By: Menéndez S.B. No. 1149

## A BILL TO BE ENTITLED

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1	AN ACT
2	relating to telephone access for certain health benefit plan
3	verifications and preauthorization requests and for utilization
4	review requests.
5	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
6	SECTION 1. Section 843.347(c), Insurance Code, is amended
7	to read as follows:
8	(c) A health maintenance organization shall have
9	appropriate personnel reasonably available at a toll-free
10	telephone number to provide a verification under this section $\underline{24}$
11	hours a day, seven days a week, including [between 6 a.m. and 6 p.m.
12	central time Monday through Friday on each day that is not a legal
13	holiday and between 9 a.m. and noon central time on Saturday,
14	Sunday, and   legal holidays. A health maintenance organization
15	must <u>:</u>
16	(1) have a telephone system capable of accepting or
17	recording incoming phone calls for verifications during any period

- recording incoming phone calls for verifications <u>during any period</u>

  in which personnel are not available due to circumstances beyond

  the health maintenance organization's reasonable control. [after 6]
- 19 the health maintenance organization's reasonable control; [after 6
- 20 p.m. central time Monday through Friday and after noon central time
- 21 on Saturday, Sunday, and legal holidays] and
- 22 <u>(2) respond</u> [<del>responding</del>] to each of those calls <u>as</u>
- 23 soon as possible but not later than two hours after [on or before
- 24 the second calendar day after the date] the call is received.

- 1 SECTION 2. Section 843.348(f), Insurance Code, is amended
- 2 to read as follows:
- 3 (f) A health maintenance organization shall have
- 4 appropriate personnel reasonably available at a toll-free
- 5 telephone number to respond to requests for a preauthorization 24
- 6 hours a day, seven days a week, including [between 6 a.m. and 6 p.m.
- 7 central time Monday through Friday on each day that is not a legal
- 8 holiday and between 9 a.m. and noon central time on Saturday,
- 9 Sunday, and legal holidays. A health maintenance organization
- 10 must:
- 11 (1) have a telephone system capable of accepting or
- 12 recording incoming phone calls for preauthorizations during any
- 13 period in which personnel are not available due to circumstances
- 14 beyond the health maintenance organization's reasonable control;
- 15 [after 6 p.m. central time Monday through Friday and after noon
- 16 central time on Saturday, Sunday, and legal holidays] and
- 17 (2) respond [responding] to each of those calls as
- 18 soon as possible but not later than two  $[\frac{24}{2}]$  hours after the call is
- 19 received.
- SECTION 3. Section 1301.133(c), Insurance Code, is amended
- 21 to read as follows:
- (c) An insurer shall have appropriate personnel reasonably
- 23 available at a toll-free telephone number to provide a verification
- 24 under this section 24 hours a day, seven days a week, including
- 25 [between 6 a.m. and 6 p.m. central time Monday through Friday on
- 26 each day that is not a legal holiday and between 9 a.m. and noon
- 27 central time on Saturday, Sunday, and legal holidays. An insurer

- 1 must<u>:</u>
- 2 (1) have a telephone system capable of accepting or
- 3 recording incoming phone calls for verifications during any period
- 4 in which personnel are not available due to circumstances beyond
- 5 the insurer's reasonable control; [after 6 p.m. central time Monday
- 6 through Friday and after noon central time on Saturday, Sunday, and
- 7 <del>legal holidays</del>] and
- 8 (2) respond [responding] to each of those calls as
- 9 soon as possible but not later than two hours after [on or before
- 10 the second calendar day after the date] the call is received.
- SECTION 4. Section 1301.135(e), Insurance Code, is amended
- 12 to read as follows:
- 13 (e) An insurer shall have appropriate personnel reasonably
- 14 available at a toll-free telephone number to respond to requests
- 15 for a preauthorization 24 hours a day, seven days a week, including
- 16 [between 6 a.m. and 6 p.m. central time Monday through Friday on
- 17 each day that is not a legal holiday and between 9 a.m. and noon
- 18 central time on Saturday, Sunday, and legal holidays. An insurer
- 19 must:
- 20 <u>(1)</u> have a telephone system capable of accepting or
- 21 recording incoming phone calls for preauthorizations <u>during any</u>
- 22 period in which personnel are not available due to circumstances
- 23 beyond the insurer's reasonable control; [after 6 p.m. central time
- 24 Monday through Friday and after noon central time on Saturday,
- 25 Sunday, and legal holidays and
- 26 (2) respond [responding] to each of those calls as
- 27 soon as possible but not later than two [24] hours after the call is

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1 received.
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- 2 SECTION 5. Section 4201.004(a), Insurance Code, is amended
- 3 to read as follows:
- 4 (a) A utilization review agent shall:
- 5 (1) have appropriate personnel reasonably available,
- 6 by toll-free telephone 24 hours a day, seven days a week, including
- 7 legal holidays [at least 40 hours per week during normal business
- 8 hours in this state], to discuss patients' care and allow response
- 9 to telephone review requests;
- 10 (2) have a telephone system capable, during <u>any period</u>
- 11 in which personnel are not available due to circumstances beyond
- 12 the utilization review <u>agent's reasonable control</u> [hours other than
- 13 normal business hours], of accepting or recording incoming
- 14 telephone calls or of providing instructions to a caller; and
- 15 (3) respond to a call made during <u>a period described by</u>
- 16 Subdivision (2) as soon as possible but [hours other than normal
- 17 business hours [the second working day]
- 18 after the call is received [later of:
- 19 [(A) the date the call was received; or
- [(B) the date the details necessary to respond
- 21 have been received from the caller].
- 22 SECTION 6. This Act takes effect September 1, 2023.