



## TEXAS AMBULATORY SURGERY CENTER SOCIETY (TASCS) SUMMARY OF NEW LAWS FROM THE 88TH LEGISLATIVE SESSIONS

Congress Avenue Partners tracked more than 300 bills for TASCS during the 88<sup>th</sup> Regular and Special Sessions. Here is a brief summary of key bills affecting ASCs that became law during the past year.

### Workplace Violence:

**SB 240 by Sen. Campbell/Rep. Howard** requires the creation of a workplace violence committee in specified health care facilities that will adopt, implement, and enforce policies and plans for protecting employees from workplace violence. The committee must include representation from nurses, doctors and security personnel. The committee is charged with developing a workplace violence prevention policy to:

- require the facility to provide significant consideration of the plan recommended by the facility's committee and evaluate any existing facility violence prevention plan;
- encourage health care providers and employees of the facility to provide confidential information on workplace violence to the committee;
- include a process to protect facility health care providers or employees who provide information to the committee from retaliation; and
- comply with Health and Human Services Commission rules relating to workplace violence.

***SB 240 became effective 9/1/2023, and the committee must be formed and the policies adopted by 9/1/2024.***

**H.B. 915 by Rep. Craddick/Sen. Parker** will increase opportunities for local law enforcement to be notified of workplace violence by establishing a 24-hour toll-free workplace violence hotline, to give law enforcement the opportunity to respond in a timely manner or build a proper case for situations of workplace violence or harassment. Under the bill, each employer shall post a notice to employees of the contact information for reporting instances of workplace violence or suspicious activity to the Department of Public Safety. The notice must be posted in a conspicuous place in the employer's place of business. ***The bill took effect 9/1/2024 and the Texas Workforce Commission is due to adopt rules by 3/1/2024.***

### Workforce Shortages:

**S.B. 25 by Sen. Kolkhorst/Rep. Klick** provides new scholarship opportunities and increases funding for nursing education and training programs. SB 25 also expands the nursing innovation grant program until 2027. **This went into effect on 6/18/2023. The Texas Higher Education Coordinating Board began developing the grant programs required by the bill and was directed to begin to award grants on 1/1/2024.**

### Itemized Billing:

**S.B. 490 by Sen. Hughes/Rep. Harris-Davila** requires providers to issue an itemized bill before attempting to collect any money from the patient. The provider must provide the patient a list of medical services provided, the amount of payment for each service, and a plain language description of the service. If providers fail to

comply, they will be restricted from debt collection and may face disciplinary action from the respective licensing authority. The law only applies to services received after the effective date, and pursuant to HHSC guidance, bundled coding provided to a patient complies with the requirements. Pre-payments do not obligate providers to provide an itemized bill. ***SB 490 became effective on 9/1/2023.***

#### **Provider Networks and Network Adequacy:**

**H.B. 3359 by Rep. Bonnen/Sen. Schwertner** establishes a framework to address concerns about network adequacy in healthcare plans. The bill sets distance limitations for in-network care, ensuring that patients do not have to travel excessively for services covered under their plan. It also necessitates that the Texas Department of Insurance (TDI) certifies these plans before they can be marketed within the state. To improve network accessibility, the legislation restricts the repeated use of waivers when there are insufficient in-network physicians, providers, and facilities in a service area. To bolster transparency, it mandates a public hearing to confirm that the carrier is making a genuine effort to meet network standards. The bill strengthens TDI's data collection and enforcement capabilities, prevents health plans from independently implementing adverse contract changes, and ensures adherence to state surprise billing laws. ***The bill went into effect on 9/1/2023. H.B. 3359 applies to policies delivered or renewed on or after September 1, 2024. The Texas Department of Insurance is presently promulgating rules for implementation, and will begin reviewing networks according to the new standards prior to 9/1/2024.***

#### **Vaccine Policy:**

**H.B. 44 by Rep. Swanson/Sen. Middleton** related to provider discrimination against a Medicaid recipient or child health plan program enrollee based on immunization status. The bill prohibits a provider who participates in Medicaid or the Children's Health Insurance Program (CHIP) from refusing to provide health care services to Medicaid or CHIP recipients based solely on their refusal or failure to obtain a vaccine or immunization for a particular infectious or communicable disease. This bill does not apply to providers of oncology or organ transplant services. ***The bill went into effect on 9/1/2023.***

**S.B. 7 by Sen. Middleton/Rep. Leach** passed during the Third Called Special Session. The bill prohibiting private employers from mandating that their employees or contractors receive the COVID-19 vaccine, or from taking adverse action against an employee, contractor, applicant for employment, or applicant for a contract position for a refusal to be vaccinated. The bill provides an exception permitting a health care facility, health care provider, or physician to establish and enforce a reasonable policy that includes requiring the use of protective medical equipment by an individual who is an employee or contractor of the facility, provider, or physician and who is not vaccinated against COVID-19 based on the level of risk the individual presents to patients from the individual's routine and direct exposure to patients. The Texas Workforce Commission shall impose an administrative penalty in an amount equal to \$50,000 for each violation, unless the employer hires the applicant for employment or reinstates the employee or contractor and provides back pay from the date the employer took the adverse action. ***This bill takes effect 2/6/2024.***

#### **Insurance Verification:**

**HB 4500 by Rep. Harris/Sen. Hughes** addresses the challenges of verifying patients' insurance information by requiring health benefit plan issuers to maintain and make available a secure online system through which certain physicians and health care providers may access insurance coverage information for a patient. ***The legislation went into effect 1/1/2024.***