

By: Edwards

H.B. No. 2135

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to access to specialist physicians under certain health  
3 benefit plan coverage.

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

5 SECTION 1. The heading to Article 21.53D, Insurance Code,  
6 as added by Chapter 912, Acts of the 75th Legislature, Regular  
7 Session, 1997, is amended to read as follows:

8 Art. 21.53D. ACCESS TO SPECIALIST PHYSICIAN [~~CERTAIN~~  
9 ~~OBSTETRICAL OR GYNECOLOGICAL CARE~~]

10 SECTION 2. Section 1, Article 21.53D, Insurance Code, as  
11 added by Chapter 912, Acts of the 75th Legislature, Regular  
12 Session, 1997, is amended by adding Subdivision (4) to read as  
13 follows:

14 (4) "Specialist physician" means a properly  
15 credentialed physician who is practicing in a recognized medical  
16 specialty.

17 SECTION 3. Article 21.53D, Insurance Code, as added by  
18 Chapter 912, Acts of the 75th Legislature, Regular Session, 1997,  
19 is amended by adding Section 4A to read as follows:

20 Sec. 4A. DIRECT ACCESS TO SERVICES OF SPECIALIST PHYSICIAN.

21 (a) In addition to other benefits authorized by the plan, each  
22 health benefit plan shall permit an enrollee direct access to the  
23 health care services of a specialist physician without a referral  
24 by a primary care physician or prior authorization or

1 precertification from a health benefit plan.

2 (b) A health benefit plan may not impose a copayment or  
3 deductible for direct access to the health care services of a  
4 specialist physician under this section unless such an additional  
5 cost is imposed for access to other health care services provided  
6 under the plan.

7 (c) This section does not affect the authority of a health  
8 benefit plan to require the specialist physician to forward  
9 information concerning the medical care of the patient to the  
10 primary care physician. Failure to provide the information may not  
11 result in any penalty, financial or otherwise, being imposed on the  
12 specialist physician or the patient by the health benefit plan if  
13 the specialist physician has made a reasonable and good faith  
14 effort to provide the information to the primary care physician.

15 (d) A health benefit plan may not sanction or terminate  
16 primary care physicians as a result of enrollees' access to a  
17 specialist under this section.

18 SECTION 4. This Act takes effect September 1, 2003, and  
19 applies only to a health benefit plan that is delivered, issued for  
20 delivery, or renewed on or after January 1, 2004. A health benefit  
21 plan that is delivered, issued for delivery, or renewed before  
22 January 1, 2004, is governed by the law as it existed immediately  
23 before the effective date of this Act, and that law is continued in  
24 effect for that purpose.