

By: Gonzalez Toureilles

H.B. No. 2581

Substitute the following for H.B. No. 2581:

By: Kolkhorst

C.S.H.B. No. 2581

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the access to certain information or consideration for  
3 a discount health care program or a discount health care program  
4 operator.

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

6 SECTION 1. Sections 76.001(3) and (4), Health and Safety  
7 Code, are amended to read as follows:

8 (3) "Discount health care program" means a business  
9 arrangement or contract in which an entity, in exchange for fees,  
10 dues, charges, or other consideration, including access to patient  
11 information, access to patient prescription drug histories, or drug  
12 manufacturer rebates, offers its members access to discounts on  
13 health care services provided by health care providers. The term  
14 does not include an insurance policy, certificate of coverage, or  
15 other product regulated by the Texas Department of Insurance or a  
16 self-funded or self-insured employee benefit plan.

17 (4) "Discount health care program operator" means a  
18 person who, in exchange for fees, dues, charges, or other  
19 consideration, including access to patient information, access to  
20 patient prescription drug histories, or drug manufacturer rebates,  
21 operates a discount health care program and contracts with  
22 providers, provider networks, or other discount health care program  
23 operators to offer access to health care services at a discount and  
24 determines the charge to members.

1           SECTION 2. Section 76.053, Health and Safety Code, is  
2 amended by adding Subsection (a-1) and amending Subsection (b) to  
3 read as follows:

4           (a-1) A program operator shall, before enrollment, provide  
5 each prospective member disclosure materials containing the  
6 program operator's policy regarding access to patient information  
7 or patient prescription drug histories, including whether the  
8 program operator engages in the transfer or sale of a member's  
9 patient information or patient prescription drug history.

10           (b) A marketer shall use disclosure materials that comply  
11 with this section [~~Subsection (a)~~].

12           SECTION 3. This Act takes effect September 1, 2009.