

CHAPTER 560

S.B. No. 976

AN ACT

relating to emergency services under certain insurance policies and coverage of health maintenance organizations.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 2, Texas Health Maintenance Organization Act (Article 20A.02, Vernon's Texas Insurance Code), is amended by adding Subsection (t) to read as follows:

(t) *"Emergency care" means bona fide emergency services provided after the sudden onset of a medical condition manifesting itself by acute symptoms of sufficient severity, including severe pain, such that the absence of immediate medical attention could reasonably be expected to result in:*

- (1) *placing the patient's health in serious jeopardy;*
- (2) *serious impairment to bodily functions; or*
- (3) *serious dysfunction of any bodily organ or part.*

SECTION 2. Section 2, Chapter 397, Acts of the 54th Legislature, 1955 (Article 3.70-2, Vernon's Texas Insurance Code), is amended by adding Subsection (I) to read as follows:

(I) *An individual or group policy of accident and sickness insurance that provides any emergency care benefit, including policies issued by companies subject to Chapter 20, Insurance Code, delivered or issued for delivery in this state must define emergency care as follows: "Emergency care" means bona fide emergency services provided after the sudden onset of a medical condition manifesting itself by acute symptoms of*

*sufficient severity, including severe pain, such that the absence of immediate medical attention could reasonably be expected to result in:*

- (1) placing the patient's health in serious jeopardy;*
- (2) serious impairment to bodily functions; or*
- (3) serious dysfunction of any bodily organ or part.*

SECTION 3. This Act takes effect September 1, 1987, and applies to all policies delivered, issued for delivery, or renewed on or after January 1, 1988, and those policies may reflect through use of an endorsement the definition of emergency care required by this Act. Policies delivered, issued for delivery, or renewed before January 1, 1988, are governed by the law that existed before being amended by this Act, and that law is continued in effect for that purpose.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on May 14, 1987, by the following vote: Yeas 30, Nays 0. Passed the House on May 26, 1987, by a non-record vote.

Approved June 18, 1987.

Effective Sept. 1, 1987.