

AN ACT

relating to provision of health-related services, health care information, and incentives promoting disease prevention, wellness, and health by certain insurers and related entities and certain health care providers.

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

SECTION 1. Section 541.058, Insurance Code, is amended to read as follows:

Sec. 541.058. CERTAIN PRACTICES NOT CONSIDERED DISCRIMINATION OR INDUCEMENT. (a) In this section:

(1) "Health-related services" means services that are available in connection with an accident and health insurance policy or certificate or an evidence of coverage and that are directed to an individual's health improvement or maintenance.

(2) "Health-related information" means that information that is directed to an individual's health improvement or maintenance or to costs associated with particular options available in connection with an accident and health insurance policy or certificate or an evidence of coverage.

(b) It is not a rebate or discrimination prohibited by Section 541.056(a) or 541.057:

(1) for a life insurance or life annuity contract, to pay a bonus to a policyholder or otherwise abate the policyholder's premiums in whole or in part out of surplus accumulated from

1 nonparticipating insurance policies if the bonus or abatement:

2 (A) is fair and equitable to policyholders; and

3 (B) is in the best interests of the insurer and
4 its policyholders;

5 (2) for a life insurance policy issued on the
6 industrial debit plan, to make to a policyholder who has
7 continuously for a specified period made premium payments directly
8 to the insurer's office an allowance in an amount that fairly
9 represents the saving in collection expenses;

10 (3) for a group insurance policy, to readjust the rate
11 of premium based on the loss or expense experience under the policy
12 at the end of a policy year if the adjustment is retroactive for
13 only that policy year; [~~or~~]

14 (4) for a life annuity contract, to waive surrender
15 charges under the contract when the contract holder exchanges that
16 contract for another annuity contract issued by the same insurer if
17 the waiver and the exchange are fully, fairly, and accurately
18 explained to the contract holder in a manner that is not deceptive
19 or misleading;

20 (5) in connection with an accident and health
21 insurance policy, to provide to policy or certificate holders, in
22 addition to benefits under the terms of the insurance contract,
23 health-related services or health-related information, or to
24 disclose the availability of those additional services and
25 information to prospective policy or certificate holders; or

26 (6) in connection with a health maintenance
27 organization evidence of coverage, to provide to enrollees, in

1 addition to benefits under the evidence of coverage, health-related
2 services or health-related information, or to disclose the
3 availability of those additional services and information to
4 prospective enrollees or contract holders.

5 SECTION 2. Subchapter A, Chapter 1201, Insurance Code, is
6 amended by adding Section 1201.013 to read as follows:

7 Sec. 1201.013. PROGRAMS PROMOTING DISEASE PREVENTION,
8 WELLNESS, AND HEALTH. (a) An insurer issuing an accident and
9 health insurance policy may establish premium discounts, rebates,
10 or a reduction in otherwise applicable copayments, coinsurance, or
11 deductibles, or any combination of these incentives, for an insured
12 who participates in programs promoting disease prevention,
13 wellness, and health.

14 (b) A discount, rebate, or reduction established under this
15 section does not violate Section 541.056(a).

16 SECTION 3. Section 1501.107(a), Insurance Code, is amended
17 to read as follows:

18 (a) A small or large employer health benefit plan issuer may
19 establish premium discounts, rebates, or a reduction in otherwise
20 applicable copayments, coinsurance, or deductibles, or any
21 combination of these incentives, in return for participation in
22 [adherence to] programs promoting [of health promotion and] disease
23 prevention, wellness, and health.

24 SECTION 4. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

H.B. No. 2252

1 Act takes effect September 1, 2007.

President of the Senate

Speaker of the House

I certify that H.B. No. 2252 was passed by the House on April 4, 2007, by the following vote: Yeas 139, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2252 was passed by the Senate on May 3, 2007, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor