

BILL ANALYSIS

H.B. 2732
By: Burrows
Business & Industry
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerns have been raised regarding billing practices for nonemergency health care that leave patients unaware of potential costs beyond the applicable co-pay until after they have accepted, and may have believed they have paid for, the health care services. It has been suggested that this lack of prior information is unfair and can result in significant damage to a patient's credit score. H.B. 2732 seeks to address these concerns by requiring certain disclosures to a person responsible for such medical charges before any related unpaid debt is reported to a consumer reporting agency.

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. 2732 amends the Business & Commerce Code to prohibit a health care provider or other person from providing to a consumer reporting agency information regarding an unpaid debt incurred 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 consumer reporting agency at least 180 days after the date the consumer receives the medical bill for the charges.

H.B. 2732 requires the executive commissioner of the Health and Human Services Commission by rule to prescribe the form and content of the disclosure and requires the Department of State Health Services (DSHS) to publish the disclosure form on the DSHS website. The bill sets out the required form and content of the disclosure form.

H.B. 2732 prohibits a consumer reporting agency from furnishing a consumer report containing information related to an applicable unpaid debt for nonemergency medical care unless the reporting of that debt complies with the bill's provisions. The bill excludes violations of its provisions from the actions classified as false, misleading, or deceptive acts or practices under the Deceptive Trade Practices-Consumer Protection Act and exempts such violations from provisions authorizing the attorney general to file suit for injunctive relief or a civil penalty

against a person who violates statutory provisions relating to the regulation of consumer credit reporting agencies.

EFFECTIVE DATE

September 1, 2019.