

BILL ANALYSIS

Senate Research Center

S.B. 1266
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State Affairs
4/14/2003
As Filed

DIGEST AND PURPOSE

Currently, some health insurers are authorized to exclude particular health care practitioners, including acupuncturists, from participating as providers, as long as the exclusion is disclosed to the insured. As proposed, S.B. 1266 amends the Insurance Code to provide that if a policy covers acupuncture, the insurer cannot restrict access to acupuncture through restrictions on participating acupuncturists. S.B. 1266 also broadens the scope of practice for acupuncturists and gives them more autonomy as health care providers.

RULEMAKING AUTHORITY

Rulemaking authority granted to the Texas State Board of Medical Examiners is modified in SECTION 8 (Section 205.302, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subsection (B), Article 3.70-2, Insurance Code, to delete the authorization for health insurance coverage policies to make benefits contingent upon treatment or examination by a particular practitioner or by particular practitioners of the healing arts. Deletes text regarding a provision designating which practitioners of the healing arts will be recognized by and which excluded from the policy. Deletes text setting forth and defining the terminology to be used in the provision.

SECTION 2. Amends Subdivision (9), Section 1, Article 3.70-3C, Insurance Code, to redefine "practitioner" and to make conforming changes.

SECTION 3. Amends Subdivision (3), Subsection (a), Article 21.52C, Insurance Code, to redefine "provider" and to make conforming changes.

SECTION 4. Amends Subsection (c), Section 843.304, Insurance Code, as effective June 1, 2003, to delete the provision that this section does not require that a health maintenance organization use a particular type of provider in its operation. Makes conforming changes.

SECTION 5. Amends Subdivision (2), Section 205.001, Occupations Code, to redefine "acupuncture."

SECTION 6. Amends Section 205.101, Occupations Code, as follows:

- (a) Removes provisions requiring the acupuncture board to establish minimum education and training requirements necessary for the acupuncture board to recommend that the medical board issue a license to practice acupuncture. Removes provisions requiring the acupuncture board to establish the requirements for a tutorial program for acupuncture students who have completed at least 48 semester hours of college.
- (b) Requires the acupuncture board to establish minimum educational and training requirements as necessary to enable the acupuncture board to recommend that the medical board issue a license to practice acupuncture. Authorizes the acupuncture board, in establishing the requirements, to consider the minimum educational and training requirements established by the Accreditation Commission for Acupuncture and Oriental

Medicine. Deletes a provision stating that the acupuncture board does not have independent rulemaking authority.

SECTION 7. Amends the heading and Subsections (a) and (c), Section 205.301, Occupations Code, to read as follows:

Sec. 205.301. EVALUATION BY OTHER HEALTH CARE PRACTITIONER REQUIRED.

(a) Authorizes a license holder to perform acupuncture on a person only if the person was evaluated, rather than referred, by a chiropractor within a certain amount of time.

(c) Makes a conforming change.

SECTION 8. Amends Section 205.302, Occupations Code, as follows:

Sec. 205.302. New heading: AUTHORIZED PRACTICE WITHOUT EVALUATION.

(a) Requires the medical board, after notice and public hearing, to determine by rule whether an acupuncturist may treat a patient for stress, allergies, nausea and digestive disorders, depression, and cosmetic procedures, rather than alcoholism or chronic pain, without an evaluation, rather than referral, from a physician, dentist, or chiropractor.

(b) Authorizes a license holder, notwithstanding Section 205.301, without an evaluation, rather than a referral, from a physician, dentist, or chiropractor, to perform acupuncture on a person for alcoholism or chronic pain. Removes a requirement for a medical board rule on the treatment of chronic pain by an acupuncturist.

SECTION 9. Amends Section 205.355, Occupations Code, as follows:

Sec. 205.355. New heading: REQUIRED DISCIPLINARY ACTION FOR FAILURE TO OBTAIN EVALUATION.

SECTION 10. Effective date: September 1, 2003.