

By: Buckingham, et al.

S.B. No. 1148

A BILL TO BE ENTITLED

AN ACT

relating to maintenance of certification by a physician or an applicant for a license to practice medicine in this state.

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

SECTION 1. Subtitle F, Title 8, Insurance Code, is amended by adding Chapter 1461 to read as follows:

CHAPTER 1461. DISCRIMINATION AGAINST PHYSICIAN BASED ON
MAINTENANCE OF CERTIFICATION

Sec. 1461.001. DEFINITIONS. In this chapter:

(1) "Enrollee" means an individual who is eligible to receive health care services under a managed care plan.

(2) "Maintenance of certification" has the meaning assigned by Section 151.002, Occupations Code.

(3) "Managed care plan" means a health benefit plan under which medical care services are provided to enrollees through contracts with physicians and that requires enrollees to use participating physicians or that provides a different level of coverage for enrollees who use participating physicians. The term includes a health benefit plan issued by:

(A) a health maintenance organization;

(B) a preferred provider benefit plan issuer; or

(C) any other entity that issues a health benefit plan, including an insurance company.

(4) "Participating physician" means a physician who

1 has directly or indirectly contracted with a health benefit plan
2 issuer to provide services to enrollees.

3 (5) "Physician" means a person licensed to practice
4 medicine in this state.

5 Sec. 1461.002. APPLICABILITY. (a) This chapter applies to
6 a physician regardless of whether the physician is a participating
7 physician.

8 (b) This chapter applies to a person to whom a managed care
9 plan issuer contracts to:

10 (1) process or pay claims;

11 (2) obtain the services of physicians to provide
12 medical care services to enrollees; or

13 (3) issue verifications or preauthorizations.

14 Sec. 1461.003. DISCRIMINATION BASED ON MAINTENANCE OF
15 CERTIFICATION. A managed care plan issuer may not differentiate
16 between physicians based solely on a physician's maintenance of
17 certification in regard to:

18 (1) paying the physician;

19 (2) reimbursing the physician; or

20 (3) directly or indirectly contracting with the
21 physician to provide services to enrollees.

22 SECTION 2. Section 151.002(a), Occupations Code, is amended
23 by adding Subdivision (6-b) to read as follows:

24 (6-b) "Maintenance of certification" means the
25 satisfactory completion of periodic recertification examinations
26 required to maintain certification after an initial certification
27 under a medical specialty member board, including the member boards

1 of the American Board of Medical Specialties or the specialty
2 certifying boards of the American Osteopathic Association.

3 SECTION 3. Subchapter B, Chapter 151, Occupations Code, is
4 amended by adding Section 151.0515 to read as follows:

5 Sec. 151.0515. DISCRIMINATION BASED ON MAINTENANCE OF
6 CERTIFICATION. A hospital, institution, or program that is
7 licensed by this state, is operated by this state or a political
8 subdivision of this state, or directly or indirectly receives state
9 financial assistance may not differentiate between physicians
10 based solely on a physician's maintenance of certification.

11 SECTION 4. Section 155.003, Occupations Code, is amended by
12 amending Subsection (d) and adding Subsection (d-1) to read as
13 follows:

14 (d) Except as provided by Subsection (d-1), in [~~In~~] addition
15 to the other requirements prescribed by this subtitle, the board
16 may require an applicant to comply with other requirements that the
17 board considers appropriate.

18 (d-1) The board may not require maintenance of
19 certification by an applicant for the applicant to be eligible for a
20 license under this chapter.

21 SECTION 5. Section 156.001, Occupations Code, is amended by
22 adding Subsection (f) to read as follows:

23 (f) The board may not adopt a rule requiring maintenance of
24 certification by a license holder for the license holder to be
25 eligible for an initial or renewal registration permit.

26 SECTION 6. This Act takes effect September 1, 2017.