

By: Carona

S.B. No. 1479

A BILL TO BE ENTITLED

AN ACT

relating to benefits payable under certain health coverages.

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

SECTION 1. Subtitle E, Title 8, Insurance Code, is amended by adding Chapter 1425 to read as follows:

CHAPTER 1425. APPLICATION OF SUBTITLE TO CERTAIN COVERAGE

Sec. 1425.001. EXEMPTION FROM APPLICATION OF SUBTITLE.

(a) Except as provided by Section 1425.002, a provision of this subtitle that becomes effective on or after January 2, 2010, does not apply to:

(1) a plan that provides coverage only:

(A) for a specified disease or diseases or under an individual limited benefit policy;

(B) for accidental death or dismemberment;

(C) as a supplement to a liability insurance policy; or

(D) for dental or vision care;

(2) disability income insurance coverage or a combination of accident-only and disability income insurance coverage;

(3) credit insurance coverage;

(4) a hospital confinement indemnity policy;

(5) a Medicare supplemental policy as defined by Section 1882(g)(1), Social Security Act (42 U.S.C. Section 1395ss);

1 (6) a workers' compensation insurance policy;

2 (7) medical payment insurance coverage provided under
3 a motor vehicle insurance policy;

4 (8) a long-term care insurance policy, including a
5 nursing home fixed indemnity policy, except as provided by
6 Subsection (b); or

7 (9) an occupational accident policy.

8 (b) A long-term care insurance policy, including a nursing
9 home fixed indemnity policy, is subject to this subtitle if the
10 commissioner determines that the policy provides benefits so
11 comprehensive that it is a health benefit plan and should not be
12 subject to the exemption provided under this section.

13 Sec. 1425.002. SPECIFIC LANGUAGE CONTROLS. A provision of
14 this subtitle that becomes effective on or after January 2, 2010,
15 and that requires coverage or the offer of coverage of a health care
16 service or benefit applies to a plan or policy described by Section
17 1425.001(a) only to the extent expressly and specifically provided
18 by law.

19 SECTION 2. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2009.