

By: Hughes

H.B. No. 4462

A BILL TO BE ENTITLED

AN ACT

relating to third-party health insurers.

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

SECTION 1. Subchapter B, Chapter 32, Human Resources Code, is amended by adding Section 32.0424 to read as follows:

Sec. 32.0424. REQUIREMENTS OF THIRD-PARTY HEALTH INSURERS.

(a) A third-party health insurer is required to provide to the department, on the department's request, information in a form prescribed by the department necessary to determine:

(1) the period during which an individual entitled to medical assistance, the individual's spouse, or the individual's dependents may have been covered by the health insurer;

(2) the nature of the coverage, if any; and

(3) the name, address, and identifying number of the health plan under which the person was covered.

(b) A third-party health insurer shall accept the state's right of recovery and the assignment to the state of any right of an individual or other entity to payment for an item or service for which payment was made under the medical assistance plan.

(c) A third-party health insurer shall respond to any inquiry by the state regarding a claim for payment for any health care item or service submitted by the state not later than the third anniversary of the date the health care item or service was provided.

1 (d) A third-party health insurer may not deny a claim
2 submitted by the state solely on the basis of the date of submission
3 of the claim, the type or format of the claim form, or a failure to
4 present proper documentation at the point of sale that is the basis
5 of the claim, if:

6 (1) the claim is submitted by the state not later than
7 the third anniversary of the date the item or service was provided;
8 and

9 (2) any action by the state to enforce the state's
10 rights with respect to the claim is commenced not later than the
11 sixth anniversary of the date the state submits the claim.

12 SECTION 2. This Act takes effect September 1, 2009.