

By: Frank

H.B. No. 2414

A BILL TO BE ENTITLED

AN ACT

relating to certain practices of a health maintenance organization or insurer to encourage the use of certain physicians and health care providers.

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

SECTION 1. Subchapter I, Chapter 843, Insurance Code, is amended by adding Section 843.322 to read as follows:

Sec. 843.322. INCENTIVES TO USE CERTAIN PHYSICIANS OR PROVIDERS. (a) A health maintenance organization may provide incentives for enrollees to use certain physicians or providers through modified deductibles, copayments, coinsurance, or other cost-sharing provisions.

(b) A health maintenance organization that encourages an enrollee to obtain a health care service from a particular physician or provider, including offering incentives to encourage enrollees to use specific physicians or providers, or that introduces or modifies a tiered network plan or assigns physicians or providers into tiers, has a fiduciary duty to the enrollee or group contract holder to engage in that conduct only for the primary benefit of the enrollee or group contract holder.

SECTION 2. Section 1301.0045(a), Insurance Code, is amended to read as follows:

(a) Except as provided by Sections [~~Section~~] 1301.0046 and 1301.0047, this chapter may not be construed to limit the level of

1 reimbursement or the level of coverage, including deductibles,
2 copayments, coinsurance, or other cost-sharing provisions, that
3 are applicable to preferred providers or, for plans other than
4 exclusive provider benefit plans, nonpreferred providers.

5 SECTION 3. Subchapter A, Chapter 1301, Insurance Code, is
6 amended by adding Section 1301.0047 to read as follows:

7 Sec. 1301.0047. INCENTIVES TO USE CERTAIN PHYSICIANS OR
8 HEALTH CARE PROVIDERS. (a) An insurer may provide incentives for
9 insureds to use certain physicians or health care providers through
10 modified deductibles, copayments, coinsurance, or other
11 cost-sharing provisions.

12 (b) An insurer that encourages an insured to obtain a health
13 care service from a particular physician or health care provider,
14 including offering incentives to encourage insureds to use specific
15 physicians or providers, or that introduces or modifies a tiered
16 network plan or assigns physicians or providers into tiers, has a
17 fiduciary duty to the insured or policyholder to engage in that
18 conduct only for the primary benefit of the insured or
19 policyholder.

20 SECTION 4. This Act takes effect September 1, 2023.