1-1   By: Smithee (Senate Sponsor - Seliger)   H.B. No. 2678
1-2   (In the Senate - Received from the House May 10, 2005;
1-3   May 12, 2005, read first time and referred to Committee on State
1-4   Affairs; May 17, 2005, reported favorably by the following vote:
1-5   Yeas 8, Nays 0; May 17, 2005, sent to printer.)

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

1-8   relating to the use of certain information to underwrite
1-9   professional liability insurance for physicians and health care
1-10   providers.
1-11   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-12   SECTION 1. Article 5.15-1, Insurance Code, is amended by
1-13   adding Section 12 to read as follows:
1-14   Sec. 12. PROHIBITION OF USE OF CERTAIN INFORMATION FOR
1-15   PHYSICIAN OR HEALTH CARE PROVIDER. (a) For the purpose of writing
1-16   professional liability insurance for physicians and health care
1-17   providers, an insurer may not consider whether, or the extent to
1-18   which, a physician or health care provider provides services in
1-19   this state to individuals who are recipients of Medicaid or covered
1-20   by the state child health plan program established by Chapter 62,
1-21   Health and Safety Code, including any consideration resulting in:
1-22   (1)   denial of coverage;
1-23   (2)   refusal to renew coverage;
1-24   (3)   cancellation of coverage;
1-25   (4)   limitation of the amount, extent, or kind of
1-26   coverage available; or
1-27   (5)   a determination of the rate or premium to be paid.
1-28   (b)   The commissioner may adopt rules as necessary to
1-29   implement this section.
1-30   SECTION 2. The change in law made by this Act applies only
1-31   to policies of professional liability insurance for physicians and
1-32   health care providers delivered, issued for delivery, or renewed on
1-33   or after January 1, 2006. A policy delivered, issued for delivery,
1-34   or renewed before January 1, 2006, is governed by the law in effect
1-35   immediately before the effective date of this Act, and that law is
1-36   continued in effect for that purpose.
1-37   SECTION 3. This Act takes effect September 1, 2005.

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