

By: Rodríguez

S.B. No. 45

A BILL TO BE ENTITLED

AN ACT

relating to health benefit plan coverage for certain essential health benefits.

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

SECTION 1. Subtitle E, Title 8, Insurance Code, is amended by adding Chapter 1380 to read as follows:

CHAPTER 1380. COVERAGE OF ESSENTIAL HEALTH BENEFITS

Sec. 1380.001. APPLICABILITY OF CHAPTER. (a) This chapter applies only to a health benefit plan that provides benefits for medical or surgical expenses incurred as a result of a health condition, accident, or sickness, including 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 issued by:

(1) an insurance company;

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

(3) a health maintenance organization operating under Chapter 843;

(4) an approved nonprofit health corporation that holds a certificate of authority under Chapter 844;

(5) a multiple employer welfare arrangement that holds a certificate of authority under Chapter 846;

(6) a stipulated premium company operating under

- 1 Chapter 884;
2 (7) a fraternal benefit society operating under
3 Chapter 885;
4 (8) a Lloyd's plan operating under Chapter 941; or
5 (9) an exchange operating under Chapter 942.
6 (b) Notwithstanding any other law, this chapter applies to:
7 (1) a small employer health benefit plan subject to
8 Chapter 1501, including coverage provided through a health group
9 cooperative under Subchapter B of that chapter;
10 (2) a standard health benefit plan issued under
11 Chapter 1507;
12 (3) a basic coverage plan under Chapter 1551;
13 (4) a basic plan under Chapter 1575;
14 (5) a primary care coverage plan under Chapter 1579;
15 (6) a plan providing basic coverage under Chapter
16 1601;
17 (7) health benefits provided by or through a church
18 benefits board under Subchapter I, Chapter 22, Business
19 Organizations Code;
20 (8) group health coverage made available by a school
21 district in accordance with Section 22.004, Education Code;
22 (9) the state Medicaid program, including the Medicaid
23 managed care program operated under Chapter 533, Government Code;
24 (10) the child health plan program under Chapter 62,
25 Health and Safety Code;
26 (11) a regional or local health care program operated
27 under Section 75.104, Health and Safety Code;

1 (12) a self-funded health benefit plan sponsored by a
2 professional employer organization under Chapter 91, Labor Code;

3 (13) county employee group health benefits provided
4 under Chapter 157, Local Government Code; and

5 (14) health and accident coverage provided by a risk
6 pool created under Chapter 172, Local Government Code.

7 (c) This chapter applies to coverage under a group health
8 benefit plan provided to a resident of this state regardless of
9 whether the group policy, agreement, or contract is delivered,
10 issued for delivery, or renewed in this state.

11 Sec. 1380.002. EXCEPTION. This chapter does not apply to an
12 individual health benefit plan issued on or before March 23, 2010,
13 that has not had any significant changes since that date that reduce
14 benefits or increase costs to the individual.

15 Sec. 1380.003. REQUIRED COVERAGE FOR ESSENTIAL HEALTH
16 BENEFITS. A health benefit plan must provide coverage for the
17 essential health benefits listed in 42 U.S.C. Section 18022(b)(1),
18 as that section existed on January 1, 2017, and other benefits
19 identified by the United States secretary of health and human
20 services as essential health benefits as of that date.

21 SECTION 2. The change in law made by this Act applies only
22 to a health benefit plan that is delivered, issued for delivery, or
23 renewed on or after April 1, 2018. A health benefit plan that is
24 delivered, issued for delivery, or renewed before April 1, 2018, is
25 governed by the law as it existed immediately before the effective
26 date of this Act, and that law is continued in effect for that
27 purpose.

1 SECTION 3. This Act takes effect December 1, 2017.