

By: Smithee

H.B. No. 2678

A BILL TO BE ENTITLED

1 AN ACT

2 relating to a prohibition of the use of certain information for  
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 Sec. 12 to read as follows:

8 Sec. 12. PROHIBITION OF THE USE OF CERTAIN INFORMATION FOR A  
9 PHYSICIAN OR HEALTH CARE PROVIDER. (a) An insurer licensed to  
10 write or engaged in writing professional liability insurance under  
11 this article may not consider whether or not, or the extent to  
12 which, a physician or health care provider provides services to  
13 individuals who are recipients of Medicaid or the Children's Health  
14 Insurance Program (CHIP) in this state, including any consideration  
15 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. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as  
2 provided by Section 39, Article III, Texas Constitution. If this  
3 Act does not receive the vote necessary for immediate effect, this  
4 Act takes effect September 1, 2005.