

By: Eiland

H.B. No. 2162

A BILL TO BE ENTITLED

AN ACT

relating to health benefit plan coverage for certain nonemergency 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 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(g)(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 TRANSPORTATION
19 PROVIDERS. (a) A health benefit plan may not provide coverage for
20 nonemergency transportation services provided by a transportation
21 service provider if the issuer of the plan has a financial
22 relationship with the transportation service provider.

23 (b) Subsection (a) does not apply to transportation
24 services provided in an area of the state in which there is only one
25 transportation service provider available to provide the
26 transportation service needed. A health benefit plan that provides
27 coverage for transportation services under this subsection shall

1 maintain documentation evidencing that no other provider is
2 available to provide the service in the area.

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

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

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