By:  Menéndez S.B. No. 1739

(Lucio III, Cain)

A BILL TO BE ENTITLED

AN ACT

relating to payment for care provided by a chiropractor under certain health benefit plans; providing administrative penalties.

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

SECTION 1.  Subchapter I, Chapter 843, Insurance Code, is amended by adding Section 843.3042 to read as follows:

Sec. 843.3042.  CHIROPRACTIC SERVICES. (a)  A health maintenance organization offering a health care plan that covers a service that is within the scope of a chiropractor's license may not refuse to provide reimbursement to an in-network chiropractor for the performance of the covered service solely because the service is provided by a chiropractor.

(b)  This section does not require a health maintenance organization to cover a particular health care service.

(c)  This section does not affect the right of a health maintenance organization to determine whether a health care service is medically necessary.

(d)  A health maintenance organization that violates this section is subject to an administrative penalty as provided by Chapter 84 of not more than $1,000 for each claim that remains unpaid in violation of this section. Each day the violation continues constitutes a separate violation.

SECTION 2.  Subchapter B, Chapter 1301, Insurance Code, is amended by adding Section 1301.0516 to read as follows:

Sec. 1301.0516.  CHIROPRACTIC SERVICES. (a)  An insurer offering a preferred provider benefit plan that covers a service that is within the scope of a chiropractor's license may not refuse to provide reimbursement for the performance of the covered service solely because the service is provided by a chiropractor.

(b)  This section does not require an insurer to cover a particular medical or health care service.

(c)  This section does not affect the right of an insurer to determine whether a medical or health care service is medically necessary.

(d)  An insurer that violates this section is subject to an administrative penalty as provided by Chapter 84 of not more than $1,000 for each claim that remains unpaid in violation of this section. Each day a violation continues constitutes a separate violation.

SECTION 3.  Section 1451.109, Insurance Code, is amended by adding Subsection (e) to read as follows:

(e)  A health insurance policy issuer that violates this section is subject to an administrative penalty as provided by Chapter 84 of not more than $1,000 for each claim that remains unpaid in violation of this section. Each day the violation continues constitutes a separate violation.

SECTION 4.  The change in law made by this Act applies only to a health benefit plan that is delivered, issued for delivery, or renewed on or after January 1, 2020. A health benefit plan that is delivered, issued for delivery, or renewed before January 1, 2020, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 5.  This Act takes effect September 1, 2019.