

By: Menéndez

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.

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 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 chiropractor may file an action against a health maintenance organization to recover payment for a covered service provided by the chiropractor within the scope of the chiropractor's license and may recover reasonable attorney's fees and court costs if the chiropractor prevails in the action.

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

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

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

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

10 (d) A chiropractor may file an action against an insurer to
11 recover payment for a covered service provided by the chiropractor
12 within the scope of the chiropractor's license and may recover
13 reasonable attorney's fees and court costs if the chiropractor
14 prevails in the action.

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

17 (e) A chiropractor may file an action against an insurer to
18 recover payment for a covered service provided by the chiropractor
19 within the scope of the chiropractor's license and may recover
20 reasonable attorney's fees and court costs if the chiropractor
21 prevails in the action.

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

1 that purpose.

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