

By: Rose

H.B. No. 3405

A BILL TO BE ENTITLED

AN ACT

relating to health benefit plan coverage for a hospital stay following mastectomy and certain related procedures.

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

SECTION 1. Section 1357.052, Insurance Code, as effective April 1, 2005, is amended to read as follows:

Sec. 1357.052. APPLICABILITY OF SUBCHAPTER. (a) This subchapter applies only to a health benefit plan that:

(1) provides benefits for medical or surgical expenses incurred as a result of a health condition, accident, or sickness, including:

(A) an individual, group, blanket, or franchise insurance policy or insurance agreement, a group hospital service contract, or an individual or group evidence of coverage that is offered by:

(i) an insurance company;

(ii) a group hospital service corporation operating under Chapter 842;

(iii) a fraternal benefit society operating under Chapter 885;

(iv) a stipulated premium company operating under Chapter 884; or

(v) a health maintenance organization operating under Chapter 843; and

1 (B) to the extent permitted by the Employee
2 Retirement Income Security Act of 1974 (29 U.S.C. Section 1001 et
3 seq.), a health benefit plan that is offered by:

4 (i) a multiple employer welfare arrangement
5 as defined by Section 3 of that Act; or

6 (ii) another analogous benefit
7 arrangement;

8 (2) is offered by an approved nonprofit health
9 corporation that holds a certificate of authority under Chapter
10 844; or

11 (3) provides coverage only for a specific disease or
12 condition or for hospitalization.

13 (b) Notwithstanding any other law, a standard health
14 benefit plan provided under Chapter 1507 or Article 3.80 or 20A.09N
15 must provide the coverage required by this subchapter.

16 SECTION 2. The change in law made by this Act applies only
17 to a health benefit plan that is delivered, issued for delivery, or
18 renewed on or after January 1, 2006. A health benefit plan that is
19 delivered, issued for delivery, or renewed before January 1, 2006,
20 is covered by the law in effect at the time the health benefit plan
21 was delivered, issued for delivery, or renewed, and that law is
22 continued in effect for that purpose.

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