

By: Johnson of Dallas

H.B. No. 755

A BILL TO BE ENTITLED

AN ACT

relating to prior authorization for prescription drug benefits related to the treatment of chronic and autoimmune diseases.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 1369, Insurance Code, is amended by adding Subchapter N to read as follows:

SUBCHAPTER N. COVERAGE OF PRESCRIPTION DRUGS FOR CHRONIC AND AUTOIMMUNE DISEASES

Sec. 1369.651. DEFINITION. In this subchapter, "prescription drug" has the meaning assigned by Section 551.003, Occupations Code.

Sec. 1369.652. APPLICABILITY OF SUBCHAPTER. (a) This subchapter applies only to a health benefit plan that provides benefits for medical, surgical, or prescription drug expenses incurred as a result of a health condition, accident, or sickness, including an individual, group, blanket, or franchise insurance policy or insurance agreement, a group hospital service contract, or an individual or group evidence of coverage or similar coverage document that is issued by:

(1) an insurance company;

(2) a group hospital service corporation operating under Chapter 842;

(3) a health maintenance organization operating under Chapter 843;

1           (4) an approved nonprofit health corporation that  
2 holds a certificate of authority under Chapter 844;

3           (5) a multiple employer welfare arrangement that holds  
4 a certificate of authority under Chapter 846;

5           (6) a stipulated premium company operating under  
6 Chapter 884;

7           (7) a fraternal benefit society operating under  
8 Chapter 885;

9           (8) a Lloyd's plan operating under Chapter 941; or

10          (9) an exchange operating under Chapter 942.

11          (b) Notwithstanding any other law, this subchapter applies  
12 to:

13           (1) a small employer health benefit plan subject to  
14 Chapter 1501, including coverage provided through a health group  
15 cooperative under Subchapter B of that chapter;

16           (2) a standard health benefit plan issued under  
17 Chapter 1507;

18           (3) a basic coverage plan under Chapter 1551;

19           (4) a basic plan under Chapter 1575;

20           (5) a primary care coverage plan under Chapter 1579;

21           (6) a plan providing basic coverage under Chapter  
22 1601;

23           (7) health benefits provided by or through a church  
24 benefits board under Subchapter I, Chapter 22, Business  
25 Organizations Code;

26           (8) group health coverage made available by a school  
27 district in accordance with Section 22.004, Education Code;

1           (9) a regional or local health care program operated  
2 under Section 75.104, Health and Safety Code; and

3           (10) a self-funded health benefit plan sponsored by a  
4 professional employer organization under Chapter 91, Labor Code.

5           (c) This subchapter applies to coverage under a group health  
6 benefit plan provided to a resident of this state regardless of  
7 whether the group policy, agreement, or contract is delivered,  
8 issued for delivery, or renewed in this state.

9           Sec. 1369.653. EXCEPTIONS. (a) This subchapter does not  
10 apply to a plan that provides coverage:

11           (1) for wages or payments in lieu of wages for a period  
12 during which an employee is absent from work because of sickness or  
13 injury; or

14           (2) only for hospital expenses.

15           (b) This subchapter does not apply to an individual health  
16 benefit plan issued on or before March 23, 2010, that has not had  
17 any significant changes since that date that reduce benefits or  
18 increase costs to the individual.

19           Sec. 1369.654. PROHIBITION ON MULTIPLE PRIOR  
20 AUTHORIZATIONS. A health benefit plan issuer that provides  
21 prescription drug benefits may not require an enrollee to receive  
22 more than one prior authorization annually of the prescription drug  
23 benefit for a prescription drug prescribed to treat a chronic or  
24 autoimmune disease.

25           SECTION 2. The change in law made by this Act applies only  
26 to a health benefit plan that is delivered, issued for delivery, or  
27 renewed on or after January 1, 2024.

1 SECTION 3. This Act takes effect September 1, 2023.