

By: Hopson

H.B. No. 1238

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the prompt payment of certain pharmacy claims by health  
3 maintenance organizations and preferred provider benefit plans.

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

5 SECTION 1. Section 3A, Article 3.70-3C, Insurance Code, as  
6 added by Chapter 1024, Acts of the 75th Legislature, Regular  
7 Session, 1997, is amended by amending Subsection (d) and adding  
8 Subsection (o) to read as follows:

9 (d) Not [~~If a prescription benefit claim is electronically~~  
10 ~~adjudicated and electronically paid, and the preferred provider or~~  
11 ~~its designated agent authorizes treatment, the claim must be paid~~  
12 ~~not~~] later than the 21st day after the date an insurer affirmatively  
13 adjudicates a pharmacy claim that is electronically submitted, the  
14 insurer shall:

15 (1) pay the total amount of the claim through  
16 electronic funds transfer; or

17 (2) notify the pharmacy provider of the reasons for  
18 denying payment of the claim [~~treatment is authorized~~].

19 (o) A transaction fee may not be charged for adjudication of  
20 a claim submitted electronically.

21 SECTION 2. Section 843.339, Insurance Code, as effective  
22 June 1, 2003, is amended to read as follows:

23 Sec. 843.339. DEADLINE FOR ACTION ON CERTAIN PRESCRIPTION  
24 BENEFIT CLAIMS. (a) Not [~~If a health maintenance organization or~~

1 ~~its designated agent authorizes treatment, a prescription benefit~~  
2 ~~claim that is electronically adjudicated and electronically paid~~  
3 ~~shall be paid not]~~ later than the 21st day after the date a health  
4 maintenance organization or the health maintenance organization's  
5 designated agent affirmatively adjudicates a pharmacy claim that is  
6 electronically submitted, the health maintenance organization  
7 shall:

8 (1) pay the total amount of the claim through  
9 electronic funds transfer; or

10 (2) notify the pharmacy provider of the reasons for  
11 denying payment of the claim [~~on which the treatment is~~  
12 ~~authorized~~].

13 (b) A transaction fee may not be charged for adjudication of  
14 a claim submitted electronically.

15 SECTION 3. This Act takes effect September 1, 2003, and  
16 applies only to a payment to a pharmacy provider for claims  
17 submitted to a health maintenance organization or an insurer on or  
18 after that date.