

By: Eiland

H.B. No. 2162

Substitute the following for H.B. No. 2162:

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C.S.H.B. No. 2162

A BILL TO BE ENTITLED

AN ACT

relating to health benefit plan coverage for certain nonemergency  
ambulance transportation services.

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

SECTION 1. Chapter 1451, Insurance Code, is amended by  
adding Subchapter J to read as follows:

SUBCHAPTER J. ACCESS TO TRANSPORTATION SERVICES

Sec. 1451.451. APPLICABILITY. This subchapter applies only  
to a health benefit plan that provides benefits for nonemergency  
ambulance transportation services and that:

(1) provides benefits for medical or surgical expenses  
incurred as a result of a health condition, accident, or sickness,  
including:

(A) an individual, group, blanket, or franchise  
insurance policy or insurance agreement, a group hospital service  
contract, or an individual or group evidence of coverage or similar  
coverage document that is offered by:

(i) an insurance company;

(ii) a group hospital service corporation  
operating under Chapter 842;

(iii) a fraternal benefit society operating  
under Chapter 885;

(iv) a stipulated premium company operating  
under Chapter 884; or

1                   (v) a health maintenance organization  
2 operating under Chapter 843; and

3                   (B) to the extent permitted by the Employee  
4 Retirement Income Security Act of 1974 (29 U.S.C. Section 1001 et  
5 seq.), a health benefit plan that is offered by:

6                   (i) a multiple employer welfare arrangement  
7 as defined by Section 3 of that Act; or

8                   (ii) another analogous benefit  
9 arrangement;

10                  (2) is offered by:

11                  (A) an approved nonprofit health corporation  
12 that holds a certificate of authority under Chapter 844; or

13                  (B) an entity that is not authorized under this  
14 code or another insurance law of this state that contracts directly  
15 for health care services on a risk-sharing basis, including a  
16 capitation basis; or

17                  (3) provides health and accident coverage through a  
18 risk pool created under Chapter 172, Local Government Code,  
19 notwithstanding Section 172.014, Local Government Code, or any  
20 other law.

21                  Sec. 1451.452. EXCEPTION. This subchapter does not apply  
22 to:

23                  (1) a plan that provides coverage:

24                   (A) only for a specified disease;

25                   (B) only for accidental death or dismemberment;

26                   (C) for wages or payments instead of wages for a  
27 period during which an employee is absent from work because of

1 sickness or injury; or  
2 (D) as a supplement to a liability insurance  
3 policy;  
4 (2) a small employer health benefit plan under Chapter  
5 1501;  
6 (3) a Medicare supplemental policy as defined by  
7 Section 1882(q)(1), Social Security Act (42 U.S.C. Section 1395ss);  
8 (4) a workers' compensation insurance policy;  
9 (5) medical payment insurance coverage provided under  
10 a motor vehicle insurance policy; or  
11 (6) a long-term care insurance policy, including a  
12 nursing home fixed indemnity policy, unless the commissioner  
13 determines that the policy provides benefit coverage so  
14 comprehensive that the policy is a health benefit plan described by  
15 Section 1451.451.

16 Sec. 1451.453. RULES. The commissioner shall adopt rules  
17 necessary to implement this subchapter.

18 Sec. 1451.454. LIMITS ON NONEMERGENCY AMBULANCE  
19 TRANSPORTATION PROVIDERS. (a) The issuer of a health benefit plan  
20 that provides coverage for nonemergency ambulance transportation  
21 services may not contract with a nonemergency ambulance  
22 transportation service provider who has a direct or indirect  
23 ownership interest in a transportation brokerage service that  
24 contracts with the plan and provides for the establishment of a  
25 nonemergency ambulance transportation network.

26 (b) Subsection (a) does not apply to nonemergency ambulance  
27 transportation services provided in an area of the state in which

1 there is only one nonemergency ambulance transportation service  
2 provider available to provide the transportation service needed. A  
3 health benefit plan that provides coverage for nonemergency  
4 ambulance transportation services under this subsection shall  
5 maintain documentation evidencing that no other provider is  
6 available to provide the service in the area.

7 Sec. 1451.455. LIMITS ON PAYMENTS. A transportation  
8 service provider may not offer or make any payment or other form of  
9 remuneration, including any kickback, rebate, cash, gift, or  
10 service in kind, to the issuer of a health benefit plan for  
11 referrals to the provider, or for contracting with the provider, to  
12 provide nonemergency ambulance transportation services.

13 SECTION 2. The change in law made by this Act applies only  
14 to a health benefit plan delivered, issued for delivery, or renewed  
15 on or after January 1, 2014. A plan delivered, issued for delivery,  
16 or renewed before January 1, 2014, is governed by the law in effect  
17 immediately before the effective date of this Act, and that law is  
18 continued in effect for that purpose.

19 SECTION 3. This Act takes effect September 1, 2013.