

By: Taylor, Madden, Wohlgemuth

H.B. No. 3023

A BILL TO BE ENTITLED

1 AN ACT

2 relating to reimbursement and use of particular health care
3 practitioners.

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

5 SECTION 1. Section 3(d), Article 21.52, Insurance Code, as
6 amended by Chapters 812 and 1014, Acts of the 77th Legislature,
7 Regular Session, 2001, is amended to read as follows:

8 (d) There shall not be any classification, differentiation,
9 or other discrimination in the payment schedule or the payment
10 provisions in a health insurance policy, nor in the amount or manner
11 of payment or reimbursement thereunder, between scheduled services
12 or procedures when performed by a doctor of podiatric medicine, a
13 doctor of optometry, a doctor of chiropractic, a licensed dentist,
14 an occupational therapist, a physical therapist, a licensed
15 audiologist, a licensed speech-language pathologist, a licensed
16 master social worker--advanced clinical practitioner, a licensed
17 dietitian, a licensed professional counselor, a licensed marriage
18 and family therapist, a psychologist, a licensed psychological
19 associate, a licensed chemical dependency counselor, an advanced
20 practice nurse to provide the services scheduled in the policy, a
21 nurse first assistant to provide the services scheduled in the
22 policy and requested by the physician whom the nurse is assisting, a
23 physician assistant to provide the services scheduled in the
24 policy, a licensed acupuncturist, or a licensed hearing instrument

1 fitter and dispenser which fall within the scope of that
2 practitioner's license or certification and the same services or
3 procedures when performed by any other practitioner of the healing
4 arts whose services or procedures are covered by the policy.
5 However, a health insurance policy may provide for a different
6 amount of payment or reimbursement for scheduled services or
7 procedures when performed by an advanced practice nurse, a nurse
8 first assistant, licensed surgical assistant, or physician
9 assistant provided the reimbursement methodology used to calculate
10 the payment for the service or procedure is the same methodology
11 used to calculate the payment when the service or procedure is
12 provided by a physician. This subsection applies only to the rate
13 of payment or reimbursement under a health insurance policy made by
14 an insurance company, association, or organization to which this
15 article applies to the types of practitioners described by this
16 subsection. This subsection does not apply to cost-sharing amounts
17 to be paid by a covered person, such as coinsurance, copayments, or
18 deductibles.

19 SECTION 2. This Act takes effect September 1, 2003, and
20 applies only to an insurance policy that is delivered, issued for
21 delivery, or renewed on or after January 1, 2004. A policy that is
22 delivered, issued for delivery, or renewed before January 1, 2004,
23 is governed by the law as it existed immediately before the
24 effective date of this Act, and that law is continued in effect for
25 this purpose.