

By: Menéndez

S.B. No. 756

A BILL TO BE ENTITLED

AN ACT

relating to required coverage for obesity under group health benefit plans.

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

SECTION 1. Subtitle E, Title 8, Insurance Code, is amended by adding Chapter 1372 to read as follows:

CHAPTER 1372. OBESITY

Sec. 1372.001. APPLICABILITY OF CHAPTER. (a) This chapter applies only to a group health benefit plan that provides benefits for medical or surgical expenses incurred as a result of a health condition, accident, or sickness, including a group insurance policy, group insurance agreement, group hospital service contract, or group evidence of coverage or similar coverage document that is offered 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) a multiple employer welfare arrangement that holds a certificate of authority under Chapter 846;

(5) a stipulated premium company operating under Chapter 884; or

(6) a fraternal benefit society operating under

1 Chapter 885.

2 (b) Notwithstanding any other law, this chapter applies to  
3 group coverage provided through a small employer health benefit  
4 plan subject to Chapter 1501, including group coverage provided  
5 through a health group cooperative under Subchapter B of that  
6 chapter.

7 Sec. 1372.002. CONDITIONAL EXCEPTION. This chapter does  
8 not apply to a qualified health plan if a determination is made  
9 under 45 C.F.R. Section 155.170 that:

10 (1) this chapter requires the plan to offer benefits  
11 in addition to the essential health benefits required under 42  
12 U.S.C. Section 18022(b); and

13 (2) this state is required to defray the cost of the  
14 benefits mandated under this chapter.

15 Sec. 1372.003. REQUIRED COVERAGE FOR OBESITY. (a) A group  
16 health benefit plan must provide coverage, based on medical  
17 necessity, for the diagnosis and treatment of obesity.

18 (b) Coverage required under Subsection (a) is limited to a  
19 service, including bariatric surgery and nutritional counseling  
20 and therapy, or a medication, to the extent the group health benefit  
21 plan provides pharmacy benefits, ordered by a licensed physician,  
22 psychiatrist, psychologist, or therapist within the scope of the  
23 practitioner's license and in accordance with a treatment plan.

24 (c) On request from the group health benefit plan issuer, an  
25 obesity treatment plan must include all elements necessary for the  
26 issuer to pay a claim under the group health benefit plan, which may  
27 include a diagnosis, goals, and proposed treatment by type,

1 frequency, and duration.

2           SECTION 2. Not later than November 1 of each even-numbered  
3 year, the comptroller of public accounts shall prepare and submit  
4 to the legislature a biennial report on the human and financial cost  
5 of obesity in this state. This section expires December 1, 2020.

6           SECTION 3. The changes in law made by this Act apply only to  
7 a group health benefit plan delivered, issued for delivery, or  
8 renewed on or after January 1, 2018.

9           SECTION 4. This Act takes effect September 1, 2017.