

By: Quintanilla

H.B. No. 739

A BILL TO BE ENTITLED

AN ACT

relating to certain continuing education requirements for insurance agents who sell Medicare-related products.

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

SECTION 1. Chapter 4004, Insurance Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. ADDITIONAL CONTINUING EDUCATION REQUIREMENTS

FOR SALE OF MEDICARE-RELATED PRODUCTS

Sec. 4004.151. DEFINITIONS. In this subchapter:

(1) "Medicare advantage plan" means a health benefit plan operated under the Medicare program as a managed care plan, special needs plan, or private fee-for-service plan.

(2) "Medicare program" means the federal health insurance program that is operated under the Health Insurance for the Aged Act (42 U.S.C. Section 1395 et seq.).

(3) "Medicare supplement benefit plan" has the meaning assigned by Section 1652.002. The term includes a Medigap policy.

Sec. 4004.152. REQUIRED CONTINUING EDUCATION REGARDING MEDICARE PRODUCTS. (a) This section applies to an agent who:

(1) solicits, negotiates, procures, or collects a premium on a Medicare-related product, including a Medicare advantage plan, a Medicare supplement benefit plan, a Medicare prescription drug plan, or another health plan operated under the Medicare program, such as a Medicare cost plan or a Medicare

1 demonstration plan; or

2 (2) represents or purports to represent an insurer, a
3 health maintenance organization, or a preferred provider
4 organization in relation to such a Medicare-related product.

5 (b) In addition to complying with the continuing education
6 requirements established under Subchapter B, each agent described
7 by Subsection (a) must complete eight hours of continuing education
8 annually that specifically relate to Medicare-related products.

9 Sec. 4004.153. PROGRAM CERTIFICATION REQUIREMENTS.
10 Subchapter C applies to continuing education programs used to
11 satisfy the requirements of Section 4004.152. The commissioner by
12 rule shall adopt criteria for those programs.

13 SECTION 2. Section 4004.053(a), Insurance Code, is amended
14 to read as follows:

15 (a) An individual who holds a general life, accident, and
16 health license, a life agent license, a life and health insurance
17 counselor license, a general property and casualty license, or a
18 personal lines property and casualty license must complete 15 hours
19 of continuing education annually. Except as provided by
20 Subchapter D, if ~~if~~ the individual holds more than one license for
21 which continuing education is otherwise required, the individual is
22 not required to complete more than 15 continuing education hours
23 annually.

24 SECTION 3. The commissioner of insurance shall adopt rules
25 as required by Section 4004.153, Insurance Code, as added by this
26 Act, not later than December 1, 2009.

27 SECTION 4. Subchapter D, Chapter 4004, Insurance Code, as

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1 added by this Act, applies to continuing education requirements for
2 insurance agents for a license issued or renewed on or after January
3 1, 2010.

4 SECTION 5. This Act takes effect September 1, 2009.