

By: Smithee

H.B. No. 1864

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to a prohibition on the coercion of therapeutic  
3 optometrists and ophthalmologists by managed care plans.

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

5 SECTION 1. Section 1451.153, Insurance Code, is amended by  
6 amending Subsection (a) and adding Subsection (c) to read as  
7 follows:

8 (a) A managed care plan may not:

9 (1) discriminate against a health care practitioner  
10 because the practitioner is an optometrist, therapeutic  
11 optometrist, or ophthalmologist;

12 (2) restrict or discourage a plan participant from  
13 obtaining covered vision or medical eye care services or procedures  
14 from a participating optometrist, therapeutic optometrist, or  
15 ophthalmologist solely because the practitioner is an optometrist,  
16 therapeutic optometrist, or ophthalmologist;

17 (3) exclude an optometrist, therapeutic optometrist,  
18 or ophthalmologist as a participating practitioner in the plan  
19 because the optometrist, therapeutic optometrist, or  
20 ophthalmologist does not have medical staff privileges at a  
21 hospital or at a particular hospital; ~~or~~

22 (4) exclude an optometrist, therapeutic optometrist,  
23 or ophthalmologist as a participating practitioner in the plan  
24 because the services or procedures provided by the optometrist,

1 therapeutic optometrist, or ophthalmologist may be provided by  
2 another type of health care practitioner; or

3 (5) as a condition for a therapeutic optometrist or  
4 ophthalmologist to be included in one or more of the plan's medical  
5 panels, require the therapeutic optometrist or ophthalmologist to  
6 be included in, or to accept the terms of payment under or for, a  
7 particular vision panel in which the therapeutic optometrist or  
8 ophthalmologist does not otherwise wish to be included.

9 (c) For the purposes of Subsection (a)(5), "medical panel"  
10 and "vision panel" have the meanings assigned by Section  
11 1451.154(a).

12 SECTION 2. The change in law made by this Act applies only  
13 to a contract entered into or renewed by a therapeutic optometrist  
14 or ophthalmologist and an issuer of a managed care plan on or after  
15 January 1, 2012. A contract entered into or renewed before January  
16 1, 2012 is governed by the law in effect immediately before the  
17 effective date of this Act, and that law is continued in effect for  
18 that purpose.

19 SECTION 3. This Act takes effect September 1, 2011.