

By: Menendez

H.B. No. 1069

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the provision of and payment for certain health care
3 services provided through workers' compensation health care
4 networks to fire protection personnel.

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

6 SECTION 1. Section 1305.006, Insurance Code, is amended to
7 read as follows:

8 Sec. 1305.006. INSURANCE CARRIER LIABILITY FOR NON-NETWORK
9 OR OUT-OF-NETWORK HEALTH CARE. (a) An insurance carrier that
10 establishes or contracts with a network is liable for the following
11 out-of-network health care that is provided to an injured employee:

12 (1) emergency care;
13 (2) health care provided to an injured employee who
14 does not live within the service area of any network established by
15 the insurance carrier or with which the insurance carrier has a
16 contract; and

17 (3) health care provided by an out-of-network provider
18 pursuant to a referral from the injured employee's treating doctor
19 that has been approved by the network pursuant to Section 1305.103.

20 (b) An insurance carrier that establishes or contracts with
21 a network is liable for out-of-network health care or non-network
22 health care that is provided to an injured employee who is diagnosed
23 with cancer related to work performed by the employee as fire
24 protection personnel, as defined by Section 419.021, Government

1 Code, regardless of whether the health care services are provided
2 in the manner described by Subsection (a)(3).

3 SECTION 2. Section 1305.101(a), Insurance Code, is amended
4 to read as follows:

5 (a) Except for emergencies and out-of-network referrals and
6 subject to Section 1305.006(b), a network shall provide or arrange
7 for health care services only through providers or provider groups
8 that are under contract with or are employed by the network.

9 SECTION 3. Section 408.027(f), Labor Code, is amended to
10 read as follows:

11 (f) Any payment made by an insurance carrier under this
12 section shall be made:

13 (1) in accordance with the fee guidelines authorized
14 under this subtitle if the health care service is not provided
15 through a workers' compensation health care network under Chapter
16 1305, Insurance Code, including an out-of-network or non-network
17 health care service provided to an injured employee in accordance
18 with Section 1305.006(b), Insurance Code; or

19 (2) at a contracted rate for that health care service
20 if the health care service is provided through a workers'
21 compensation health care network under Chapter 1305, Insurance
22 Code.

23 SECTION 4. The changes in law made by this Act apply only to
24 health care services provided on or after the effective date of this
25 Act in conjunction with a claim for workers' compensation benefits,
26 regardless of the date on which the compensable injury that is the
27 basis of the claim occurred.

1 SECTION 5. This Act takes effect September 1, 2011.