

By: Zaffirini

S.B. No. 41

A BILL TO BE ENTITLED

AN ACT

relating to health benefit plan coverage for immunizations.

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

SECTION 1. Subchapter E, Chapter 21, Insurance Code, is amended by adding Article 21.52I to read as follows:

Art. 21.52I. HEALTH BENEFIT PLAN COVERAGE FOR IMMUNIZATIONS

Sec. 1. APPLICABILITY OF ARTICLE. (a) This article applies only to a health benefit plan that provides benefits for medical or surgical expenses incurred as a result of a health condition, accident, or sickness, including an individual, group, blanket, or franchise insurance policy or insurance agreement, a group hospital service contract, or an individual or group evidence of coverage or similar coverage document that is offered by:

(1) an insurance company;

(2) a group hospital service corporation operating under Chapter 842 of this code;

(3) a fraternal benefit society operating under Chapter 885 of this code;

(4) a stipulated premium insurance company operating under Chapter 884 of this code;

(5) a reciprocal exchange operating under Chapter 942 of this code;

(6) a health maintenance organization operating under Chapter 843 of this code;

1 (7) a multiple employer welfare arrangement that holds
2 a certificate of authority under Chapter 846 of this code; or

3 (8) an approved nonprofit health corporation that
4 holds a certificate of authority under Chapter 844 of this code.

5 (b) This article applies to a small employer health benefit
6 plan written under Chapter 26 of this code.

7 (c) This article does not apply to:

8 (1) a plan that provides coverage:

9 (A) only for benefits for a specified disease or
10 for another limited benefit;

11 (B) only for accidental death or dismemberment;

12 (C) for wages or payments in lieu of wages for a
13 period during which an employee is absent from work because of
14 sickness or injury;

15 (D) as a supplement to a liability insurance
16 policy;

17 (E) for credit insurance;

18 (F) only for dental or vision care;

19 (G) only for hospital expenses; or

20 (H) only for indemnity for hospital confinement;

21 (2) a Medicare supplemental policy as defined by
22 Section 1882(g)(1), Social Security Act (42 U.S.C. Section 1395ss),
23 as amended;

24 (3) a workers' compensation insurance policy;

25 (4) medical payment insurance coverage provided under
26 a motor vehicle insurance policy; or

27 (5) a long-term care insurance policy, including a

1 nursing home fixed indemnity policy, unless the commissioner
2 determines that the policy provides benefit coverage so
3 comprehensive that the policy is a health benefit plan as described
4 by Subsection (a) of this section.

5 Sec. 2. REQUIRED COVERAGE FOR IMMUNIZATIONS. (a) A health
6 benefit plan must provide coverage for immunizations as recommended
7 by the Advisory Committee on Immunization Practices of the Centers
8 for Disease Control and Prevention.

9 (b) The coverage required by this section may be subject to
10 annual deductibles, copayments, and coinsurance consistent with
11 annual deductibles, copayment, and coinsurance required for other
12 benefits under the health benefit plan.

13 Sec. 3. COVERAGE FOR CERTAIN CHILDHOOD
14 IMMUNIZATIONS. This article does not apply to an immunization for
15 which coverage is required under:

16 (1) Section 3, Article 21.53F, Insurance Code, as
17 added by Chapter 683, Acts of the 75th Legislature, Regular
18 Session, 1997; or

19 (2) Section 9F, Texas Health Maintenance Organization
20 Act (Article 20A.09F, Vernon's Texas Insurance Code).

21 Sec. 4. RULES. The commissioner may adopt rules as
22 necessary to implement this article.

23 SECTION 2. This Act takes effect September 1, 2003, and
24 applies only to a health benefit plan delivered, issued for
25 delivery, or renewed on or after January 1, 2004. A health benefit
26 plan delivered, issued for delivery, or renewed before January 1,
27 2004, is governed by the law in effect immediately before the

1 effective date of this Act, and that law is continued in effect for
2 that purpose.