

By: Davis of Dallas

H.B. No. 4277

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of the consumer complaint review panel by the State Office of Administrative Hearings to conduct certain insurance appeals.

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

SECTION 1. Chapter 2003, Government Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. INSURANCE APPEALS

Sec. 2003.151. DEFINITIONS. In this subchapter:

(1) "Department" means the Texas Department of Insurance.

(2) "Panel" means the consumer complaint review panel established under this subchapter.

Sec. 2003.152. CONSUMER COMPLAINT REVIEW PANEL. (a) The office shall establish a consumer complaint review panel to conduct an appeal from the complaint resolution program established under Chapter 521, Insurance Code, of a policyholder complaint:

(1) that is denied by the department;

(2) that is determined to be without merit by the department; or

(3) for which the department did not confirm receipt of the complaint.

(b) Except as provided by this subchapter, an appeal under this section is a contested case under Chapter 2001.

1 Sec. 2003.152. TIMELINESS OF APPEAL. (a) The panel shall
2 conduct all appeals under this subchapter in a timely manner.

3 (b) The panel shall use every reasonable means to expedite
4 an appeal under this subchapter when the policyholder or department
5 provides good cause that the panel expedite the appeal.

6 Sec. 2003.153. CONFIDENTIALITY OF INFORMATION. (a) The
7 panel shall keep information that identifies a policyholder who
8 participates in an appeal under this subchapter confidential,
9 including the policyholder's name and medical condition, if
10 applicable.

11 (b) The provision of information to the panel that is
12 confidential under any law does not affect the confidentiality of
13 the information, and the panel shall maintain that confidentiality.

14 (c) An appeal conducted under this subchapter is
15 confidential and not open to the public.

16 Sec. 2003.154. DECISION. The panel shall determine whether
17 an appeal conducted under this subchapter has merit and if so,
18 remand the case to the department for resolution.

19 Sec. 2003.155. RULES. The commissioner of insurance may
20 adopt rules necessary to implement this subchapter.

21 SECTION 2. Not later than January 1, 2020, the State Office
22 of Administrative Hearings shall establish the consumer complaint
23 review panel under Section 2003.152, Government Code, as added by
24 this Act.

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