

By: Muñoz, Jr.

H.B. No. 3550

Substitute the following for H.B. No. 3550:

By: Sheets

C.S.H.B. No. 3550

A BILL TO BE ENTITLED

AN ACT

relating to prohibited conduct by certain managed care plans with respect to the practice of optometry and therapeutic optometry.

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

SECTION 1. Subchapter D, Chapter 1451, Insurance Code, is amended by adding Section 1451.156 to read as follows:

Sec. 1451.156. PROHIBITED CONDUCT. (a) A managed care plan may not directly or indirectly:

(1) control or attempt to control the professional judgment, manner of practice, or practice of an optometrist or therapeutic optometrist;

(2) employ an optometrist or therapeutic optometrist if part of the optometrist's or therapeutic optometrist's duties involves the practice of optometry or therapeutic optometry;

(3) pay an optometrist or therapeutic optometrist for a service not provided;

(4) restrict or limit an optometrist's or therapeutic optometrist's choice of sources or suppliers of services or materials, including optical laboratories used by the optometrist or therapeutic optometrist to provide services or materials to a patient; or

(5) require an optometrist or therapeutic optometrist to disclose a patient's confidential or protected health information unless the disclosure is authorized by the patient or

1 permitted without authorization under the Health Insurance  
2 Portability and Accountability Act of 1996 (42 U.S.C. Section 1320d  
3 et seq.) or under Section 602.053.

4 (b) Subsection (a)(3) does not prohibit the use of  
5 capitation as a method of payment.

6 (c) Subsection (a)(4) does not restrict or limit a managed  
7 care plan's determination of specific amounts of coverage or  
8 reimbursement for the use of network or out-of-network suppliers or  
9 laboratories.

10 (d) This section shall be liberally construed to prevent  
11 managed care plans from controlling or attempting to control the  
12 professional judgment, manner of practice, or practice of an  
13 optometrist or therapeutic optometrist.

14 SECTION 2. Section 1451.156, Insurance Code, as added by  
15 this Act, applies only to a contract between a managed care plan  
16 issuer and an optometrist or therapeutic optometrist entered into  
17 or renewed, or a managed care plan delivered, issued for delivery,  
18 or renewed, on or after September 1, 2015. A contract entered into  
19 or renewed, or a plan delivered, issued for delivery, or renewed,  
20 before September 1, 2015, is governed by the law as it existed  
21 immediately before that date, and that law is continued in effect  
22 for that purpose.

23 SECTION 3. This Act takes effect September 1, 2015.