

By: Menéndez
(Lucio III, Cain)

S.B. No. 1739

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:

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

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

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

11 (d) An insurer that violates this section is subject to an
12 administrative penalty as provided by Chapter 84 of not more than
13 \$1,000 for each claim that remains unpaid in violation of this
14 section. Each day a violation continues constitutes a separate
15 violation.

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

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

23 SECTION 4. The change in law made by this Act applies only
24 to a health benefit plan that is delivered, issued for delivery, or
25 renewed on or after January 1, 2020. A health benefit plan that is
26 delivered, issued for delivery, or renewed before January 1, 2020,
27 is governed by the law as it existed immediately before the

1 effective date of this Act, and that law is continued in effect for
2 that purpose.

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