

1-1 By: Menéndez S.B. No. 1739
 1-2 (In the Senate - Filed March 6, 2019; March 14, 2019, read
 1-3 first time and referred to Committee on Business & Commerce;
 1-4 April 25, 2019, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 0; April 25, 2019,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1739 By: Menéndez

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to payment for care provided by a chiropractor under
 1-22 certain health benefit plans; providing administrative penalties.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subchapter I, Chapter 843, Insurance Code, is
 1-25 amended by adding Section 843.3042 to read as follows:

1-26 Sec. 843.3042. CHIROPRACTIC SERVICES. (a) A health
 1-27 maintenance organization offering a health care plan that covers a
 1-28 service that is within the scope of a chiropractor's license may not
 1-29 refuse to provide reimbursement to an in-network chiropractor for
 1-30 the performance of the covered service solely because the service
 1-31 is provided by a chiropractor.

1-32 (b) This section does not require a health maintenance
 1-33 organization to cover a particular health care service.

1-34 (c) This section does not affect the right of a health
 1-35 maintenance organization to determine whether a health care service
 1-36 is medically necessary.

1-37 (d) A health maintenance organization that violates this
 1-38 section is subject to an administrative penalty as provided by
 1-39 Chapter 84 of not more than \$1,000 for each claim that remains
 1-40 unpaid in violation of this section. Each day the violation
 1-41 continues constitutes a separate violation.

1-42 SECTION 2. Subchapter B, Chapter 1301, Insurance Code, is
 1-43 amended by adding Section 1301.0516 to read as follows:

1-44 Sec. 1301.0516. CHIROPRACTIC SERVICES. (a) An insurer
 1-45 offering a preferred provider benefit plan that covers a service
 1-46 that is within the scope of a chiropractor's license may not refuse
 1-47 to provide reimbursement for the performance of the covered service
 1-48 solely because the service is provided by a chiropractor.

1-49 (b) This section does not require an insurer to cover a
 1-50 particular medical or health care service.

1-51 (c) This section does not affect the right of an insurer to
 1-52 determine whether a medical or health care service is medically
 1-53 necessary.

1-54 (d) An insurer that violates this section is subject to an
 1-55 administrative penalty as provided by Chapter 84 of not more than
 1-56 \$1,000 for each claim that remains unpaid in violation of this
 1-57 section. Each day a violation continues constitutes a separate
 1-58 violation.

1-59 SECTION 3. Section 1451.109, Insurance Code, is amended by
 1-60 adding Subsection (e) to read as follows:

2-1 (e) A health insurance policy issuer that violates this
2-2 section is subject to an administrative penalty as provided by
2-3 Chapter 84 of not more than \$1,000 for each claim that remains
2-4 unpaid in violation of this section. Each day the violation
2-5 continues constitutes a separate violation.

2-6 SECTION 4. The change in law made by this Act applies only
2-7 to a health benefit plan that is delivered, issued for delivery, or
2-8 renewed on or after January 1, 2020. A health benefit plan that is
2-9 delivered, issued for delivery, or renewed before January 1, 2020,
2-10 is governed by the law as it existed immediately before the
2-11 effective date of this Act, and that law is continued in effect for
2-12 that purpose.

2-13 SECTION 5. This Act takes effect September 1, 2019.

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