

- SUBJECT:** Notice of fees at freestanding emergency medical care facilities
- COMMITTEE:** Public Health — committee substitute recommended
- VOTE:** 10 ayes — Crossover, Naishtat, Blanco, Coleman, S. Davis, Guerra, R. Miller, Sheffield, Zedler, Zerwas
- 0 nays
- 1 absent — Collier
- WITNESSES:** For —Tucker Anderson, State Association of Freestanding ERs - Texas; Jamie Dudensing, Texas Association of Health Plans; Nancy Nicolas; (*Registered, but did not testify:* Amanda Fredriksen, AARP; Pati McCandless, Blue Cross Blue Shield of Texas; Amanda Martin, Texas Association of Business; Carrie Kroll, Texas Hospital Association)
- Against — None
- On — John McGee, ER Centers of America, Inc.; (*Registered, but did not testify:* Allison Hughes, Department of State Health Services; Doug Danzeiser, Texas Department of Insurance)
- BACKGROUND:** Health and Safety Code, ch. 254 regulates freestanding emergency medical care facilities. This chapter defines a "freestanding emergency medical care facility" to mean a facility, structurally separate and distinct from a hospital, that receives an individual and provides emergency care.
- Certain facilities are excepted from licensing under ch. 254. Health and Safety Code, sec. 254.051 states that a facility or person may not hold itself out to the public as a freestanding emergency medical care facility or use any similar term that would give the impression that the facility or person was providing emergency care unless the facility or person holds a license or is excepted under ch. 254.
- Health and Safety Code, sec. 241.183, as amended by SB 219 by

Schwertner in the 84th legislative session, requires the executive commissioner of the Health and Human Services Commission to adopt rules for a notice to be posted in a conspicuous place in a freestanding emergency medical care facility that notifies prospective patients that the facility is an emergency room and charges rates comparable to a hospital emergency room. Current statute does not define how that notice would be provided or size requirements for the notice.

**DIGEST:**

CSHB 3475 would require a licensed freestanding emergency medical care facility or a facility excepted from licensing to post conspicuous notice in certain locations at the facility that would state that:

- the facility was a freestanding emergency medical care facility;
- the facility charged rates comparable to a hospital emergency room and could charge a facility fee;
- a facility or a physician providing medical care at the facility might not participate in a patient's health benefit plan provider network; and
- a physician providing medical care at the facility could bill separately from the facility for the medical care provided to the patient.

The bill would specify that the notice would need to be at least 8.5 inches by 11 inches. The notice would have to be posted prominently and conspicuously:

- at the primary entrance to the facility;
- in each patient treatment room; and
- at each location within the facility where people pay for health care services.

The bill also would repeal Health and Safety Code, sec. 241.183, as amended by SB 219 by Schwertner in the 84th legislative session.

The bill would designate a licensed freestanding emergency medical care facility, including a facility excepted from licensing, as a "facility" subject

to statutory provisions related to consumer access to health care information.

A freestanding emergency medical care facility would not be required to comply with notice or consumer health information provisions in the bill until January 1, 2016. The bill would take effect September 1, 2015.