

By: Raymond

H.B. No. 3990

Substitute the following for H.B. No. 3990:

By: Phillips

C.S.H.B. No. 3990

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the use of clinical decision support software and  
3 laboratory benefits management programs by physicians and health  
4 care providers in connection with provision of clinical laboratory  
5 services to certain managed care plan enrollees.

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

7 SECTION 1. Chapter 1451, Insurance Code, is amended by  
8 adding Subchapter M to read as follows:

9 SUBCHAPTER M. CLINICAL LABORATORIES

10 Sec. 1451.601. DEFINITIONS. In this subchapter:

11 (1) "Clinical decision support software" means  
12 computer software that compares patient characteristics to a  
13 database of clinical knowledge to produce patient-specific  
14 assessments or recommendations to assist a physician or health care  
15 provider in making clinical decisions.

16 (2) "Clinical laboratory service" means the  
17 examination of a sample of fluid or other material taken from a  
18 human body ordered by a physician or health care provider for use in  
19 the diagnosis, prevention, or treatment of a disease or the  
20 identification or assessment of a medical or physical condition.

21 (3) "Enrollee" means an individual enrolled in a  
22 managed care plan.

23 (4) "Laboratory benefits management program" means a  
24 managed care plan issuer protocol or program administered by the

1 managed care plan issuer or another entity under contract with the  
2 managed care plan issuer that dictates, directs, or limits decision  
3 making of a physician or health care provider who is authorized to  
4 order clinical laboratory services.

5 (5) "Managed care plan" means a health plan provided  
6 by a health maintenance organization under Chapter 843 or a  
7 preferred provider or exclusive provider plan provided by an  
8 insurer under Chapter 1301.

9 (6) "Managed care plan issuer" means a health  
10 maintenance organization or an insurer that provides a managed care  
11 plan.

12 Sec. 1451.602. CERTAIN REQUIREMENTS FOR USE OF CLINICAL  
13 LABORATORIES AND LABORATORY SERVICES PROHIBITED. (a) A managed  
14 care plan issuer may not require the use of clinical decision  
15 support software or a laboratory benefits management program by an  
16 enrollee's physician or health care provider before, at the time,  
17 or after the physician or health care provider orders a clinical  
18 laboratory service for the enrollee.

19 (b) A managed care plan issuer may not limit, reduce, or  
20 deny payment of a claim for a clinical laboratory service based on  
21 whether the ordering physician or health care provider uses or  
22 fails to use clinical decision support software or a laboratory  
23 benefits management program.

24 (c) Nothing in this section prohibits a managed care plan  
25 issuer from requiring a prior authorization for clinical laboratory  
26 services provided that the managed care plan issuer imposes the  
27 requirement uniformly to all laboratories providing clinical

1 laboratory services in the managed care plan's provider network.

2 Sec. 1451.603. APPLICABILITY OF SUBCHAPTER TO ENTITIES  
3 CONTRACTING WITH MANAGED CARE PLAN ISSUER. This subchapter applies  
4 to a person to whom a managed care plan issuer contracts to:

5 (1) manage or administer laboratory benefits;

6 (2) process or pay claims;

7 (3) obtain the services of physicians or other  
8 providers to provide health care services to enrollees; or

9 (4) issue verifications or preauthorizations.

10 SECTION 2. Subchapter M, Chapter 1451, Insurance Code, as  
11 added by this Act, applies only to a contract between a managed care  
12 plan and a physician or provider that is entered into or renewed on  
13 or after the effective date of this Act. A contract entered into or  
14 renewed before the effective date of this Act is governed by the law  
15 as it existed immediately before the effective date of this Act, and  
16 that law is continued in effect for that purpose.

17 SECTION 3. This Act takes effect September 1, 2017.