHS website. The bill requires the disclosure form to be in plain language and sets out the contents of the form.

H.B. 4011 prohibits a consumer reporting agency from furnishing a consumer report containing information related to an amount unpaid by a consumer for nonemergency medical care described by the bill's provisions unless the reporting of that debt complies with those bill provisions. The bill excludes a violation of the bill's provisions relating to the prohibited reporting of certain medical debt by a health care provider or other person from the violations for which the attorney general may file a suit under statutory provisions regulating consumer credit reporting agencies for injunctive relief or a civil penalty. The bill makes statutory provisions establishing that a violation of statutory provisions regulating consumer credit reporting agencies is a false, misleading, or deceptive act or practice under the Deceptive Trade Practices-Consumer Protection Act inapplicable to a violation of the bill's provisions relating to the prohibited reporting of certain medical debt by a health care provider or other person. The bill excepts the bill's provisions relating to the prohibited reporting of certain medical debt by a health care

provider or other person from the venue requirements applicable to an action brought under statutory provisions regulating consumer credit reporting agencies.

EFFECTIVE DATE

September 1, 2017.