

1-1 By: Madla S.B. No. 857
1-2 (In the Senate - Filed March 4, 2003; March 10, 2003, read
1-3 first time and referred to Committee on State Affairs;
1-4 April 2, 2003, reported favorably by the following vote: Yeas 8,
1-5 Nays 0; April 2, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to certain therapeutic optometrists' participation in a
1-9 managed care plan.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Article 21.52D, Insurance Code, is amended by
1-12 amending Subsection (a) and adding Subsections (d), (e), and (f) to
1-13 read as follows:

1-14 (a) In this article:

1-15 (1) "Managed care plan" means a health maintenance
1-16 organization, a preferred provider organization, or another
1-17 organization that provides or arranges for health care benefits to
1-18 participants and that requires or encourages participants to use
1-19 health care practitioners designated by the plan.

1-20 (2) "Medical panel" means the health care
1-21 practitioners who are listed as participating providers in a
1-22 managed care plan or who a patient seeking diagnosis or treatment of
1-23 a medical disease, disorder, or condition is encouraged or required
1-24 to use under a managed care plan.

1-25 (3) "Ophthalmologist" means a physician who is
1-26 licensed by the Texas State Board of Medical Examiners and who
1-27 specializes in ophthalmology.

1-28 (4) "Vision panel" means the optometrists,
1-29 therapeutic optometrists, and ophthalmologists who are listed as
1-30 participating providers for routine eye examinations under a
1-31 managed care plan or who a patient seeking a routine eye examination
1-32 is encouraged or required to use under a managed care plan.

1-33 (d) A managed care plan that provides or arranges for vision
1-34 or medical eye care services or procedures must allow a therapeutic
1-35 optometrist who is on one or more of the vision panels of the plan to
1-36 be a fully participating provider on the plan's medical panels to
1-37 the full extent of the therapeutic optometrist's license to
1-38 practice therapeutic optometry.

1-39 (e) A therapeutic optometrist who is included in a managed
1-40 care plan's medical panels under Subsection (d) must:

1-41 (1) abide by the terms and conditions of the managed
1-42 care plan;

1-43 (2) satisfy the managed care plan's credentialing
1-44 standards for therapeutic optometrists;

1-45 (3) provide proof that the Texas Optometry Board
1-46 considers the therapeutic optometrist's license to practice
1-47 therapeutic optometry to be in good standing; and

1-48 (4) comply with the requirements of the Controlled
1-49 Substances Registration Program operated by the Department of
1-50 Public Safety.

1-51 (f) A managed care plan that provides or arranges for vision
1-52 or medical eye care services or procedures may charge a
1-53 participating therapeutic optometrist:

1-54 (1) any reasonable credentialing costs associated
1-55 with the therapeutic optometrist's being included in the managed
1-56 care plan's medical panel; and

1-57 (2) a one-time administrative fee not to exceed \$200
1-58 for expenses incurred in adding the therapeutic optometrist to the
1-59 managed care plan's medical panel.

1-60 SECTION 2. (a) This Act takes effect September 1, 2003.

1-61 (b) The change in law made by this Act applies only to a
1-62 managed care policy, contract, or evidence of coverage that is
1-63 delivered, issued for delivery, or renewed on or after January 1,
1-64 2004. A managed care policy, contract, or evidence of coverage that

2-1 is delivered, issued for delivery, or renewed before January 1,
2-2 2004, is governed by the law as it existed immediately before the
2-3 effective date of this Act, and the former law is continued in
2-4 effect for that purpose.

2-5 (c) The change in law made by this Act applies only to a
2-6 contract between a managed care plan and a therapeutic optometrist
2-7 entered into or renewed on or after the effective date of this Act.
2-8 A contract between a managed care plan and a therapeutic
2-9 optometrist entered into or renewed before the effective date of
2-10 this Act is governed by the law in effect at the time the contract
2-11 was entered into or renewed, and the former law is continued in
2-12 effect for that purpose.

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