86R12252 SCL-F

By:  Zaffirini S.B. No. 1896

A BILL TO BE ENTITLED

AN ACT

relating to alternate health benefit plan contact information for victims of family violence.

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

SECTION 1.  Subtitle A, Title 8, Insurance Code, is amended by adding Chapter 1222 to read as follows:

CHAPTER 1222. ALTERNATE CONTACT INFORMATION FOR VICTIMS OF FAMILY VIOLENCE

Sec. 1222.0001.  DEFINITIONS. In this chapter:

(1)  "Family violence" has the meaning assigned by Section 71.004, Family Code.

(2)  "Health benefit plan" means a plan to which this chapter applies under Section 1222.0002.

(3)  "Health benefit plan issuer" means an entity authorized under this code or another insurance law of this state that provides health insurance or health benefits in this state.

(4)  "Protective order" has the meaning assigned by Section 88.002, Family Code.

Sec. 1222.0002.  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 Chapter 884;

(7)  a fraternal benefit society operating under Chapter 885;

(8)  a Lloyd's plan operating under Chapter 941; or

(9)  an exchange operating under Chapter 942.

(b)  Notwithstanding any other law, this chapter applies to:

(1)  a small employer health benefit plan subject to Chapter 1501, including coverage provided through a health group cooperative under Subchapter B of that chapter;

(2)  a standard health benefit plan issued under Chapter 1507;

(3)  a basic coverage plan under Chapter 1551;

(4)  a basic plan under Chapter 1575;

(5)  a primary care coverage plan under Chapter 1579;

(6)  a plan providing basic coverage under Chapter 1601;

(7)  health benefits provided by or through a church benefits board under Subchapter I, Chapter 22, Business Organizations Code;

(8)  group health coverage made available by a school district in accordance with Section 22.004, Education Code;

(9)  the state Medicaid program, including the Medicaid managed care program operated under Chapter 533, Government Code;

(10)  the child health plan program under Chapter 62, Health and Safety Code;

(11)  a regional or local health care program operated under Section 75.104, Health and Safety Code;

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

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

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

Sec. 1222.0003.  APPLICATION FOR ALTERNATE CONTACT INFORMATION. (a) An individual who is a victim of family violence and who is a covered dependent in a health benefit plan may apply to the health benefit plan issuer to designate an alternate mailing address, telephone number, or other contact information necessary for billing or claims purposes for the individual and each other covered dependent named in the application.

(b)  An application described by Subsection (a) must include:

(1)  a valid protective order issued in this state against the policyholder or certificate holder of the individual's health benefit plan; or

(2)  a signed affidavit stating that:

(A)  the individual is a victim of family violence; and

(B)  the disclosure of the alternate contact information provided in the application would endanger the individual.

(c)  A health benefit plan issuer who receives a completed application under Subsection (a) shall grant the application and authorize the individual to have alternate contact information for the individual and each dependent named in the application.

Sec. 1222.0004.  DISCLOSURE OF ALTERNATE CONTACT INFORMATION. A health benefit plan issuer may not disclose the alternate contact information provided in an application described by Section 1222.0003 to the policyholder or certificate holder of the individual's health benefit plan unless the individual consents to the disclosure in writing. The issuer shall ensure that any health care provider providing services under the plan does not disclose the information in accordance with this section.

Sec. 1222.0005.  RULES. The commissioner, in consultation with the Health and Human Services Commission and the Department of Family and Protective Services, shall adopt rules to guide and enable health benefit plan issuers to protect the alternate contact information provided to issuers under this chapter.

SECTION 2.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.