

By: Smithee

H.B. No. 2678

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the use of certain information to underwrite
3 professional liability insurance for physicians and health care
4 providers.

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

6 SECTION 1. Article 5.15-1, Insurance Code, is amended by
7 adding Section 12 to read as follows:

8 Sec. 12. PROHIBITION OF USE OF CERTAIN INFORMATION FOR
9 PHYSICIAN OR HEALTH CARE PROVIDER. (a) For the purpose of writing
10 professional liability insurance for physicians and health care
11 providers, an insurer may not consider whether, or the extent to
12 which, a physician or health care provider provides services in
13 this state to individuals who are recipients of Medicaid or covered
14 by the state child health plan program established by Chapter 62,
15 Health and Safety Code, including any consideration resulting in:

16 (1) denial of coverage;

17 (2) refusal to renew coverage;

18 (3) cancellation of coverage;

19 (4) limitation of the amount, extent, or kind of
20 coverage available; or

21 (5) a determination of the rate or premium to be paid.

22 (b) The commissioner may adopt rules as necessary to
23 implement this section.

24 SECTION 2. The change in law made by this Act applies only

1 to policies of professional liability insurance for physicians and
2 health care providers delivered, issued for delivery, or renewed on
3 or after January 1, 2006. A policy delivered, issued for delivery,
4 or renewed before January 1, 2006, is governed by the law in effect
5 immediately before the effective date of this Act, and that law is
6 continued in effect for that purpose.

7 SECTION 3. This Act takes effect September 1, 2005.