

By: Farrar

H.B. No. 2855

A BILL TO BE ENTITLED

AN ACT

relating to continuity of care under an evidence of coverage.

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

SECTION 1. Section 843.362, Insurance Code, as effective June 1, 2003, is amended by amending Subsection (d) and adding Subsection (e-1) to read as follows:

(d) Except as provided by Subsection (e) and (e-1), this section does not extend the obligation of a health maintenance organization to reimburse a terminated physician or provider for ongoing treatment of an enrollee after:

(1) the 90th day after the effective date of the termination; or

(2) if the enrollee has been diagnosed with a terminal illness at the time of termination, the expiration of the nine-month period after the effective date of the termination.

(e-1) If an enrollee has been diagnosed with cancer and is undergoing treatment for the cancer at the time of termination, a health maintenance organization's obligation to reimburse a terminated physician or provider or, if applicable, an enrollee, extends through the completion of the enrollee's treatment and the six months following the completion of the enrollee's treatment.

SECTION 2. Subchapter F, Chapter 843, Insurance Code, as effective June 1, 2003, is amended by adding Section 843.209 to read as follows:

1 Sec. 843.209. ENROLLEE'S USE OF PRIMARY CARE PHYSICIAN OR
2 PROVIDER FOR CANCER TREATMENT. If an enrollee diagnosed with
3 cancer receives treatment from an oncologist, the enrollee, during
4 the course of the enrollee's treatment and the six months following
5 completion of the enrollee's treatment, may access the enrollee's
6 oncologist without obtaining a referral from the enrollee's primary
7 care physician or provider.

8 SECTION 3. This Act takes effect September 1, 2003, and
9 applies only to an evidence of coverage that is delivered, issued
10 for delivery, or renewed on or after January 1, 2004. An evidence
11 of coverage that is delivered, issued for delivery, or renewed
12 before January 1, 2004, is governed by the law as it existed
13 immediately before the effective date of this Act, and the former
14 law is continued in effect for that purpose.