

By: Bonnen of Galveston

H.B. No. 1621

A BILL TO BE ENTITLED

AN ACT

relating to notice and appeal of an adverse determination by utilization review agents.

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

SECTION 1. Section 4201.304, Insurance Code, is amended to read as follows:

Sec. 4201.304. TIME FOR NOTICE OF ADVERSE DETERMINATION.

(a) Subject to Subsection (b), a [A] utilization review agent shall provide notice of an adverse determination required by this subchapter as follows:

(1) with respect to a patient who is hospitalized at the time of the adverse determination, within one working day by either telephone or electronic transmission to the provider of record, followed by a letter within three working days notifying the patient and the provider of record of the adverse determination;

(2) with respect to a patient who is not hospitalized at the time of the adverse determination, within three working days in writing to the provider of record and the patient; or

(3) within the time appropriate to the circumstances relating to the delivery of the services to the patient and to the patient's condition, provided that when denying poststabilization care subsequent to emergency treatment as requested by a treating physician or other health care provider, the agent shall provide

1 the notice to the treating physician or other health care provider
2 not later than one hour after the time of the request.

3 (b) A utilization review agent shall provide notice of an
4 adverse determination for a concurrent review of health care
5 services not later than the 30th day before the date on which the
6 health care services will be discontinued.

7 SECTION 2. Subchapter H, Chapter 4201, Insurance Code, is
8 amended by adding Section 4201.3555 to read as follows:

9 Sec. 4201.3555. CONTINUATION OF CONCURRENT HEALTH CARE
10 SERVICES. The procedures for appealing an adverse determination
11 for a concurrent review of health care services must provide that:

12 (1) coverage or benefits for the contested health care
13 services, including prescription drugs, that are the basis of the
14 adverse determination continues under the enrollee's health
15 insurance policy or health benefit plan while the appeal is being
16 considered; and

17 (2) without regard to whether the adverse
18 determination is upheld on appeal, the payor may not charge an
19 enrollee for the cost of the contested health care services,
20 including prescription drugs, received during the period the appeal
21 was considered except for an applicable copayment, coinsurance, or
22 deductible under the enrollee's health insurance policy or health
23 benefit plan.

24 SECTION 3. Subchapter I, Chapter 4201, Insurance Code, is
25 amended by adding Section 4201.404 to read as follows:

26 Sec. 4201.404. CONTINUATION OF CONCURRENT HEALTH CARE
27 SERVICES. The procedures for an independent review of an appeal of

1 an adverse determination for a concurrent review of health care
2 services must provide that:

3 (1) coverage or benefits for the contested health care
4 services, including prescription drugs, that are the basis of the
5 adverse determination continues under the enrollee's health
6 insurance policy or health benefit plan while the review is being
7 considered; and

8 (2) without regard to whether the adverse
9 determination is upheld on review, the payor may not charge an
10 enrollee for the cost of the contested health care services,
11 including prescription drugs, received during the period the review
12 was considered except for an applicable copayment, coinsurance, or
13 deductible under the enrollee's health insurance policy or health
14 benefit plan.

15 SECTION 4. This Act applies only to an adverse
16 determination made in relation to coverage or benefits under a
17 health insurance policy or health benefit plan delivered, issued
18 for delivery, or renewed on or after January 1, 2016. An adverse
19 determination made in relation to coverage or benefits under a
20 policy or plan delivered, issued for delivery, or renewed before
21 January 1, 2016, is governed by the law as it existed immediately
22 before the effective date of this Act, and that law is continued in
23 effect for that purpose.

24 SECTION 5. This Act takes effect September 1, 2015.