

By: J. Johnson of Dallas

H.B. No. 3058

A BILL TO BE ENTITLED

AN ACT

relating to prior authorization for prescription drug benefits related to the treatment of AIDS and HIV.

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

SECTION 1. Chapter 1364, Insurance Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. PRESCRIPTION DRUG BENEFITS

Sec. 1364.151. DEFINITIONS. In this subchapter:

(1) "AIDS" and "HIV" have the meanings assigned by Section 81.101, Health and Safety Code.

(2) "Prescription drug" has the meaning assigned by Section 551.003, Occupations Code.

Sec. 1364.152. APPLICABILITY OF SUBCHAPTER. (a) This subchapter applies only to a health benefit plan that provides benefits for medical, surgical, or prescription drug 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

1 Chapter 843;

2 (4) an approved nonprofit health corporation that  
3 holds a certificate of authority under Chapter 844;

4 (5) a multiple employer welfare arrangement that holds  
5 a certificate of authority under Chapter 846;

6 (6) a stipulated premium company operating under  
7 Chapter 884;

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

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

11 (9) an exchange operating under Chapter 942.

12 (b) Notwithstanding any other law, this subchapter applies  
13 to:

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

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

19 (3) a basic coverage plan under Chapter 1551;

20 (4) a basic plan under Chapter 1575;

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

22 (6) a plan providing basic coverage under Chapter  
23 1601;

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

27 (8) group health coverage made available by a school

1 district in accordance with Section 22.004, Education Code;

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

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

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

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

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

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

14 (c) This subchapter applies to coverage under a group health  
15 benefit plan provided to a resident of this state regardless of  
16 whether the group policy, agreement, or contract is delivered,  
17 issued for delivery, or renewed in this state.

18 Sec. 1364.153. EXCEPTIONS. (a) This subchapter does not  
19 apply to:

20 (1) a plan that provides coverage:

21 (A) for wages or payments in lieu of wages for a  
22 period during which an employee is absent from work because of  
23 sickness or injury;

24 (B) as a supplement to a liability insurance  
25 policy;

26 (C) for credit insurance;

27 (D) only for dental or vision care;

1           (E) only for hospital expenses; or

2           (F) only for indemnity for hospital confinement;

3           (2) a Medicare supplemental policy as defined by  
4 Section 1882(g)(1), Social Security Act (42 U.S.C. Section  
5 1395ss(g)(1));

6           (3) a workers' compensation insurance policy;

7           (4) medical payment insurance coverage provided under  
8 a motor vehicle insurance policy; or

9           (5) a long-term care policy, including a nursing home  
10 fixed indemnity policy, unless the commissioner determines that the  
11 policy provides benefit coverage so comprehensive that the policy  
12 is a health benefit plan as described by Section 1364.152.

13           (b) This subchapter does not apply to an individual health  
14 benefit plan issued on or before March 23, 2010, that has not had  
15 any significant changes since that date that reduce benefits or  
16 increase costs to the individual.

17           Sec. 1364.154. PROHIBITION ON PRIOR AUTHORIZATION. A  
18 health benefit plan issuer that provides prescription drug benefits  
19 may not require prior authorization of the prescription drug  
20 benefit for a prescription drug prescribed to treat AIDS or HIV.

21           SECTION 2. The change in law made by this Act applies only  
22 to a health benefit plan that is delivered, issued for delivery, or  
23 renewed on or after January 1, 2020.

24           SECTION 3. If before implementing any provision of this Act  
25 a state agency determines that a waiver or authorization from a  
26 federal agency is necessary for implementation of that provision,  
27 the agency affected by the provision shall request the waiver or

1 authorization and may delay implementing that provision until the  
2 waiver or authorization is granted.

3 SECTION 4. This Act takes effect September 1, 2019.