

By: Smithee

H.B. No. 2576

A BILL TO BE ENTITLED

AN ACT

relating to direct payment by a health or automobile insurer of physicians and health care providers.

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

SECTION 1. The heading of Subchapter B, Chapter 1204, Insurance Code, is amended to read as follows:

SUBCHAPTER B. ASSIGNMENT OF BENEFIT PAYMENTS; DIRECT PAYMENT OF BENEFITS

SECTION 2. Subchapter B, Chapter 1204, Insurance Code, is amended by adding Sections 1204.056, 1204.057, and 1204.058 to read as follows:

Sec. 1204.056. ASSIGNMENT OF BENEFITS OPTION REQUIRED.

(a) A health insurance policy claim form must provide an option for the claimant to assign benefits to a physician or health care provider who provided covered services. For purposes of this subchapter, "health care provider" includes a licensed provider of ambulance services.

(b) The health insurer may require a written attestation of assignment of benefits.

Sec. 1204.057. AMOUNT OF PAYMENT UNDER ASSIGNMENT OF BENEFITS. A payment to a physician or health care provider under an assignment of benefits may not be more than the amount the insurer would have paid in the absence of an assignment of benefits.

Sec. 1204.058. DIRECT PAYMENT PROVISION AUTHORIZED. A

1 health insurance policy may provide for payment of benefits
2 directly to a physician or health care provider who provides
3 covered services to a covered person, even in the absence of an
4 assignment of benefits.

5 SECTION 3. Subchapter B, Chapter 1301, Insurance Code, is
6 amended by adding Section 1301.0561 to read as follows:

7 Sec. 1301.0561. DIRECT PAYMENT OF PREFERRED PROVIDERS
8 REQUIRED. An insurer that issues a preferred provider benefit plan
9 shall pay a preferred provider directly for covered services
10 provided to a person insured under the plan, in accordance with this
11 chapter, without requiring an assignment of benefits.

12 SECTION 4. Subtitle C, Title 10, Insurance Code, is amended
13 by adding Chapter 1955 to read as follows:

14 CHAPTER 1955. PAYMENT OF CERTAIN BENEFITS UNDER AUTOMOBILE
15 INSURANCE POLICY

16 Sec. 1955.001. APPLICABILITY OF CHAPTER. This chapter
17 applies to an insurer writing automobile insurance in this state,
18 including an insurance company, corporation, reciprocal or
19 interinsurance exchange, mutual insurance company, association,
20 Lloyd's plan, or other insurer.

21 Sec. 1955.002. ASSIGNMENT OF BENEFITS OPTION REQUIRED. An
22 automobile insurance policy claim form must provide an option for
23 the claimant to assign benefits to an ambulance service provider
24 who provides services covered under the policy in connection with
25 an occurrence covered by the policy. The automobile insurer may
26 require a written attestation of assignment of benefits.

27 Sec. 1955.003. DIRECT PAYMENT PROVISION AUTHORIZED. An

1 automobile insurance policy may provide for payment of benefits
2 directly to an ambulance service provider who provides services
3 covered under the policy in connection with an occurrence covered
4 by the policy, even in the absence of an assignment of benefits.

5 SECTION 5. The changes in law made by this Act apply only to
6 an insurance policy delivered, issued for delivery, or renewed on
7 or after January 1, 2010. An insurance policy delivered, issued for
8 delivery, or renewed before January 1, 2010, is governed by the law
9 in effect immediately before the effective date of this Act, and
10 that law is continued in effect for that purpose.

11 SECTION 6. This Act takes effect September 1, 2009.