

By: Muñoz, Jr.

H.B. No. 3550

A BILL TO BE ENTITLED

AN ACT

relating to prohibited conduct by vision plans with respect to the practice of optometry and therapeutic optometry.

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

SECTION 1. Section 1451.155(b), Insurance Code, is amended to read as follows:

(b) A contract between an insurer and an optometrist or therapeutic optometrist may not:

(1) limit the fee the optometrist or therapeutic optometrist may charge for a product or service that is not a covered product or service; or

(2) include a provision in violation of Section 351.408, Occupations Code.

SECTION 2. Section 351.408, Occupations Code, is amended by amending Subsections (a) and (c) and adding Subsections (b-1) and (c-1) to read as follows:

(a) This section and Sections 351.602(c)(2), 351.603(b), 351.604(3), and 351.605 shall be liberally construed to prevent manufacturers, wholesalers, ~~and~~ retailers of ophthalmic goods, and vision plans from controlling or attempting to control the professional judgment, manner of practice, or practice of an optometrist or therapeutic optometrist.

(b-1) In this section, "vision plan" means a single or limited service health insurance or managed care plan or similar

1 program that provides or arranges for, or pays benefits for, vision
2 examinations, corrective lenses, or other vision or eye health care
3 materials or procedures.

4 (c) A manufacturer, wholesaler, [~~or~~] retailer of ophthalmic
5 goods, or vision plan may not directly or indirectly:

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

9 (2) employ or contract for the services of an
10 optometrist or therapeutic optometrist if part of the optometrist's
11 or therapeutic optometrist's duties involves the practice of
12 optometry or therapeutic optometry; or

13 (3) pay an optometrist or therapeutic optometrist for
14 a service not provided.

15 (c-1) In addition to the conduct prohibited under
16 Subsection (c), a vision plan may not directly or indirectly:

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

22 (2) require an optometrist or therapeutic optometrist
23 to disclose a patient's confidential or protected health
24 information unless the disclosure is directly necessary for the
25 payment of a patient's claim under the vision plan.

26 SECTION 3. Section [1451.155](#), Insurance Code, as amended by
27 this Act, applies only to a contract entered into or renewed on or

1 after September 1, 2015. A contract entered into or renewed before
2 September 1, 2015, is governed by the law as it existed immediately
3 before that date, and that law is continued in effect for that
4 purpose.

5 SECTION 4. Section 351.408, Occupations Code, as amended by
6 this Act, applies only to a vision plan that is delivered, issued
7 for delivery, or renewed on or after the effective date of this Act.
8 A vision plan delivered, issued for delivery, or renewed before the
9 effective date of this Act is governed by the law as it existed
10 immediately before the effective date of this Act, and that law is
11 continued in effect for that purpose.

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